

**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 1 RS; 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 Premises<sup>2</sup>; 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 services<sup>3</sup>; 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.'

**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 136, 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 136 diners and customers should not enter the building unless they have pre-booked a table.
  - (b) For the Duration of this Direction, no member of staff who has not completed training on the agreed risk assessment (see appendix 2) and the latest guidance for the hospitality sector shall be allowed to work in any area of the Premises; all training must be recorded.
  - (c) 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

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<sup>2</sup> Regulation 2(4)  
<sup>3</sup> Regulation 4(4)  
<sup>4</sup> Per Regulation 4(8)

and management personnel must, within all areas of the Premises, manage the movement of customers to ensure that this does not take place.

(d) 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.

(e) For the duration of this Direction, and with the agreement from management personnel, no wedding receptions or celebrations will be held at the Premises.

#### **Commencement**

(2) The restrictions referred to in Paragraph 1 above shall take effect from midday on the 1st October 2020.

#### **Review and Termination**

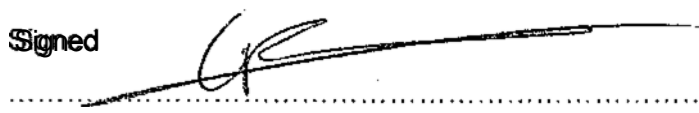
(3) Subject to periodical review(s) of the operation of this Direction, with the first review taking place not later than 7 October 2020, the restrictions referred to in Paragraph 1 above shall continue until midday on 1 November 2020.

#### **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 Direction<sup>6</sup> 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,
  - e. Complying with a legal obligation.

Signed



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

Date 1 October 2020

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<sup>6</sup> 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.

## 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<sup>8</sup>.
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. <sup>s</sup> The making of a direction will be published on the Council's website<sup>1°</sup>.

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Regulation 2(2)

<sup>8</sup> Regulation 11(2)

<sup>9</sup> Regulation 10(2)

<sup>1°</sup> 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: - leicenq@Justice.gov.uk](mailto:leicenq@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.

