

**IN THE MATTER OF THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS)
(ENGLAND) (NO. 3) REGULATIONS 2020**

(THE "REGULATIONS")

DIRECTION PLACING RESTRICTIONS ON THE OPERATION OF A PREMISES.

For the attention of:-

- (a) Roseacre Pub Company Ltd (Co No 09088230), Roslyns, Suite B, C & D 99 Parkway Avenue, Parkway Avenue, Sheffield, United Kingdom, S9 4WG. Michael Morris Thomas in his capacity as the Director of the Company.
- (b) Marston's Pubs Limited (Co No 5453367) of Marston's House, Wolverhampton, WV1 4JT the Registered Proprietor of the Premises and the Premises Licence holder for the Premises.
- (c) Ashley Gartshore of The Copt Oak, Hardwick Road, Narborough, Leicester, LE19 3LU in his capacity as the Manager.
- (d) Mr Arron Howard of The Copt Oak, Hardwicke Road, Narborough, Leicester, LE19 3LU in his capacity as the Designated Premises Supervisor.

(each an "Addressee" and collectively the "Addressees")

Regarding the following
Premises:-

All that land and buildings which a Public House is known as The Copt Oak, Hardwicke Road, Narborough, Leicester LE19 3LU which is more particularly shown edged red on the attached title plan (hereinafter referred to as the "Premises").

WHEREAS Leicestershire County Council (the "Council") is empowered to make directions imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in certain premises'; and

UPON the Council having taken advice from the Director of Public Health regarding the coronavirus risks arising from ongoing activities at the Premises²; and

UPON the Council being satisfied that the Prescribed Conditions have been met (see *section 2 of the Explanatory Notes herewith*); and

UPON the Council being satisfied that notwithstanding the imposition of this Direction the public will continue to have access to essential goods and services³; and

UPON the Council having given notice on the 20th October 2020 to the owners and the operators of any business at the Premises of the Council's intention to exercise powers pursuant to the Regulations.⁴

AND UPON Michael Morris Thomas, Ashley Gartshore and Arron Howard having given undertakings to Leicestershire County Council as set out at Appendix 2

IT IS HEREBY DIRECTED as follows:-

(1) The following restrictions shall apply in relation to the Premises:-

- (a) During the period of restriction, the maximum number of persons (excluding employees of the Addressees) who may simultaneously occupy the Premises shall not exceed such number as herein set out (reflecting the number of available working staff on duty at any given time).

Number of Permitted Customers	Number of Working Staff
85	5
60	4
50	3

- (b) All customers should be seated in areas included in the plan (See Appendix 1); no other areas should be occupied by customers at any time.

Regulation 4(1)

² Regulation 2(4)

³ Regulation 4(4)

⁴ Per Regulation 4(8)

- (c) Customers must not be permitted to sit in a group of more than six people.
- (d) No persons should be allowed to mingle inside the Premises or its curtilage with other customers outside of his group. The management of the Premises must manage the movement of customers to ensure that this does not take place.

Commencement

- (2) The restrictions and requirements referred to in Paragraph 1 above shall take effect from 6pm on 29th October 2020.

Review and Termination

- (3) Subject to periodical reviews of the operation of this Direction, with the first review taking place not later than 5th November 2020, the prohibitions, requirements or restrictions referred to in Paragraph 1 above shall continue until 6pm on 29th December 2021.

AND FURTHER TAKE NOTICE THAT:-

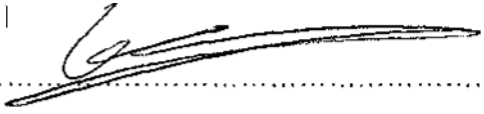
- (a) It is an offence, without reasonable excuse, to contravene the terms of this Direction'. An offence may also be committed if a person obstructs an authorised officer or a constable carrying out functions pursuant to the Regulations.
- (b) Persons affected by this Direction' have the right to appeal against the terms of this Direction to the Leicester Magistrates Court. Further details of this right are set out in the explanatory notes accompanying this Direction.
- (c) If any persons affected by this Direction wish to exercise their right of appeal against this Direction before its operative provisions come into effect, they should apply to the Leicester Magistrates Court by not later than 29th November 2020.
- (d) Persons affected by this notice should further take note that they also have a right to make representations to the Secretary of State for Health and Social Care about the Directions.
- (e) Nothing in this Direction shall prevent persons from gaining access to or egress from the Premises for the purposes of:-
 - a. Ensuring the security of the Premises,
 - b. Maintaining or repairing the Premises;
 - c. Accessing any residential property which would ordinarily be accessed via the Premises.
 - d. Avoiding injury or illness or to escape a risk of harm,

⁵ Regulation 13(1)

⁶ A person affected by this direction is a person on whose activities or property is subject to a prohibition, requirement or restriction created under this direction.

e. Complying with a legal obligation.

