

**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. Zinc Bar Ltd, Company Number 11649933 trading as Zinc, registered office 33-35 Central Avenue West Bridgford, Nottinghamshire NG25GQ
- b. Mr Ashraf Massadeh as Director of Zinc Bar Ltd, Company Number 11649933 and/ or manager of Zinc trading from 33-35 Central Avenue West Bridgford Nottinghamshire NG25GQ
- c. Black Lion Trading Company Limited Company Number 08880473, registered office 33-35 Central Avenue, West Bridgford, Nottingham, England NG25GQ a lease holder of the premises
- d. Mr Ashraf Massadeh as Director of the Black Lion Trading Company Limited Company Number 0880473, registered office 33-35 Central Avenue, West Bridgford, Nottingham, England NG25GQ

(the "Addressees")

Regarding the following premises:-

All that land and buildings known as Zinc, 33-35 and 35a first floor Central Avenue, West Bridgford, Nottinghamshire NG2 5GQ (which is shown on the attached registers hereinafter 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

UPON the Council having taken advice from the Director of Public Health regarding the coronavirus risks arising from ongoing activities at the Premises²; and

¹ Regulation 4(1)

² Regulation 2(4)

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 (where practicable) on *the 09th October 2020* 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.

³ Regulation 4(4)

⁴ Per Regulation 4(

- (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:-
- (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

The restrictions referred to in Paragraph 1 above shall take effect from the 9th October (09/10/20) at 6.00pm (1800hrs) six pm.

Review and Termination

Subject to periodical review(s) of the operation of this Direction, with the first review taking place not later than the 16th October 2020 the restrictions referred to in Paragraph 1 above shall continue until 6th November 2020 (06/11/20) at 6.00pm (1800hrs) six pm.

AND FURTHER TAKE NOTICE THAT: -

- (e). 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.

- (f). 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.
- (g) 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.
- (h) 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.
- (i) 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 9th October 2020

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.

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 Fiona Needham, Team Manager. Telephone queries should be made on the following number:- 0115 9773046 and any email enquiries should be sent to Fiona.needham1@nottscc.gov.uk.

The electronic official copy of the register follows this message.

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Official copy of register of title

Title number NT380558

Edition date 07.01.2015

- This official copy shows the entries on the register of title on 09 OCT 2020 at 10:27:49.
- 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 09 Oct 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. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

NOTTINGHAMSHIRE : RUSHCLIFFE

1 (26.02.2003) The Leasehold land shown edged with red on the plan of the above title filed at the Registry and being 33-35 Central Avenue, West Bridgford, Nottingham (NG2 5GQ).

NOTE: Only the ground floor is included in the title.

2 (26.02.2003) The mines and minerals are excepted.

3 (26.02.2003) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:

Date : 8 November 2002

Term : 25 years from 29/09/2002

Rent : as therein mentioned

Parties : (1) William John Preston, Peter John Preston and Susan Joan

Rowe

(2) Barry Winch and Naden Moothia

4 (26.02.2003) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.

5 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

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 (07.01.2015) PROPRIETOR: BLACK LION TRADING COMPANY LIMITED (Co. Regn. No. 08880473) of 55 Outram Street, Sutton-In-Ashfield NG17 4BG.
- 2 (07.01.2015) The price stated to have been paid on 4 December 2014 was £25,000.
- 3 (07.01.2015) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 4 (07.01.2015) The covenant implied under section 4(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 in the disposition to the proprietor is modified.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (14.05.2003) A Conveyance of the freehold estate of the land in this title and other land dated 28 October 1904 made between (1) Anthony Charles Sykes Abdy and John Henry Salter (2) Sir Horatio David Davies and (3) John Henry Mettam contains covenants details of which are set out in the Schedule hereto.

A Licence under Seal dated 14 February 1922 made between (1) Pimms Limited (Company) and (2) John Henry Mettam is expressed to release certain of the said covenants and contains a further restrictive covenant details of which are set out in the Schedule hereto.

- 2 (07.01.2015) Option Agreement to sell dated 4 December 2014 in favour of Clumber Bars Limited.

NOTE: Copy filed.