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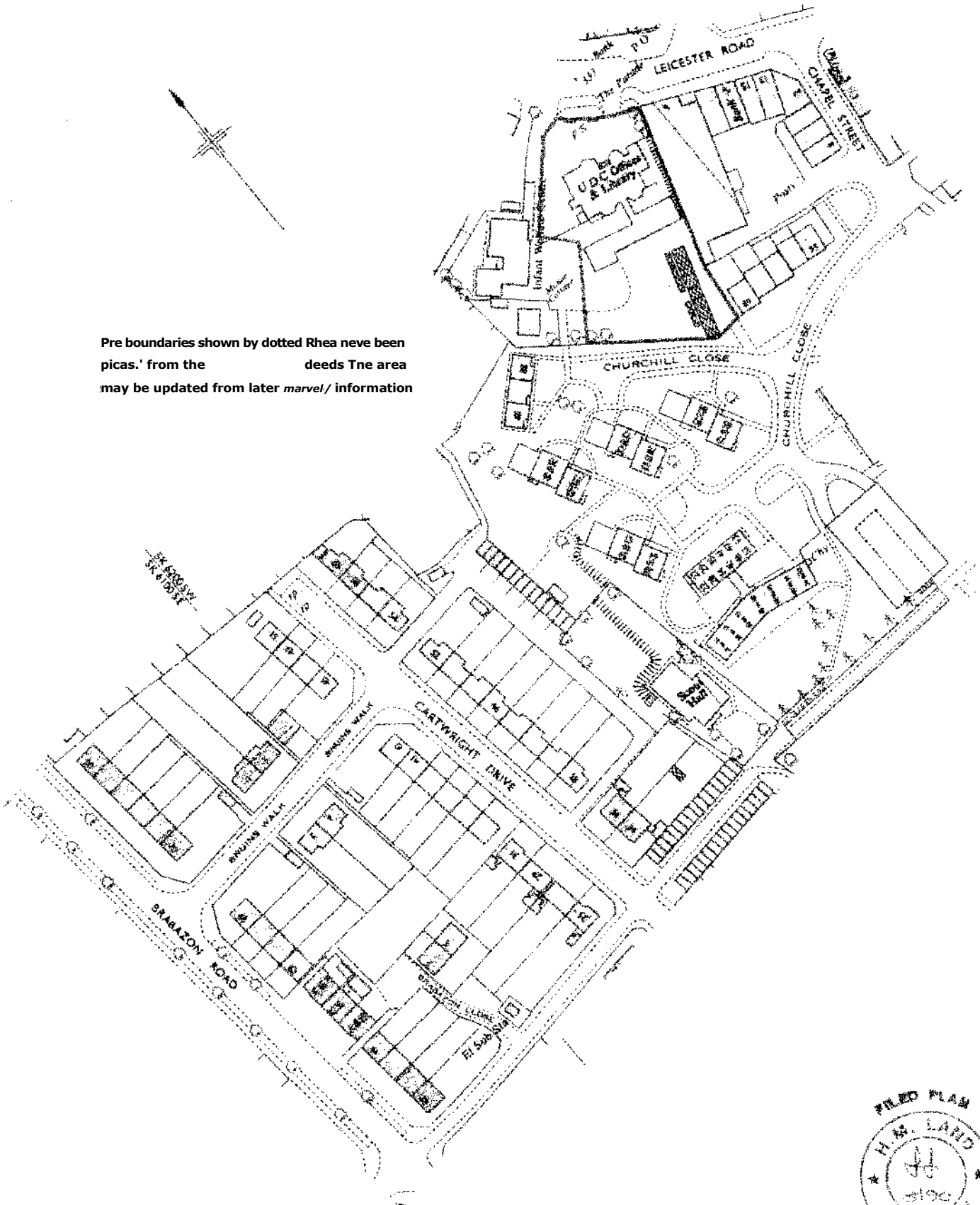
" Per Regulation 2(2) of the Regulations.

