

**THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND)
REGULATIONS 2020 (SI. 2020: NO.350)**

PROHIBITION NOTICE

19/05/2020

Part A

To: Gary Cooke

Trading as: Penny Black

At: Ellerton Road, Stockton-on-Tees, TS18 5PU

This Prohibition Notice is served under Regulation 8(2) of The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Regulations) and has immediate effect.

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Stephen Donaghy, designated as a relevant person for the purposes of the Regulations by Stockton-on-Tees Borough Council, have reasonable grounds for believing that you are contravening a requirement in the Regulations as set out in Part B below and that it is necessary and proportionate to issue this Prohibition Notice to prevent continued contravention of the requirement.

Part B. Contravention of the restrictions

You, as the manager of the Penny Black have breached Regulation 4 (1) (a) of the Regulations, in that the premises were not closed and persons were allowed to gather and consume drinks thereon.

Part C. Action required

This Prohibition Notice requires that you immediately cease the activities giving rise to contravention of the Regulations. The activities must not resume before the end of the emergency period¹. The measures specified below must be taken to prevent continued contravention of the Regulations:

- Close the premises, or part(s) of the premises, in which food or drink are sold for consumption on the premises; and
- Cease selling food or drink for consumption on the premises

¹The Secretary of State will publish a direction terminating the emergency period as soon as they consider the restrictions or requirements set out in the Regulations are no longer necessary

Part D. Consequences of non-compliance

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Part E. Challenging this Prohibition Notice

There is no statutory right to appeal against this Prohibition Notice. If you consider that the Notice should not have been issued or that the actions required of you are unreasonable or unjust, you can make representations to Mr Rob Llewellyn, Environmental Health Team Manager (Commercial) in writing outlining your reasons for challenging the Notice, within 21 days of the date on this Notice. Your challenge will be processed in accordance with Stockton-on-Tees Borough Council's Complaint Procedure

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

**This Notice remains in force even if you have raised a challenge.
Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.**

Signed:

Date:

Name in Capitals: Stephen Donaghy

Name and Address of Local Authority:

Environmental Health Unit
Stockton-on-Tees Borough Council
16 Church Road
Stockton-on-Tees
TS18 1XD

Telephone: 01642 526830

Email: stephen.donaghy@stockton.gov.uk

If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

PROHIBITION NOTICE (REVERSE)

Sample text for inclusion in Part C of the Prohibition Notice as appropriate, summarising the requirements that may be breached by businesses and the associated actions that would be required:

In relation to a breach of Regulation 4(1) (*Business listed in Schedule 2 Part 1*):

Actions required:

- *Close the premises, or part(s) of the premises, in which food or drink are sold for consumption on the premises; and*
- *Cease selling food or drink for consumption on the premises*

In relation to a breach of Regulation 4(4) (*Business or service listed in Schedule 2 Part 2*):

Actions required:

- *Cease to carry on the business or provide the service listed in Part 2 of Schedule 2*

In relation to a breach of Regulation 5(1) (*Business or service, not listed in Schedule 2 Part 3, of offering goods for sale or for hire in a shop, or providing library services*):

Actions required:

- *Cease to carry on the business or provide the service except as permitted by Regulation 5(1)(a) which permits the business to make deliveries or otherwise provide services in response to orders received through a website, or otherwise by online communication; by telephone, including orders by text message; or by post; and*
- *Close any premises which are not required to carry out its business or provide its service in a manner permitted by Regulation 5(1)(a); and*
- *Cease to admit any person to its premises who is not required to carry on the business or provide the service in a manner permitted by Regulation 5(1)(a).*

In relation to a breach of Regulation 5(3) (*Business consisting of the provision of holiday accommodation*):

Actions required: - *Cease to carry on the business except as permitted by Regulation 5(4) which permits the business to provide accommodation in specified circumstances; to host blood donation sessions; or for any purpose requested by the Secretary of State or a local authority.*