Schedule of restrictive covenants

- 1 (26.02.2003) The following are details of the covenants contained in the Conveyance dated 28 October 1904 referred to in the Charges Register:-

COVENANTS by the said John Henry Mettam with the said Sir Horatio David Davies his heirs and assigns and also as a separate covenant with the said Anthony Charles Sykes Abdy and John Henry Salter their heirs and assigns that he the said John Henry Mettam or the persons deriving title under him would forthwith erect and for ever thereafter maintain substantial close boundary fences or walls on the sides of piece of land thereby conveyed marked "T" within the boundary as shewn on the said Plan the walls between the Building lines and Central Avenue and Albert Road aforesaid to be not more than four feet and those in the rear of the said Building lines to be not less than four feet in height nor more than six feet And also would pull down the several premises shewn on the said Plan and marked "A" before the first day of January 1907 And also would not erect anything in advance of the said Building lines except fences And also would not erect on the said piece of land any other than private messuages or tenements with appropriate out-offices without the written consent of the said Sir Horatio David Davies or the persons claiming through or under him first obtained And also that each such message or dwellinghouse erected on the said piece of land abutting on Central Avenue and Albert Road should not be of less annual value than £30 and the said messuages or dwellinghouses should be erected in such positions and in accordance with plans elevations sections and specifications previously deposited with and submitted to and approved by the Surveyor for the time being of the said Sir Horatio David Davis And further that no buildings should be erected nearer to Central Avenue and Albert Road aforesaid than fifteen feet And that such dwellinghouses fronting to Central Avenue and Albert Road aforesaid should not be built with more than two in a Block And that the faces or fronts of any houses or buildings abutting on the said Roads should be built of stone or pressed or dressed bricks And also that he the said John Henry Mettam would not erect on the said piece of land or on any part thereof any shop hotel tavern or beerhouse

Schedule of restrictive covenants continued

public house or factory or carry on or permit to be carried on thereon any trade business or manufacture or allow any fixed or operative machinery to be erected placed or used upon the said piece of land And that no boards plates placards posters adverts or other indication of business should be placed upon any part of the premises without the written consent of the said Sir Horatio David Davies or the persons claiming through or under him first obtained And also would not set up any temporary erection or building other than such as might be convenient for the erection and completion of the buildings contemplated to be erected on the said piece of land or allow any booths shows swings roundabouts or other like constructions to be erected placed or used upon said piece of land And would not dig use or take from the said piece of land any clay or soil for the purpose of making bricks or tiles or for any other purpose except for making excavations necessary for the buildings and works aforesaid

NOTE: The 'T' mark referred to above affects the South Western boundary of the land in this title.

- 2 (26.02.2003) The following are details of the covenants contained in the Deed dated 14 February 1922 referred to in the Charges Register:-

The Company deed thereby grant license to the said John Henry Mettam his heirs and assigns and under tenants (1) to use the garages already erected on part of the land comprised in the Conveyance and marked B, C, D and E on the said plan as and for the storage of private motor-cars only with the exception of Garage marked E and coloured yellow on the said plan erected by Messrs. Wood and Beck on a piece of land comprised in the said Conveyance leased by the said John Henry Mettam to the said Wood and Beck which garage was then used as a working and repairing garage.

(2) To erect further private motor garages on the said land drawn on the said plan provided each such garage be erected in accordance with plans elevations sections and specifications previously deposited with and submitted to and approved of by the Company its successors in title or assigns and that no garage or any part thereof was erected nearer to either of the roads shown on the said plan than seventy feet.

NOTE: Copy plan filed.

