

**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) Tipu Sultan Ltd (Company number 07703946)
whose registered address is located at 121 Livery
Street, Birmingham, West Midlands, B3 IRS; and

(b) Johngir Saddiq of 121 Livery Street, Birmingham,
England B3 1RS in his capacity as a director of
Tipu Sultan Limited; and

(c) Lucky Celebrations Limited (Company number
08562364) of 6 Balmoral Close, Leicester LE2
3PZ in its capacity as the registered owner of the
Premises.

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

Regarding the following
premises:-

All that land and buildings at the Tipu Sultan
Restaurant, 12-16 The Parade, Oadby, Leicester,
Leicestershire, LE2 5BF 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 previously given notice on 18 September 2020 to the operators of the restaurant business of the Council's intention to exercise powers pursuant to the Regulations.⁴

IT IS HEREBY DIRECTED as follows:-

- (1) The following restrictions shall apply in relation to the Premises:-
 - (a) For the duration of this Direction, the maximum number of customers who may simultaneously occupy the inside of the Premises and seated at tables shall not exceed 201, in accordance with the table and floor plan (see appendix 1). A notice will be placed both inside, and outside, the entrance of the Premises explaining that the Premises is only permitted to accept 201 diners and customers should not enter the building unless they have pre-booked a table.
 - (b) For the duration of this Direction no wedding receptions will be held at the Premises.

Commencement

- (2) The restrictions referred to in Paragraph 1 above shall take effect from five pm (17:00) on the 30 October 2020.

² Regulation 2(4)

³ Regulation 4(4)

⁴ Per Regulation 4(8)

Review and Termination

- (³) Subject to periodical review(s) of the operation of this Direction, with the first review taking place not later than 6 November 2020, the restrictions referred to in Paragraph 1 above shall continue until midday on 30 November 2020.

AND FURTHER TAKE NOTICE THAT: -

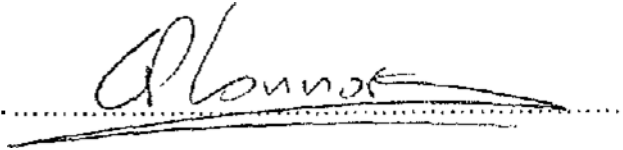
- (a) It is an offence, without reasonable excuse, to contravene the terms of this Directions. An offence may also be committed if a person obstructs an authorised officer or a constable carrying out functions pursuant to the Regulations.
- (b) Persons affected by this Direction⁵ have the right to appeal 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, they should apply to the Leicester Magistrates Court at any stage prior to the scheduled expiry of this Direction.
- (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.

a Complying with a legal obligation.

Signed

A handwritten signature in black ink, appearing to read 'G. Connors', is written over a horizontal dotted line. The signature is stylized and cursive.

Gary

Connors

Head of Regulatory Services

Leicestershire County Council Date

30 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 coronavirus 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 State' as soon as reasonably practicable. The Council will also give notice of the Direction to adjacent authorities'.
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. Nonpayment 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 Helen Donegan. Telephone queries should be made on the following number:- 0116 305 8000 and any email enquiries should be sent to tradingstandards@leics.gov.uk.

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, Johngir Saddiq has agreed to provide undertakings as set out below.

The undertakings relate to the Tipu Sultan Limited, Restaurant and Takeaway or land and buildings as more particularly defined in any direction (the "Premises"). The undertakings are given in a personal capacity.

Johngir Saddiq 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 ('the Regulations'), they will personally ensure that the following requirements are met at the Premises:-

Training of Staff

- (a) For the duration of this Direction, no member of staff who has not completed training on the agreed risk assessment (see appendix 3) and the latest guidance for the hospitality sector shall not be allowed access or be allowed to work in any area of the Premises; all training must be recorded.

Operation of an Online Booking System

- () For the duration of this Direction, a telephone or online booking system must be in place for all customers wishing to eat in the Premises. This Direction restricts the business from accepting custom from passing trade as customers will not be allowed to enter the Premises unless they have made a valid booking. No persons shall be allowed to queue or mingle inside, or outside, the Premises at any time and management personnel must, within all areas of the Premises, manage the movement of customers to ensure that this does not take place.

Collection of Takeaway Meals

- (a) For the duration of this Direction, a telephone or online booking system must be in place for all customers wishing to order a takeaway from the Premises and it restricts the business from accepting custom from passing trade. No customer shall enter the Premises, or wait or mingle outside, to collect a takeaway. The takeaway must be taken to the customer's vehicle by a member of staff and the customer must remain in their car at all times. Management personnel must, within the outside area of the Premises, manage the movement of vehicles and ensure that customers do not breach this restriction.

Social Distancing

- (b) Those managing the Premises will ensure that current guidance ⁽¹²⁾ 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.
 - (ii) In so far as is possible, customers should be seated two meters apart.
 - (iii) Ensure that at least one customer in each group has provided contact details.

Signed by:-



SAMIR Q

Signed by:-

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(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.

