

**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) Ms MeiMei Huang in her capacity as the manager and / or owner of the business known as the Queens Head operating from and / or owner / occupier of the Premises identified below
- (b) Juan Hua Chen in his capacity as manager and / or owner of the business known as the Queens Head operating from and / or occupier of the Premises identified below

(each an "Addressee" and collectively the "Addressees")

Regarding the following premises:-

- (c) All the land and buildings at the Queens Head, 34 Main Street, Kimberley, NG16 2LL which is more particularly shown edged red on the attached plan (hereinafter referred to as the "Premises").

WHEREAS Nottinghamshire 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 premises¹; and

¹ Regulation 4(1)

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 services³; and

UPON the Council having given Advanced Notice on *the 25th September 2020 at 11.05am* to Ms Meimei Huang and Mr Juan Hua Chen at the Premises of the Council's intention to exercise powers pursuant to the Regulations.⁴

IT IS HEREBY DIRECTED as follows:-

(1) For the duration of this Direction, no member of the public shall enter onto the Premises or remain there unless they are a person falling into one of the following categories: -

- | | | |
|-----|--|---|
| (a) | "Persons Interested in the Premises" | Which expression shall, for the purposes of this Direction, mean the Addressees, any directors of any corporate Addressee or any lessee deriving title to the Premises (or part of it) from an Addressee; |
| (b) | "Employees or agents of the Addressee" | Which expression shall, for the purposes of this Direction, mean any person employed by any of the Addressees or any lessee of the Premises; |
| (c) | "Contractors" | Which expression shall, for the purposes of this Direction, mean any person contracted to provide professional services at the Premises and any other person contracted to maintain or repair the Premises. |
| (d) | "Persons acting in an official capacity" | Which expression shall, for the purposes of this Direction mean any of the following persons visiting the Premises in the course of their professional duties:- |

² Regulation 2(4)

³ Regulation 4(4)

⁴ Per Regulation 4(8)

- (a) members of the emergency services (including Police, Ambulance and Fire and rescue Services);
- (b) Any employee or representative of Nottinghamshire County Council or Broxtowe Borough Council;
- (c) Any representative of Public Health England;
- (d) Any other persons employed to undertake a health function including work intended to control the transmission of Covid 19.

Commencement

- (2) The restrictions referred to in Paragraph 1 above shall take effect from the **25th September 2020 (25/09/20) at 6.00pm (1800hrs) six pm.**

Review and Termination

- (3) Subject to periodical review(s) of the operation of this Direction, with the first review taking place not later than the 2nd October 2020 the restrictions referred to in Paragraph 1 above shall continue until **23rd October 2020 (23/10/20) at 6.00pm (1800hrs) six pm.**

AND FURTHER TAKE NOTICE THAT: -

- (a) It is an offence, without reasonable excuse, to contravene the terms of this Direction⁵. 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 Direction⁶ have the right to appeal against the terms of this Direction to the Nottingham Magistrates Court. Further details of this right are set out in the explanatory notes accompanying this Direction.

⁵ Regulation 13(1)

⁶ 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.

- (c) If any persons affected by this Direction wish to exercise their right of appeal against this Direction, they should apply to the Nottingham 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:



**ANTHONY MAY
CHIEF EXECUTIVE**

An Officer authorised on behalf of Nottinghamshire County Council

Date: **25TH SEPTEMBER 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. ⁹The making of a direction will be published on the Council's website¹⁰.

- 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 imposition¹¹. 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 Nottinghamshire 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 Nottingham Magistrates Court are as follows: - Nottingham Magistrates' Court, Nottingham Justice Centre, Carrington Street, Nottingham, NG2 1EE (Email: - nt-pregeneral@Justice.gov.uk / Phone number:- 0115 955 8111).
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.

¹¹ 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 Nottinghamshire County Council for the Attention of **Andrew Penn, Team Manager, Enforcement**. Telephone queries should be made on the following number:- **0115 804 0272** and any email enquiries should be sent to andrew.penn@nottscc.gov.uk

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number NT443649

Edition date 05.12.2017

- This official copy shows the entries on the register of title on 25 SEP 2020 at 13:01:49.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 25 Sep 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Nottingham Office.

A: Property Register

This register describes the land and estate comprised in the title.

NOTTINGHAMSHIRE : BROXTOWE

- 1 (22.04.2008) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being The Queens Head, 34 Main Street, Kimberley, Nottingham (NG16 2LL).
- 2 (22.04.2008) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of of 2 St James Street dated 12 March 2004 made between (1) Hardys & Hanson P.L.C. and (2) Intikhab Hussain.

NOTE:-Copy filed under NT395080.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (29.04.2014) PROPRIETOR: MEIMEI HUANG of 34 Main Street, Kimberley, Nottingham NG16 2LL and of 12 Lincoln Road, London SE25 4HQ.
- 2 (29.04.2014) The price stated to have been paid on 21 March 2014 was £130,000 plus £23,400 VAT.
- 3 (29.04.2014) A Transfer of the land in this title dated 21 March 2014 made between (1) Greene King Retailing Limited and (2) Meimei Huang contains purchaser's personal covenants.

NOTE: Copy filed.

- 4 (07.04.2017) BANKRUPTCY NOTICE entered under section 86(2) of the Land Registration Act 2002 in respect of a pending action, as the title of the proprietor of the registered estate appears to be affected by a petition in bankruptcy against Meimei Huang presented in the County Court at Nottingham (Court Reference Number 24 of 2017) (Land Charges Reference Number PA 14739/17).

Title number NT443649

B: Proprietorship Register continued

5 (05.12.2017) BANKRUPTCY RESTRICTION entered under section 86(4) of the Land Registration Act 2002, as the title of the proprietor of the registered estate appears to be affected by a bankruptcy order made by the County Court at Nottingham (Court Reference Number 24 of 2017) against Meimei Huang (Land Charges Reference Number WO 46581/17).