End of register

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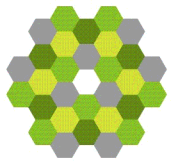
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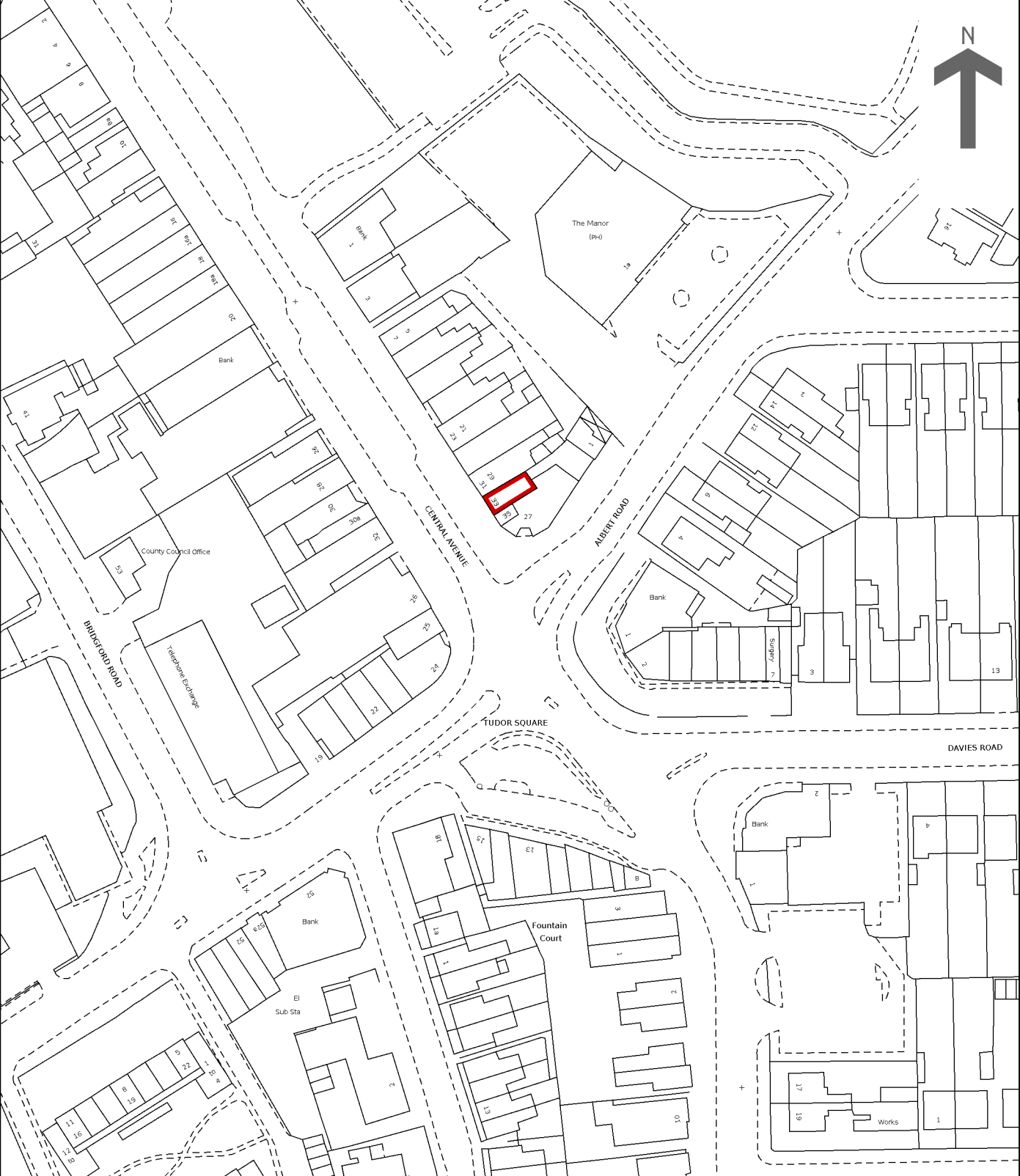
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Official copy of title plan

Title number **NT380558**
Ordnance Survey map reference **SK5837SE**
Scale **1:1250**
Administrative area **Nottinghamshire :**
Rushcliffe



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Title number NT406206

Edition date 09.01.2015

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- Issued on 09 Oct 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. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

NOTTINGHAMSHIRE : RUSHCLIFFE

- 1 (24.03.2005) The Leasehold land shown edged with red on the plan of the above title filed at the Registry and being 35a Central Avenue, West Bridgford, Nottingham (NG2 5GQ).

NOTE: Only the first floor is included in the title.

