



Ref: AK/PSN/CCBH
29th September 2020

DIRECTION (EVENTS)

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) (NO. 3) REGULATIONS 2020 (No.2020/750)¹, REGULATION 5(1)

1. Solihull Metropolitan Borough Council (“the Authority”), in exercise of the powers conferred by regulation 5(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020² (“the No. 3 Regulations”), gives the following Direction in relation to events.
2. The Authority considers that the following conditions are met—
 - a. this direction responds to a serious and imminent threat to public health;
 - b. this 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 Authority’s area; and
 - c. the prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose.³
3. Before giving this Direction, the Authority has had regard to—
 - a. any advice given to it by its Director of Public Health; and
 - b. 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).

¹ SI 2020/750 accessed at <https://www.legislation.gov.uk/uksi/2020/750/contents/made>; guidance on local authority powers at: <https://www.gov.uk/government/publications/local-authority-powers-to-impose-restrictions-under-coronavirus-regulations/local-authority-powers-to-impose-restrictions-health-protection-coronavirus-restrictions-england-no3-regulations-2020>

² In this Direction, any reference to a regulation is a reference to a regulation of the Health Protection (Coronavirus Restriction) (No. 3) (England) 2020 (S.I. 2020/750).

³ See regulation 2(1).

DIRECTION

Person and event

4. This Direction is given to you as the owner or any occupier of Castle Bromwich Hall Hotel Chester Road, Castle Bromwich “the Premises” to which the direction relates.
5. This Direction is given in respect of all events including but not exclusive to, weddings, funeral wakes, parties, musical performances, fire work displays and other events or gatherings where individuals in more than one family group and/or exceeding 6 persons may attend (“the Event” or “the Events”)⁴

Directed actions

6. This Direction requires the following:
 - a. To immediately cease the holding of any Event or Events at the Premises including but not exclusive to, weddings, funeral wakes, parties, musical performances, fire work displays and other events or gatherings where individuals in more than one family group and/or exceeding 6 persons may attend.
 - b. That the organiser must advertise the cancellation of any booked Events through the same media platform on which he advertised the same.
 - c. The organiser must take all available steps to notify attendees to any Event in any other way that the event has also been advertised, such as other social media platforms or via direct contact with intended attendees.

Timing and duration of direction

7. Any actions required to put into effect the restrictions set out in paragraph 6 must be undertaken by 30th September 2020 05:00 *when the prohibition, requirement or restriction comes into effect*. The restrictions set out in paragraph 2 have effect until 10 January 2021 05:00 on which it will end.
8. In accordance with Regulation 2(2)(b) of the No. 3 Regulations, the Authority will review this Direction at least once every seven days. If the Authority considers one or more criteria in regulation 2(1) (set out in paragraph 2 above) no longer apply in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

⁴ As per regulation 5(5) of the No. 3 Regulations, events may be described by reference to a number of people attending the event, by reference to a requirement for medical or emergency services to attend the event, or in any other way.

Consequences of not meeting the requirements of the Direction

9. There may be consequences if this Direction is not complied with. For example, the Authority may issue a Prohibition Notice⁵ or Fixed Penalty Notice⁶ against you or may commence criminal proceedings against you.
10. A person commits an offence if, without reasonable excuse, the person:⁷
 - contravenes a direction under regulation 5(1); or
 - obstructs a person carrying out a function under the No. 3 Regulations, including any local authority designated officer under regulation 12 or a constable.

Such an offence is punishable on summary conviction by an unlimited fine.

Appeal/representations

11. If you believe that this Direction should not have been issued, and/or it contains incorrect information, please inform the specified point of contact set out below, setting out your reason(s).
12. You have a right to appeal against this Direction to a magistrates' court by way of complaint for an order.⁸ There is a time limit of **up to six months from the date of issue of this Direction to appeal to the Magistrates' Court**. However, bear in mind that this Direction will be reviewed by the Authority at least every seven days and it will decide whether to revoke this Direction or revoke and replace it with another direction.⁹
13. You also have the right to make representations to the Secretary of State about this Direction.¹⁰ The Secretary of State must consider any such representations as soon as is reasonably practicable, and decide whether it would be appropriate to exercise the Secretary of State's powers set out in regulation 3 of the No. 3 Regulations. The Secretary of State may direct the Authority to revoke this Direction, or revoke and replace this Direction. The Secretary of State must provide written reasons for the decision to the person who made the representations and to the Authority.

⁵ See regulation 12(2) of the No. 3 Regulations.

⁶ See regulation 14(1) of the No. 3 Regulations.

⁷ See regulation 13(1) of the No. 3 Regulations.

⁸ See regulation 5(9)(a) of the No. 3 Regulations.

⁹ If this direction was made pursuant to a direction of the Secretary of State under regulation 3 of the No 3 Regulations, a summons is to be issued to both the Secretary of State and the local authority.

¹⁰ See regulation 5(9)(b) of the No. 3 Regulations.

14. 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 reference number listed at the top of this Direction;
- c. An explanation as to how you have been impacted by the Direction and your relationship to the Event[s], such as whether you are the owner or occupier of premises for the Event[s], the organiser of the Event[s] or any other persons involved in holding such the Event[s], as set out in Regulation 5(3) of the No.3 Regulations;
- d. 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);
- e. Any evidence which supports this contention; and
- f. 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.

Additional powers and requirements that accompany this Direction

Publication

17. This Direction (and notice of revocation of this direction) is published on the Authority's website as required by the No. 3 Regulations.¹¹

Notification

18. The Authority is required to notify any district council within its area and any local authority whose area is adjacent to the initiating authority's area of this Direction (and any revocation of the Direction) by the No. 3 Regulations¹².

19. The Authority is required to notify the Secretary of State as soon as reasonably practicable after the Direction is given.

¹¹ See Regulation 10(2)(a) of the No. 3 Regulations.

¹² See Regulation 11(1)(a) – (d) of the No. 3 Regulations

Specified point of contact:

email: legal@solihull.gov.uk

Post: Legal Services, Council House, Solihull, B91 9QS

As authorised by

A handwritten signature in black ink, appearing to read 'A Callingham', with a long horizontal flourish extending to the right.

Andrew Callingham, Head of Safer Communities, Solihull MBC.

