

BOROUGH OF TELFORD & WREKIN

THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (ENGLAND) (NO.3) REGULATIONS 2020

COVID-19 PUBLIC HEALTH CONTROL OF PREMISES (EXCELLENCY MIDLANDS) DIRECTION No.1

1. It appears to the Borough of Telford & Wrekin (“the Council”) that it is necessary to give a Direction under regulation 4(1) of The Health Protection (Coronavirus Restrictions) (England) (No.3) Regulations 2020 (“the Regulations”), and that such Direction:
 - a) responds to a serious and imminent threat to public health
 - b) 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 Council’s area, and
 - c) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose.
2. Before giving this Direction, the Council has had regard to:
 - i) any advice given to it by its Director of Public Health; and
 - ii) any advice given by the Chief Officer of Police; and
 - iii) the need to ensure that members of the public have access to essential public services and goods (including whether the individual premises forms part of essential infrastructure).
3. The Council has taken reasonable steps to give advance notice of this direction to all persons carrying on/managing a business from the premises to which the direction relates and any persons who owns or occupies the premises.

PART 1 – DIRECTION

Person and Premises

4. This Direction is given to
 - i) Excellency Midlands Limited (Company No.: 11146010): which is the owner and occupier of the premises to which this Direction relates; and to
 - ii) Naweed Ahmed Chowdhary who is a person involved in managing entry into the premises to which this Direction relates; and also to
 - iii) Mohammad Jaberansari who is a person involved in managing entry into the premises to which this Direction relates.
5. This Direction is given in respect of Excellency Midlands, Stafford Park 6, Telford, TF3 3AT (“the Premises”).

Directed actions

6. This Direction requires the following:

That the Premises be closed for any gathering that is a wedding reception, a reception following the formation of a civil partnership or reception following the conversion of a civil partnership to a marriage.

Timing and duration of direction

7. Any actions required to put into effect the restrictions set out in paragraph 6 must be undertaken by **00.01am on Saturday 3 October 2020** when the (prohibition, requirement or restriction) come(s) into effect. The restrictions set out in paragraph 6 have effect until 00.01am on 4 January 2021 or such earlier date and time that the Regulations are revoked or otherwise amended to allow any gathering that is a wedding reception, a reception following the formation of a civil partnership or reception following the conversion of a civil partnership to a marriage without restriction.
8. In accordance with Regulation 2(2)(b) of the Regulations, the Authority will review this Direction at least once every seven days. If the Authority considers that one or more of the conditions in regulation 2(1) are no longer met in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

Grounds for Direction

9. This Direction is given on the basis that:

The premises Excellency Midlands operates as a wedding hall facility offering post marriage ceremony receptions/celebrations to which large numbers of guests can be invited.

In light of the ongoing Covid-19 pandemic the Government has passed legislation (The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020)

restricting gatherings of persons both outdoors and within premises. Within these controls is an exception in respect of the following:

- a) a wedding reception;
- b) a reception following the formation of a civil partnership; or
- c) a reception following the conversion of civil partnership to a marriage
(Regulation 5(h))

Provided that the gathering consists of no more than 30 persons (from 00.01hrs on 4 July 2020 until and including 00.04hrs on 24 September 2020), or 15 persons (from 00:05hrs on 24 September 2020).

These restrictions and the exemption apply to the business and operations of Excellency Midlands Limited.

Advice has been given by officers of both West Mercia Police and Telford & Wrekin Council in respect of the restrictions in respect of gatherings and wedding receptions/celebrations.

Despite this advice officers from West Mercia Police have attended Excellency Midlands premises on three (3 no.) separate occasions since the above restrictions came into force where on each occasion they have observed a wedding reception/celebration taking place at which more than 30 persons were present.

Covid-19 infection rates are increasing significantly across the country and locally, and due to the nature of the operations at the Premises it is highly likely that people will travel large distances from outside of the Telford area and from areas where there are ongoing local lockdown restrictions on travel.