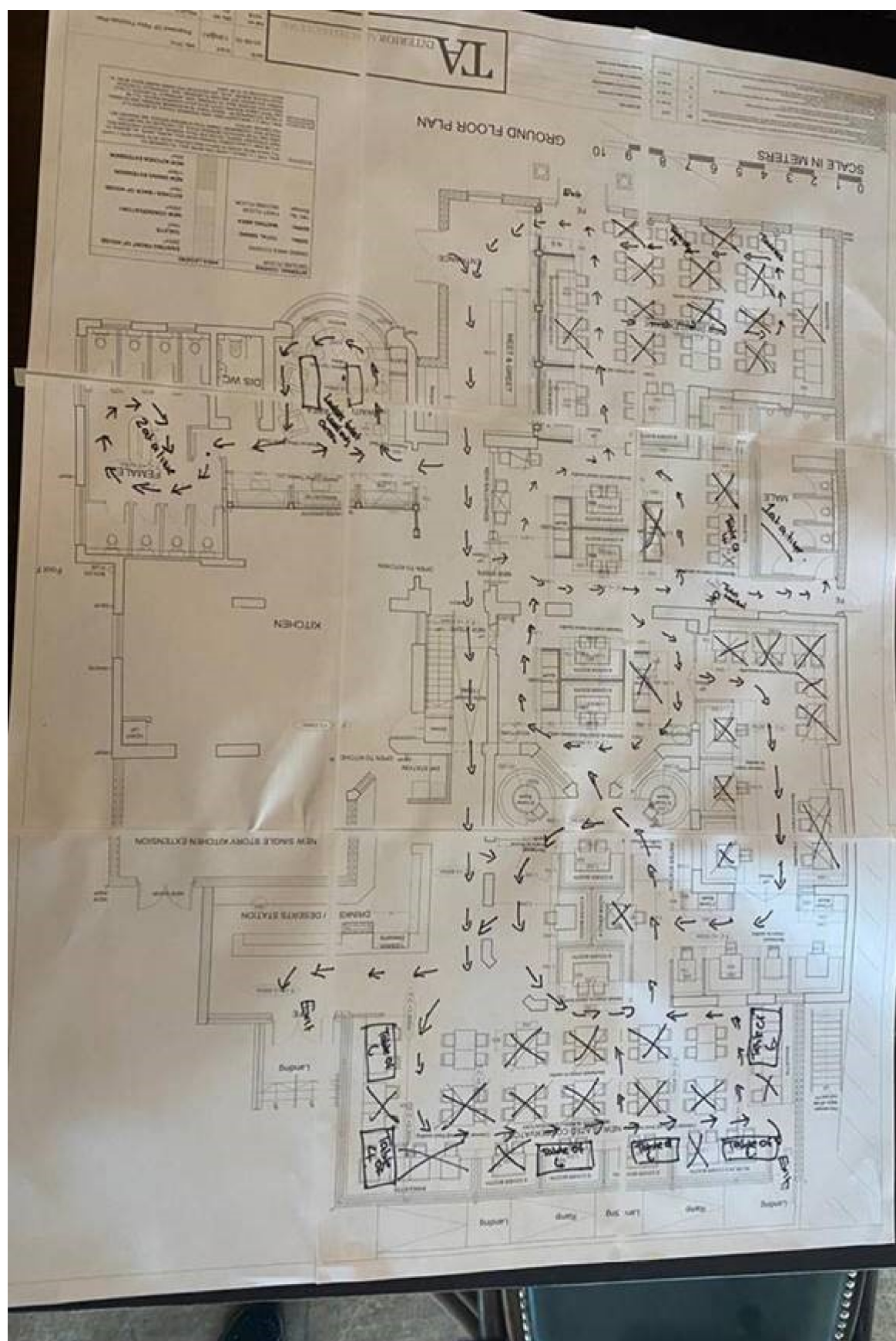
16. Offences may be committed by corporation if an offence is committed with the consent connivance and neglect of an officer of that company.
17. Any queries regarding this notice should be directed to the Trading Standards Department of Leicestershire County Council for the Attention of Helen Donegan. Telephone queries should be made on the following number:- 0116 305 6168 and any email enquiries should be sent to [Helen.Donegan@leics.gov.uk](mailto:Helen.Donegan@leics.gov.uk).

<b>H.M. LAND REGISTRY</b>		TITLE NUMBER	
		<b>LT23 221</b>	
ORDNANCE SURVEY PLAN REFERENCE	<b>SK 6200</b>	SECTION <b>D</b>	Scale <b>1/1250</b>
COUNTY LEICESTERSHIRE		DISTRICT OADSY AND WIGSTON	

I © Crown copyright 1976

Pre boundaries shown by dotted lines have not been  
 picas.' from the deeds The area  
 may be updated from later map/ information





# 1- RISK ASSESSMENT

## Covid-19

Customise the risk assessment by answering the questions in the site specific column

