

**THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND)
(NO. 3) REGULATIONS 2020 (No.2020/750)¹, REGULATION 4(1)**

Direction No1

1. **Nottinghamshire County Council** (“the Authority”), in exercise of the powers conferred by regulation 4(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020² (“the No. 3 Regulations”), gives the following direction(s).
2. The Authority gives the following direction (“Direction No1”) below, having considered 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. The Authority has taken reasonable steps to give advance notice of this direction to Mr Luciano Cilibrizzi trading as Talking Heads Barbers who owns or occupies 155 Portland Road Hucknall, Nottingham NG157SB such advance notice being served on the 16th October 2020 at 14.33

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 NO1

Person and premises

4 Direction No1 is given to:-

(a) Mr Luciano Cilibrizzi trading as the Talking Heads Barbers

("the Addressee")

5. Direction No 1 is given in respect of:-

(a) 155 Portland Road, Hucknall, Nottingham, NG157SB] as identified on the attached plans ("the Premises").

Directed actions

6. Direction No1 requires the following:

a. Closure of the Premises;

Timing and duration of direction

7 Any actions required to put into effect the restrictions set out above must be undertaken by 6.00pm (18.00hrs) Friday the 16th October 2020 when the requirement to close the Premises comes into effect. The restrictions set out above have effect until 6.00pm (18.00hrs) the 13th November on which it will end.

8 In accordance with Regulation 2(2)(b) of the No. 3 Regulations, the Authority will review Direction No1 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.

[Optional] Grounds for Direction

9 Direction No1 is given on the basis that evidence was heard that the Addressee trades as a barbershop and is therefore a business engaged in close personal contact with members of the public. Despite this, it was readily apparent that there wasn't even the most basic form of virus protection in place for those using the premises. Amongst other things there was an absence of enforcement of:- social distancing, mask wearing, sanitiser, use of sanitiser, notices. Nor did the addressee understand the need for such requirements on the basis that the addressee produced documentation regarding Covid-19 being a conspiracy to local authority officers

Consequences of not meeting the requirements of the Direction

10 There may be consequences if Direction No1 is not complied with. For example, the Authority may issue a Prohibition Notice⁴ or Fixed Penalty Notice⁵ against you or may commence criminal proceedings against you

11 A person commits an offence if, without reasonable excuse, the person:⁶

- contravenes a direction under regulation 4(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.

12 If you believe that this direction should not have been issued, and/or it contains incorrect information, please inform Fiona Needham Trading Standards Fiona.needham1@nottsc.gov.uk setting out your reason(s).

13 You have a right to appeal against this direction to a magistrates' court by way of complaint for an order.⁷ 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.⁸

14 You also have the right to make representations to the Secretary of State about this direction.⁹ 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

⁴ See regulation 12(2) of the No. 3 Regulations.

⁵ See regulation 14(1) of the No. 3 Regulations

⁶ See regulation 13(1) of the No. 3 Regulations.

⁷ See regulation 4(9)(a) of the No. 3 Regulations.

⁸ 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.

⁹ See regulation 4(9)(b) of the No. 3 Regulations.

State must provide written reasons for the decision to the person who made the representations and to the Authority.

15 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 [code/number] listed at the top of this Direction;
- c. The link to this direction as noted in paragraph
- 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 No.3 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 2 of this direction;
- f. Any evidence which supports this contention; and
- g. What action you would like to be taken.

16 You are still required to comply with this direction pending the outcome of any appeal to the magistrates' court or the Secretary of State.

17 You may wish to obtain your own independent legal advice should you seek to pursue an appeal.

Additional powers and requirements that accompany this direction

Publication

18 This direction (and notice of revocation of this direction) is published on the Authority's website as required by the No. 3 Regulations.¹⁰
<https://www.nottinghamshire.gov.uk/>

19 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.

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

Notification

- 20** The Authority is required to notify 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 Regulations¹¹.
- 21** The Authority is required to notify the Secretary of State as soon as reasonably practicable after the direction is given.



Anthony May
Chief Executive
Nottinghamshire County Council

Dated the 16th October 2020

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

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 NT89350

Edition date 07.04.2020

- This official copy shows the entries on the register of title on 16 OCT 2020 at 14:00:30.
- 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 16 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.

NOTTINGHAMSHIRE : ASHFIELD

- 1 (10.05.1978) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 155 Portland Road, Hucknall, Nottingham (NG15 7SB).
- 2 The mines and minerals together with ancillary powers of working are excepted.
- 3 The Conveyance dated 5 May 1978 referred to in the Charges Register contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED that the wall dividing the property hereby conveyed from the adjoining property Number 157 Portland Road aforesaid is a party wall and maintainable accordingly and that all gutters eaves downspouts drains pipes cables and other easements or quasi-easements hitherto use or enjoyed by or over the property hereby conveyed over or by the said adjoining property or in common between the said two properties shall continue to be so used and enjoyed and where used in common shall henceforth be upheld and maintained as joint or party property"

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 (07.04.2020) PROPRIETOR: LUCIANO CILIBRIZZI of 4 St. Augustines Close, Nottingham NG7 7JY.
- 2 (07.04.2020) The price stated to have been paid on 6 March 2020 was £120,000.

Title number NT89350

C: Charges Register

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

- 1 The land is subject to the following rights reserved by a Conveyance of the land in this title dated 5 May 1978 made between (1) Annie Ivy Drury and (2) Nigel Earl White:-

"EXCEPT AND RESERVING unto the owners and occupiers of the adjoining properties Numbers 157 159 and 161 Portland Road aforesaid a right of way on foot only over the passageway leading from Portland Road and the right to use the portion of the common yard included in the property hereby conveyed for all usual and accustomed purposes"

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 16 October 2020 shows the state of this title plan on 16 October 2020 at 16:08:24. 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 .

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H.M. LAND REGISTRY		TITLE NUMBER	
		NT 89350	
ORDNANCE SURVEY PLAN REFERENCE	SK 5448	SECTION B	Scale 1/1250
COUNTY NOTTINGHAMSHIRE	DISTRICT ASHFIELD	© Crown copyright 1975	