Due to the nature of the operation at the premises, and as operators of the premises have shown that they are unwilling to comply with the statutory requirements in respect of restrictions on gatherings, the risk of spread of infection into both the Telford and wider area is so significant that having considered the requirements of Regulation 2(1) of the Health Protection (Coronavirus, Restrictions)(England)(No.3) Regulations 2020 the only reasonable and proportionate action is to close the premises such that no wedding receptions/celebrations can be carried out.

PART 2 – OFFENCES AND PENALTIES

10. A person commits an offence if, without reasonable excuse, the person or company:
 - a) fails to comply with a Direction given under Regulation 4(1) imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, specified premises;
 - b) fails to comply with a Direction given under Regulation 5(1) imposing prohibitions, requirements or restrictions in relation to the holding of an event;
 - c) being the person who owns, occupies or is responsible for land in a public outdoor place fails to take reasonable steps to prevent or restrict public access to land in respect of which a Direction has been given under Regulation 6(1);

An offence is punishable upon conviction in a Magistrates' Court **by an unlimited fine.**

11. Alternatively, an authorised person may issue a fixed penalty notice to any person or company who they believe:
 - a) has committed an offence under the Regulations; and
 - b) is aged 18 years or over.
12. The amount of the fixed penalty is £50.00 if paid before the end of 14 days, otherwise £100.00 after that time, rising on each occasion of subsequent offences to a maximum of £3,200.00.
13. If the fixed penalty notice is not paid before the end of the period of twenty eight (28 no.) days the Council may take the prosecution proceedings as set out above.

PART 3 – RIGHT OF APPEAL

14. A person on whom a Direction imposes a prohibition, requirement or restriction may:

Appeal against the direction to a magistrates' court within six (6) months of the date of issue of the direction by way of complaint for an order, and the Magistrates' Courts Act 1980 applies to proceedings:

Contact: Stafford Combined Court, Victoria Square, Stafford, ST16 2QQ
Email: - stenquiries@justice.gov.uk
Tel. No.: - 01785 223144

OR

Make representations to the Secretary of State. In making any representations to the Secretary of State about this Direction, the recipient of the Direction should do this via NHS Test and Trace, with representations emailed to directionnotification@dhsc.gov.uk. This should include:

- a. The name of the Authority;
- b. The title of this Direction given at the top of the Direction;
- c. The link to this Direction as noted in paragraph 17 below;
- d. An explanation as to how you have been impacted by the Direction and their relationship to the premises, such as whether you are the owner, occupier or involved in managing entry into, or departure from, the Premises, as set out in Regulation 4(5) of the Regulations;
- e. An explanation of the basis upon which the Direction should not have been made and was or is not appropriate, with reference to the conditions set out in Regulation 2(1) (paragraph 1 of this Direction);
- f. Any evidence which supports this contention; and
- g. What action you would like to be taken.

15. **YOU ARE STILL REQUIRED TO COMPLY WITH THIS DIRECTION PENDING THE OUTCOME OF ANY APPEAL TO THE MAGISTRATES' COURT OR THE SECRETARY OF STATE.**
16. You may wish to obtain independent legal advice should you seek to pursue an appeal.

PART 4 - ADDITIONAL POWERS AND REQUIREMENTS THAT ACCOMPANY THIS DIRECTION

Publication:

17. This Direction (and any subsequent notice of revocation of this direction) will be published on the Authority's website as required by the Regulations (www.telford.gov.uk/coviddirectionnotice).
18. This Direction may also be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

Notification:

19. The Authority is required to notify any local authority whose area is adjacent to the this authority's area of this Direction (and any revocation of the Direction) by the Regulations.
20. The Authority is required to notify the Secretary of State as soon as reasonably practicable after the Direction is given.

SIGNED:


David Sidaway
Chief Executive

DATED: 2 October 2020

**Telford & Wrekin Council,
Public Protection,
Neighbourhood &
Enforcement Services,
Darby House,
Lawn Central,
Telford.
TF3 4JA**

*(Address to which all
communications should be
sent)*