- 2 (24.03.2005) The mines and minerals are excepted.
- 3 (24.03.2005) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 Date : 15 November 2004
 Term : From 15 November 2004 to 28 September 2027
 Parties : (1) William John Preston and others
 (2) Barry Winch and Naden Moothia
- 4 (24.03.2005) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.
- 5 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.
- 6 (12.10.2007) By a Deed dated 29 June 2007 made between (1) William John Preston, Peter John Preston and Susan Joan Rowe (2) Barry Winch and Naden Moothia and (3) La Tasca Restaurants Limited the terms of the registered lease were varied.

NOTE: Copy Deed filed.

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 (07.01.2015) PROPRIETOR: BLACK LION TRADING COMPANY LIMITED (Co. Regn. No. 08880473) of 55 Outram Street, Sutton-In-Ashfield NG17 4BG.
- 2 (07.01.2015) The price stated to have been paid on 4 December 2014 was £25,000.
- 3 (07.01.2015) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 4 (07.01.2015) The covenant implied under section 4(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 in the disposition to the proprietor is modified.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (24.03.2005) A Conveyance of the freehold estate of the land in this title and other land dated 28 October 1904 made between (1) Anthony Charles Sykes Abdy and John Henry Salter (2) Sir Horatio David Davies and (3) John Henry Mettam contains covenants details of which are set out in the Schedule hereto.
- 2 (07.01.2015) Option Agreement to sell dated 4 December 2014 in favour of Clumber Bars Limited.

NOTE: Copy filed under NT380558.

Schedule of restrictive covenants

- 1 (24.03.2005) The following are details of the covenants contained in the Conveyance dated 28 October 1904 referred to in the Charges Register:-

COVENANTS by the said John Henry Mettam with the said Sir Horatio David Davies his heirs and assigns and also as a separate covenant with the said Anthony Charles Sykes Abdy and John Henry Salter their heirs and assigns that he the said John Henry Mettam or the persons deriving title under him would forthwith erect and for ever thereafter maintain substantial close boundary fences or walls on the sides of piece of land thereby conveyed marked "T" within the boundary as shewn on the said Plan the walls between the Building lines and Central Avenue and Albert Road aforesaid to be not more than four feet and those in the rear of the said Building lines to be not less than four feet in height nor more than six feet And also would not erect anything in advance of the said Building lines except fences And also would not erect on the said piece of land any other than private messuages or tenements with appropriate out-offices without the written consent of the said Sir Horatio David Davies or the persons claiming through or under him first obtained And also that each such message or dwellinghouse erected on the said piece of land abutting on Central Avenue and Albert Road should not be of less annual value than £30 and the said messuages or dwellinghouses should be erected in such positions and in accordance with plans elevations sections and specifications previously deposited with and submitted to and approved by the Surveyor for the time being of the said Sir Horatio David Davis And further that no buildings should be erected nearer to Central Avenue and Albert Road aforesaid than fifteen feet And that such dwellinghouses fronting to Central Avenue and Albert Road aforesaid should not be built with more than two in a Block And that the faces or fronts of any houses or buildings abutting on the said Roads should be built of stone or pressed or dressed bricks And also that he the said John Henry Mettam would not erect on the said piece of land or on any part thereof any shop hotel tavern or beerhouse public house or factory

Schedule of restrictive covenants continued

or carry on or permit to be carried on thereon any trade business or manufacture or allow any fixed or operative machinery to be erected placed or used upon the said piece of land And that no boards plates placards posters adverts or other indication of business should be placed upon any part of the premises without the written consent of the said Sir Horatio David Davies or the persons claiming through or under him first obtained And also would not set up any temporary erection or building other than such as might be convenient for the erection and completion of the buildings contemplated to be erected on the said piece of land or allow any booths shows swings roundabouts or other like constructions to be erected placed or used upon said piece of land And would not dig use or take from the said piece of land any clay or soil for the purpose of making bricks or tiles or for any other purpose except for making excavations necessary for the buildings and works aforesaid

NOTE: The 'T' mark referred to above does not affect the land in this title.

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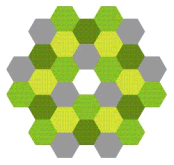
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Scale **1:1250**
Administrative area **Nottinghamshire :**
Rushcliffe



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