Signed |

A handwritten signature in black ink, consisting of a large, stylized 'L' followed by several horizontal strokes, positioned above a dotted line.

.....
An Officer authorised on behalf of Leicestershire County Council

Date 29th October 2020

EXPLANATORY NOTES

Background

1. On 18 July 2020 the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (the "Regulations") came into force. The Regulations were made under the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984.
2. The Regulations enable English local authorities to place restrictions on properties (both premises and outdoor spaces) as well as on events as a means of combatting the transmission of Covid 19. Unless the Regulations are revoked sooner, these powers continue until 17 January 2021.

The Prescribed Conditions

3. The Local authority's powers to impose directions pursuant to the Regulations arise if certain prescribed conditions (the "Prescribed Conditions") are met. The Prescribed Conditions are as follows:-

(a) that the giving of a direction responds to a serious and imminent threat to public health,

(b) that the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by corona virus in the local authority's area, and

(c) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose.

4. In order to determine whether a direction is justified, Local Authorities are required to take advice from the Director of Public Health for their area. The Council may also consider evidence from the Local Resilience Forum, NHS Test and Trace, from Public Health England (PHE) and from other sources.

What will happen next

5. Following service of the notice the Council will notify the Secretary of State⁷ as soon as reasonably practicable. The Council will also give notice of the Direction to adjacent authorities⁸.
6. The Council may also publish the making of a direction in order to give notice to persons who may be affected by the direction. ⁹ The making of a direction will be published on the Council's website¹⁰.

⁷ Regulation 2(2)

⁸ Regulation 11(2)

⁹ Regulation 10(2)

¹⁰ Regulation 10(2)(a)

Reviews

7. The authors of the Regulations were aware that the imposition of prohibitions, restrictions and requirements would likely have an adverse effect on commercial activity. With that in mind, the Regulation provides for frequent reviews of the necessity of any restrictions imposed.
8. Accordingly, the Council will review the necessity for the Direction at least once every seven days from the date of its imposition". Upon each review, the Council will make an assessment to determine whether the Prescribed Conditions continue to be met.
9. If the Prescribed Conditions are no longer met, then the Council will either revoke the original Direction or issue a revised direction with amended restrictions. Again, the Council will consider the advice of the Director of Public Health in Leicestershire in respect of the appropriateness of revoking any direction.

Appeals & Representations

10. The Regulations allow persons affected to appeal, by way of complaint, against the terms of a direction to the Local Magistrates Court. The Council would expect to act in accordance with the directions of the Magistrates Court at all times up until the expiry of the Direction.
11. The contact details for the Leicester Magistrates Court are as follows: - Leicester Magistrates' Court, 15 Pocklington's Walk, Leicester, LE1 6BT ([Email: - leiceng@Justice.gov.uk](mailto:leiceng@Justice.gov.uk) / Phone number:- 0116 255 3666).
12. It is also open to affected persons to make representations to the Secretary of State. The Secretary of State has a duty to consider such representations as soon as reasonably practicable. If the Secretary of State considers that the Prescribed Conditions are not met, he can stipulate that a direction be revoked or replaced with a compliant direction.
13. Addressees who are unclear as to the exercise of their rights of appeal or their rights generally should take their own independent legal advice.

Enforcement

14. Both the Police and Local Authorities are authorised to enforce the Regulations. The police are, if necessary, entitled to use reasonable force in the exercise of their powers. Police can exercise their powers of arrest without a warrant.
15. A failure, without reasonable excuse to comply with the direction may amount to a criminal offence (per article 13(1) of the Regulations). In the first instance, enforcing authorities would expect to impose fixed penalties for any non-compliances. Non-payment may lead to a prosecution by either the local Authority or the Crown Prosecution Service.

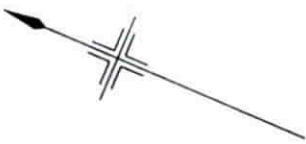
¹¹ Per Regulation 2(2) of the Regulations.

16. Offences may be committed by corporation if an offence is committed with the consent connivance and neglect of an officer of that company.
17. Any queries regarding this notice should be directed to the Trading Standards Department of Leicestershire County Council for the Attention of Calluna O'Farrell. Telephone queries should be made on the following number:- 0116 305 4559 and any email enquiries should be sent to Calluna.o'farrell@leics.gov.uk.

H.M. LAND REGISTRY

ORDNANCE SURVEY
PLAN REFERENCE SP5397

SECTION
R



COUNTY
LEICESTERSHIRE

DISTRICT
BLABY

Scale 1/1250
Enlarged from 1/2500

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SP5397
SP5297

HARDWICK ROAD

THE BURROWS

The boundaries shown by dotted lines have been plotted from the transfer plan. The title plan may be updated from later survey information.

