

**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) Ajmear Gill, in his capacity as the manager and designated premises supervisor of the The Black Dog public house, 23 London Road, Oadby, Leicestershire, LE2 5DL; and

(b) Everards Brewery Limited (Company number 00319261) of Devana Avenue, Optimus Point, Glenfield, Leicestershire, LE3 8JS, 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 The Black Dog public house, 23 London Road, Oadby, Leicestershire, LE2 5DL, 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 services', and

UPON the Council having given notice on 16th October 2020 to the operators of the 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 Premises and seated at tables shall not exceed 110, in accordance with the floor plan (see appendix 1) and the following table:

Main bar	table nos. 1-7	40 customers maximum
Lounge	table nos. 8-17	30 customers maximum
Courtyard	table nos. 18-29	40 customers maximum

(b) For the duration of this Direction, no other areas should be occupied by customers at any time, including the function room and the skittle alley, which will remain closed.

(c) For the duration of this Direction no persons should be allowed to mingle inside the Premises or its curtilage with other customers outside of his or her group. The management of the Premises must manage the movement of customers to ensure that this does not take place.

² Regulation 2(4)

~~³ Regulation 4(4)~~

Per Regulation 4(8)

Commencement

- (1) The restrictions referred to in Paragraph 1 above shall take effect from 7p.m. (19.00 hours) on Monday, 2 November 2020.

Review and Termination

- (2) Subject to periodical review(s) of the operation of this Direction, with the first review taking place not later than 9 November 2020, the restrictions referred to in Paragraph 1 above shall continue until 7 p.m. (19.00 hours) on 2 January 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, 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,

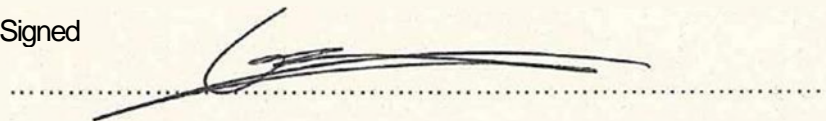
b. Maintaining or repairing the Premises;

¹Regulation 13(1)

²A 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.

- 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

A handwritten signature in dark ink, appearing to be 'Gary Connors', is written over a horizontal dotted line.

Gary Connors
Head of Regulatory Services
Leicestershire County Council

Date 2 November 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 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 website.

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 Pocklingtons 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.

^u 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, Ajmear Gill has agreed to provide undertakings as set out below.

The undertakings relate to The Black Dog public House or land and buildings as more particularly defined in any direction (the "Premises"). The undertakings are given in a personal capacity.

Ajmear Gill 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:-

Risk assessment and training of Staff

- (a) The Covid 19 risk assessment for the operation of the Premises is to be reviewed and submitted weekly to Oadby & Wigston Borough Council officers, during the period outside of a national lockdown set by Government.
- (b) No member of staff who has not completed training on the agreed risk assessment 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.

Live Sport and a Booking System

- (c) Live sport will only be shown on two television screens within the Premises; one in the main bar and one in the courtyard. All other television screens will be switched off.
- (d) A booking system must be in place, allowing customers to reserve their seat at an allocated table, for all customers wishing to view live sport. Management personnel must manage the movement of customers and ensure that customers do not breach this restriction.

Use of The Pool Table, Fruit Machines and The Juke Box.

- (f) No customer is permitted to use the pool table, any fruit machines or the juke box.

Social Distancing

- (f) 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 adhering to any local restrictions when considering socialising in groups.
 - (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:-