Hazards	Who might be harmed and how?	Precautions and Controls in place	Site specific actions
<p>Spread of COVID-19 – Coronavirus</p> <p>Inadequately equipped welfare facilities.</p> <p>Poor Hygiene Practices</p> <p>Poor Cleaning standards</p>	<ul style="list-style-type: none"> <li>Team Members</li> <li>Customers</li> <li>Contractors</li> <li>Vulnerable People</li> </ul> <p>Through contact with surfaces / objects previously contaminated with Coronavirus.</p>	<ul style="list-style-type: none"> <li>Cleaning and disinfection will be increased throughout service regularly, ensuring team members are including all frequently touched areas.</li> <li>This will be monitored via the COVID-19 cleaning schedule, touch points to be sanitised every 30 minutes using single use paper towels and Sanitiser using a two stage clean, as outlined in the Health and Safety Folder.</li> <li>Team members will be training on 6 stage handwashing as outlined in the H&amp;S folder.</li> <li>Handwashing points will be regularly checked throughout the day to ensure a supply of paper towels, soap and hot water and documented</li> <li>Sanitiser supply will be checked regularly</li> <li>Guests will be encouraged to sanitise their hands and minimize movements within the restaurant.</li> <li>Customer will be seated through their experience and will be required to use one way system when using facilities.</li> <li>Cashless operations encouraged in sites and encouraged to pay by PDQ.</li> <li>Single use menus.</li> <li>Staff reduced visits to the table, only have one section to look after and remain in their section.</li> <li>Restaurant to close at 10pm and if Deliveries remain after this time, Drivers must wait outside and notify their arrival for staff to bring to their car.</li> </ul>	<p><b><u>Identify specific touch points in addition to those on the cleaning schedule – provide details (e.g. stair rails)</u></b></p> <p>Stair rails upper levels of the restaurant. Push bars of fire doors. Bin yard door handles</p> <p>do you have a designated cleaning person for each shift?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Provide details on local procedure:</p> <ul style="list-style-type: none"> <li>Staff member on rota for sanitising areas every 30 minutes and filling out cleaning schedules on a daily basis.</li> <li>Toilet marshal also on shift daily to ensure no overcrowding and social distancing of guests visiting the bathroom, every other toilet cubicle to be locked and closed off.</li> <li>Supervisors present in pinch point throughout the restaurant to ensure guests stay seated</li> </ul> <p>Managers to observe handwashing and guests wearing PPE</p> <p>Staff to ensure upstairs area is closed off and no guests can enter. Staff members need to complete Covid-19 safety training and sign the training sheet</p>

# 2- RISK ASSESSMENT

## Covid-19

Hazards	Who might be harmed and how?	Precautions and Controls in place	Site specific actions
<p>Spread of COVID-19 Coronavirus</p> <p>Cross contact connected with Poor social Distancing</p>	<ul style="list-style-type: none"> <li>Team Members</li> <li>Customers</li> <li>Contractors</li> <li>Vulnerable People</li> </ul> <p>Inhalation of airborne viral particles through proximity to someone with Coronavirus symptoms.</p>	<p><b>Back of House</b></p> <ul style="list-style-type: none"> <li>BOH teams to wear PPE, do not congregate together and maintain a social distance.</li> <li>One way system instigated in the kitchen where possible to ensure social distancing. Work in sections, Side to Side or Back to Back.</li> <li>One person only in restricted spaces such as walk-in fridges, signage up in small areas.</li> <li>Increased frequency of handwashing throughout the shift and on completion of tasks, training in 6 stage handwash completed.</li> <li>And team members suffering with symptoms must stay at home and contact their manager. This is reportable under RIDDOR so managers need to let the Health and Safety representative know immediately.</li> </ul> <p><b>Front of House</b></p> <ul style="list-style-type: none"> <li>PPE work throughout the shift</li> <li>Handwashing for at least 20 seconds on arrival at work, increased frequency of handwashing throughout the shift and on completion of tasks.</li> <li>Welcome host at door to manage flow of customers.</li> <li>Sanitiser station at entrance, toilets, exit – all customers asked to sanitise or wash hands.</li> <li>Staff to stay in their restaurant sections, if section is large, two staff should work together, they should not move into other sections.</li> <li>Supervisors in pinch points to ensure customers do not move around the restaurant unnecessarily.</li> </ul>	<p><b><u>Have you been able to instigate a one-way system for customers?</u></b></p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How do you propose to manage flow of customers (e.g. Door host)</p> <p>Detail staffing and check, Every three tables will have one waiter, making sure there is no point of contact other than the waiter.</p> <p>This will reduce the risk of multiple waiter coming over to the table.</p> <p>Customers will be monitored and advised to stay seated when dining inside the restaurant, they must wear PPE whilst moving around the restaurant.</p> <p>Customers arriving at the restaurant, are advised by a parking attendant to wait in the car until a table is available. This will include takeaways and food will be taken to the guests vehicle.</p>