TITLE NoLT236081

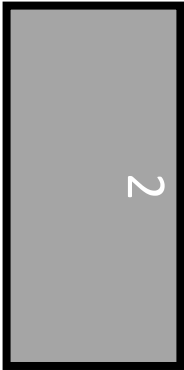
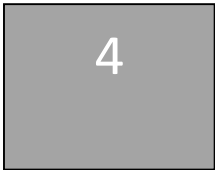
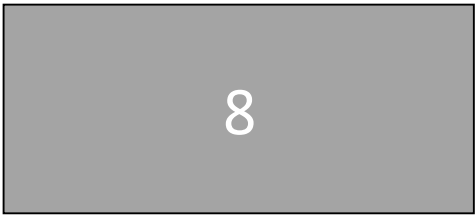
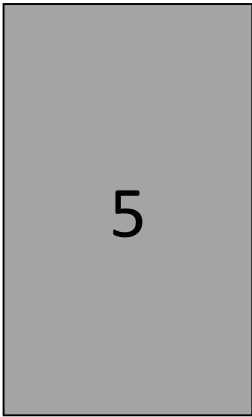
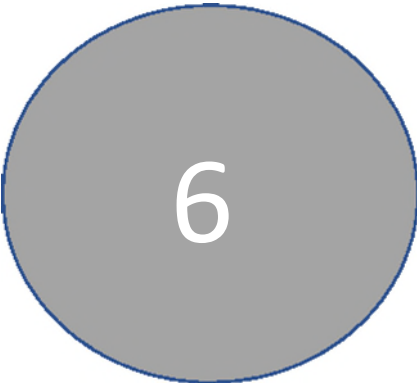


This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 15 October 2020 at 11:48:40. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

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Appendix 1



Door

10

11

13

12

Host desk

14

15

16

Bar



Appendix 2

Undertakings

For the purposes of assuring Leicestershire County Council and the Director of Public Health of the proper management of Covid 19 risks at the Premises and to facilitate the easing of restrictions at the Premises, Michael Morris Thomas, Ashley Gartshore and Arron Howard have agreed to provide undertakings as set out below.

The undertakings relate to the Public House known as The Copt Oak, Hardwicke Road, Narborough, Leicester LE19 3LU or land and buildings as more particularly defined in any Direction (the "Premises"). The undertakings are given in a personal capacity and on behalf of the Roseacre Pub Company Ltd.

Michael Morris Thomas, Ashley Gartshore and Arron Howard hereby undertake to Leicestershire County Council that, for the duration of any Direction issued pursuant to the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 they will personally ensure that the following requirements are met at the Premises:-

Training of Staff

- (a) During the period of restriction, no employees who have not received training on the agreed risk assessment and the latest government guidance for the hospitality sector shall not be allowed to work in any area of the Premises.
- (b) All records of all Covid related training shall be recorded and made available for inspection upon request to officers acting on behalf of Leicestershire County Council, Blaby District Council or the Police.

Social Distancing

- (c) Those managing the Premises will ensure that current guidance¹² with regard to social distancing is observed and adhered to at all times. This includes:
 - (i) Customers should not socialise in groups of more than six people (This is commonly referred to as 'The rule of six').
 - (ii) Members comprising one social group should not mix with or mingle with members of other social groups on the Premises or curtilage thereof.
 - (iii) In so far as is possible, customers should be seated two metres apart.
 - (iv) Customers must not consume alcohol unless seated within the specific designated area indicated on the plan. Customers are not permitted to stand and consume alcohol around the bar area.

12. Current restrictions on social gatherings will reflect the Covid alert level relevant to a specific geographic area. At present, those applicable to the premises in question are set out in Schedule 1, Part 1 of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020.

Contact Details Logs

- (d) An accurate and complete log of customers' contact details will be maintained to the extent that it is required by any law¹³ from time to time in force.
- (e) The logs will be safely and securely maintained. Upon request, the logs shall be disclosed to designated officers acting on behalf of Leicestershire County Council, Blaby District Council or the Police.

Challenge Register

- (f) During the period of any Direction, a challenge register will be kept at the Premises, this will include all Covid related warnings. As a minimum, the register shall record the following kinds of warnings: -
 - (1) Warnings related to maintaining safe social distancing at the Premises;
 - (2) Warnings related to mixing of groups of more than six persons from different households (known as the "rule of six") as more particularly explained in relevant regulations, from time to time in force;
 - (3) Warnings to follow other Covid restrictions regarding queuing and seating.

Removal of Non-Compliant Customers

- (g) If any customer receives a second warning for a failure to follow the Premises rules or legal requirements, then their licence (permission) to remain at the Premises shall be withdrawn and they shall be invited to leave the Premises.
- (h) The records of any instruction to leave (*and confirmation that the instruction has been followed*) shall be produced upon request to designated officers of Leicestershire County Council or Blaby District Council.

Signed by:-

.....

Signed by:-

¹³ The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 as amended.