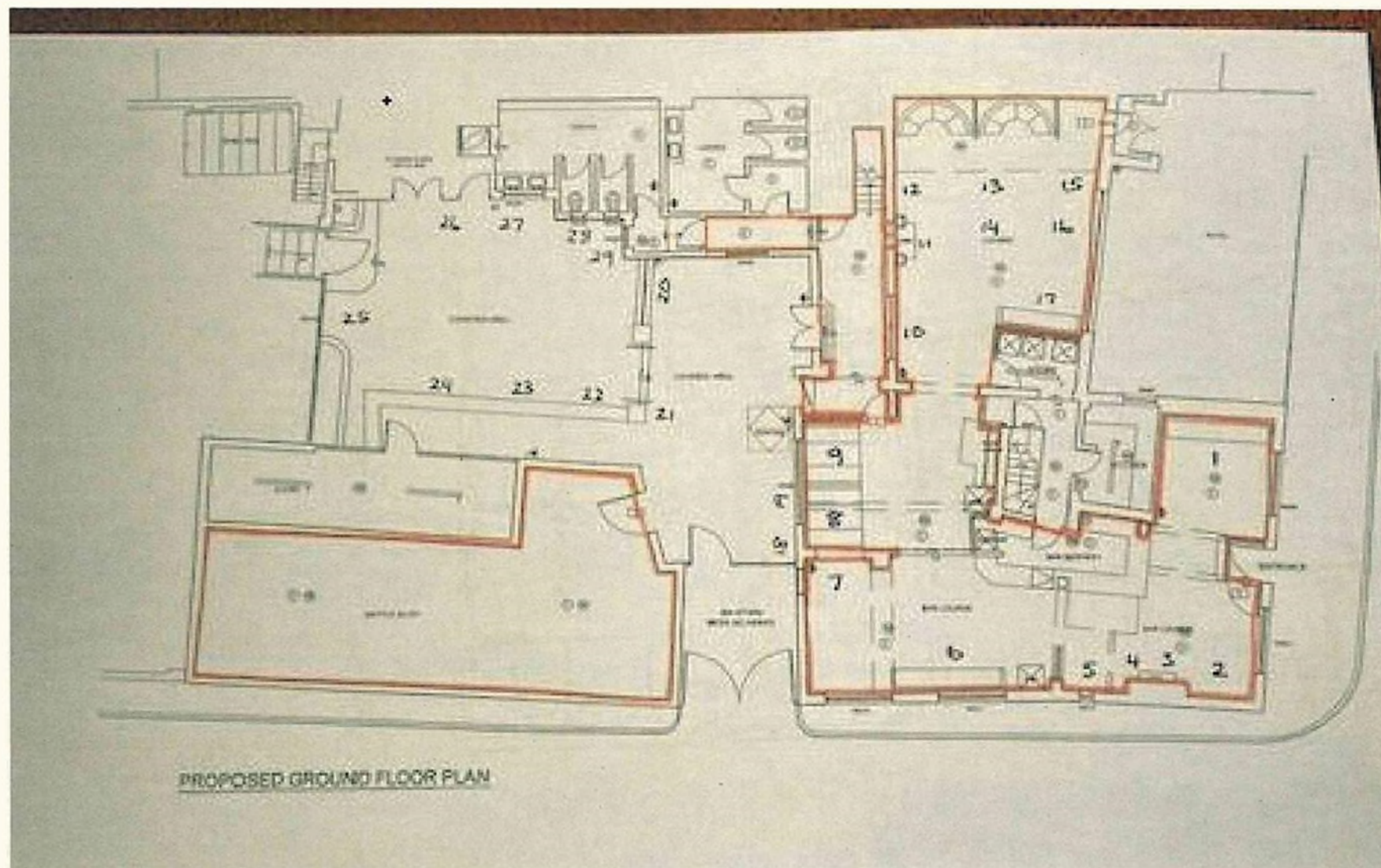
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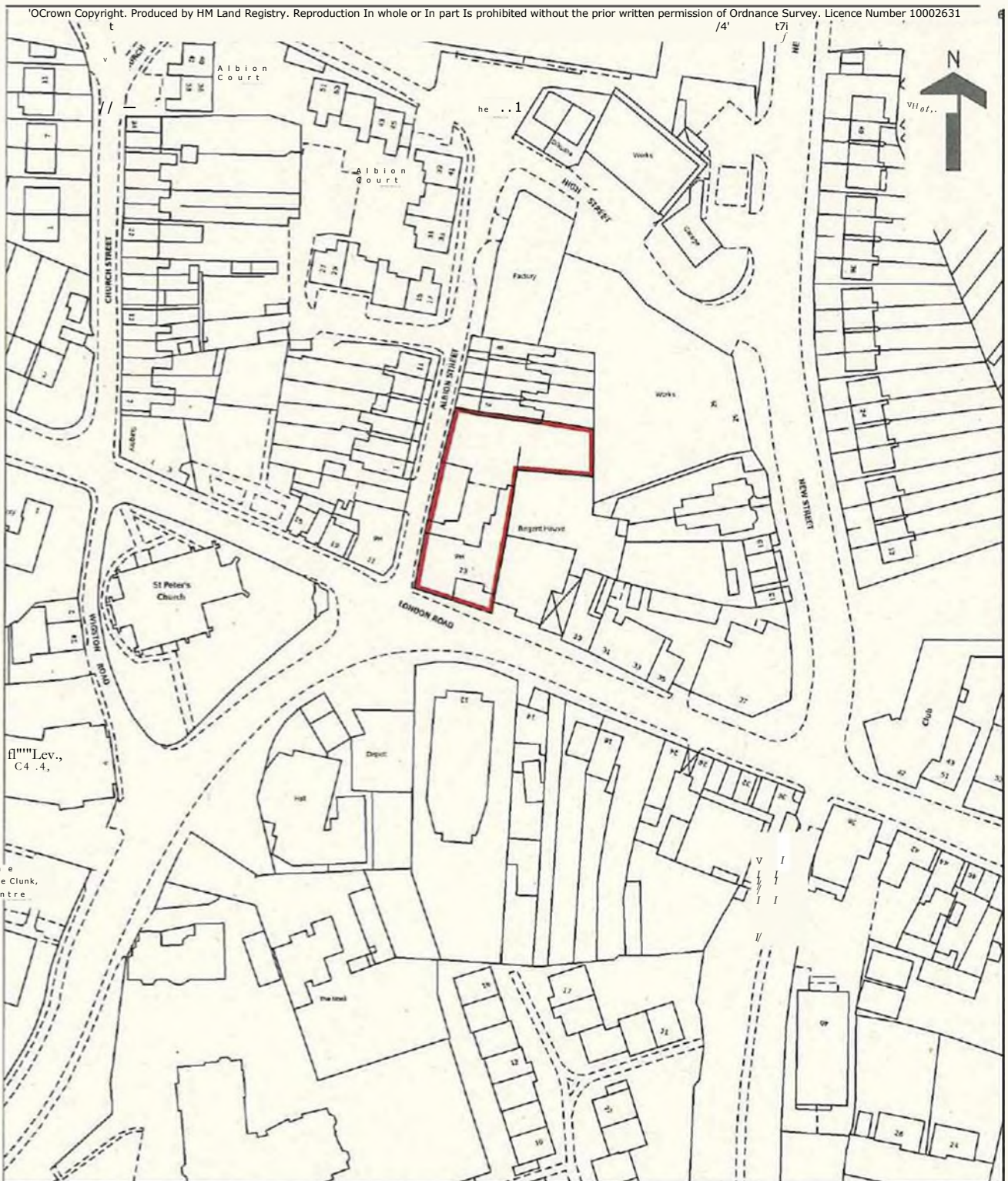
(12) Current restrictions on social gatherings will reflect the Covid alert level relevant to a specific geographic area. At present, those applicable to the premises in question are set out in Schedule 1, Part 1 of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations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