No disposition of the registered estate is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as proprietor of the registered estate.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

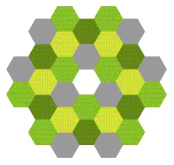
This official copy is issued on 25 September 2020 shows the state of this title plan on 25 September 2020 at 13:01:49. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. 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 the HM Land Registry, Nottingham Office .

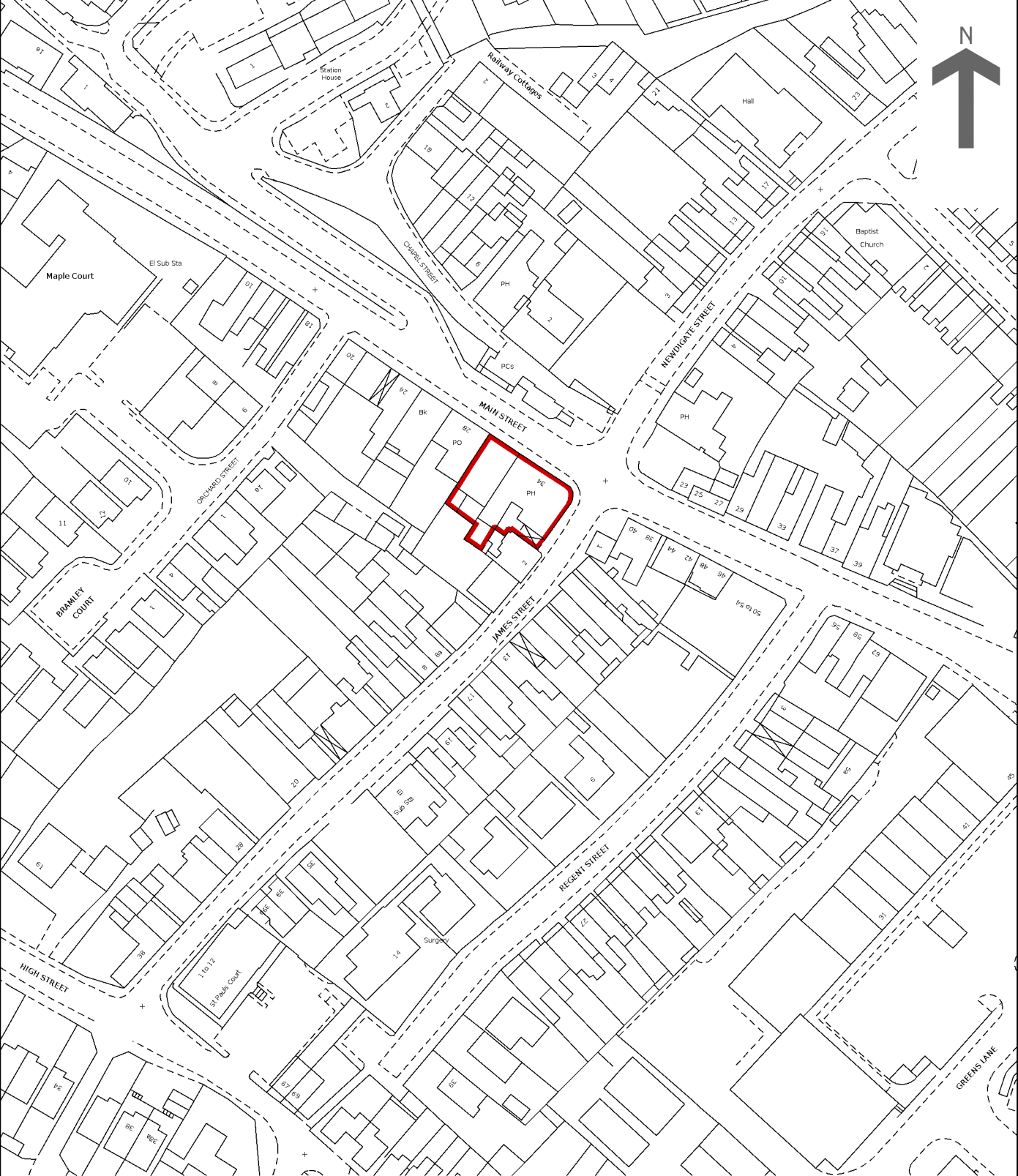
HM Land Registry

Official copy of title plan

Title number **NT443649**
Ordnance Survey map reference **SK4944NE**
Scale **1:1250**
Administrative area **Nottinghamshire :**
Broxtowe



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**IN THE MATTER OF THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND)
(NO. 3) REGULATIONS 2020**

(THE "REGULATIONS")

PUBLIC NOTICE REGARDING THE TEMPORARY CLOSURE OF PREMISES

1. Please take note that, with effect from *six pm (1800hrs) on the 25th September 2020* the **Queens Head 34 Main Street Kimberley NG162LL** is temporarily closed to members of the public.
2. Persons should not enter onto or remain at the premises unless they are acting in an official capacity.
3. This temporary closure is expected to last until **the 23rd October 2020 .6pm. (1800rs)** but it will be subject to **weekly reviews.**
4. Upon the advice of the Director of Public Health, Nottinghamshire County Council has served a temporary closure notice due to the Covid 19 risks presented at the relevant premises.
5. For the sake of good order, the direction should not be construed as any criticism of food hygiene or general cleanliness standards at the restaurant. This temporary closure relates exclusively to the management of Covid 19 risks.
6. 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*).
7. If you require further information regarding this notice or its effect, please contact the Trading Standards Department of Nottinghamshire County Council on *01158040272*