# 3- RISK ASSESSMENT

## Covid-19

<p>Spread of COVID-19 Coronavirus</p> <p>Guests arriving at the restaurant</p> <p>Restaurant Capacity</p> <p>Deliveries and Collections</p>	<ul style="list-style-type: none"> <li>• Team Members</li> <li>• Customers</li> <li>• Delivery Drivers</li> <li>• Vulnerable People</li> </ul> <p>Controlling flow of guests during service (The guest journey)</p>	<ul style="list-style-type: none"> <li>• Additional signage for guests.</li> <li>• NHS QR code within restaurants for guests as well as Track and Trace.</li> <li>• Customers asked to wear PPE whilst dining within the restaurant</li> <li>• Customers arriving at the restaurant, are advised by a parking attendant to wait in the car until a table is available.</li> <li>• Bookings only to plan ahead.</li> <li>• Any walking customers would be advised by the car park attendant. One person to come in and sign themselves once they sign themselves in to return to the car with the rest of his guests as soon as the table is available somebody will ring them and take them straight inside</li> <li>• Takeaways and food will be taken to the guests vehicle, when car park attendant is notified of arrival.</li> <li>• Designated collection points for riders waiting for collections.</li> <li>• One way system instigated FOH where possible to ensure social distancing.</li> <li>• Welcome host at door to manage flow of customers.</li> <li>• Maximum capacity for toilets identified and certain taps/sinks and cubicles blocked off</li> <li>• Floor plan to indicate max capacity of the restaurant to 150 guests.</li> </ul>	<p><b><u>Do you have a car parking attendant?</u></b></p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Bookings only, door host outside as well as inside.</p> <p>Parking attendant to have a walkie talkie and high vis so that guests and customers can see them. They will notify the staff inside that they have arrived.</p> <p>Regular handwashing before delivery and after handover.</p> <p>Guests to call when they are outside so that food can be taken to them. Drivers to notify of their arrival and food to be taken out to the driver.</p> <p>Toilet attendants on shift making sure area do not get over crowded and guests are adhering to PPE/Social distancing rules</p>
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# 4- RISK ASSESSMENT

## Covid-19

Hazards	Who might be harmed and how?	Precautions and Controls in place	Site specific actions
<p>Spread of COVID-19 Coronavirus</p> <p>Direct or indirect infection from confirmed case of covid-19</p>	<ul style="list-style-type: none"> <li>Team Members</li> <li>Customers</li> <li>Delivery Drivers</li> <li>Vulnerable People</li> </ul> <p>Inhalation of airborne viral particles through proximity to someone with Coronavirus symptoms</p> <p><b>Team members Mental health and team well-being.</b></p>	<ul style="list-style-type: none"> <li>Staff to sign in daily with NHS tracking app.</li> <li>If anyone becomes unwell with a new continuous cough, loss of smell or taste or a high temperature they will be sent home and advised to follow the stay at home guidance.</li> <li>Line managers will maintain regular contact with staff members during this time.</li> <li>Outbreaks must be reported under RIDDOR</li> </ul> <ul style="list-style-type: none"> <li>General manager will promote health and well-being awareness to staff during the return to work for teams and will offer support as required in conjunction with HR.</li> <li>Teams are able to talk to their manager if they require any support through the return to work phases.</li> <li>Daily briefings held between teams and site management.</li> </ul>	<p>Should you need to send a team member home showing symptoms of covid-19, what measures will you put in place to protect yourself and others, give details.</p> <p>Notify HS Manager and AM, call all staff members also.</p> <p>Area manager will be informed. All touch points thoroughly cleaned</p>

**Reference No:**

**Covid-19**

**Risk Rating:**

**High**

**Issue Date:**

**General Manager Name:**

**Signature:**