Appendix 1



HM Land Registry Current title plan

Title number **LT391503**
Ordnance Survey map reference **SK6200SW**
Scale **1:1250**
Administrative area **Leicestershire : Oadby and Wigston**



This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 14 October 2020 at 16:23:58. 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.

This title is dealt with by HM Land Registry, Leicester Office.

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(ENGLAND) (NO. 3) REGULATIONS 2020**

(THE "REGULATIONS")

DIRECTION PLACING RESTRICTIONS ON THE OPERATION OF A PREMISES.

1. Please take note that, with effect from 7pm on 2 November 2020, the **The Black Dog** public house, at 23 London Road, Oadby, Leicestershire LE2 5DL, will have restrictions on its trading.
2. For the duration of this Direction, the maximum number of customers who may simultaneously occupy the Premises and seated at tables shall not exceed 110.
3. For the duration of this Direction no persons should be allowed to mingle inside the Premises or its curtilage with other customers outside of his or her group.
4. Live sport will only be shown on two television screens within the Premises and a booking system must be in place, allowing customers to reserve their seat at an allocated table, for all customers wishing to view live sport.
5. This temporary closure is expected to last until **2 January 2021** but it will be subject to **weekly reviews**.
6. Upon the advice of the Director of Public Health, Leicestershire County Council has served a notice with the above restrictions due to the Covid 19 risks presented at the relevant premises.
1. For the sake of good order, the direction should not be construed as any criticism of food hygiene or general cleanliness standards at the public house. These temporary restrictions relates exclusively to the management of Covid 19 risks.
7. Please take notice that it is an offence for a person, without reasonable excuse to contravene the requirements of a direction pursuant to the Regulations (*see Regulation 13*).
8. If you require further information regarding this notice or its effect, please contact the Trading Standards Department of Leicestershire County Council on 0116 305 8000.