

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

**Direction No2**

- 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 2020<sup>2</sup> (“the No. 3 Regulations”), gives the following direction(s).
  
- 2.** The Authority gives the following direction (“Direction No2”) 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.<sup>3</sup>
  
- 3.** The Authority has taken reasonable steps to give advance notice of this direction to the Addressee at the Premises both of which are identified below such advance notice being served on the 12<sup>th</sup> November 2020.

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<sup>1</sup> SI 2020/750 accessed at <https://www.legislation.gov.uk/ukxi/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>

<sup>2</sup> 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).

<sup>3</sup> See regulation 2(1).

## **Direction No2**

### **Person and premises**

4 Direction No2 is given to:-

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

5. Direction No2 is given in respect of: -

- (a) All the land and buildings at the 155 Portland Road, Hucknall, Nottingham, NG157SB (hereinafter "the Premises") as identified in the register attached to Direction No2  
("the Premises").

### **Directed actions**

6. Direction No2 requires the following:

- a. Temporary 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 (1800hours) on Friday the 13<sup>th</sup> November 2020** when Direction No2 comes into effect. The restrictions set out above have effect until Friday the 11<sup>th</sup> December 2020 6.00pm (1800hours).

8 In accordance with Regulation 2(2)(b) of the No. 3 Regulations, the Authority will review Direction No2 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 Direction No2, it will either be revoked without replacement or revoked and replaced with another direction.

### **Grounds for Direction**

9 Direction No2 is given on the basis that: the Addressee was already subject to a direction under these regulations (Direction No1) to temporarily close. That requirement to close expires at 6.00pm (1800hrs) 13<sup>th</sup> November

2020. To date, Officers have been working with the Addressee to see whether enough measures can be put in place to offset risks identified. A meeting is arranged for the 16<sup>th</sup> November 2020. Having considered the available evidence and representations from the Director of Health it is concluded that until that meeting takes place previously identified risks remain.

- i. Rates of infection in Ashfield over the last 7 days are 386 cases, 301/100k. In Hucknall Town 23 cases – 245/100k.

### **Consequences of not meeting the requirements of the Direction**

**10** There may be consequences if Direction No2 is not complied with. For example, the Authority may issue a Prohibition Notice<sup>4</sup> or Fixed Penalty Notice<sup>5</sup> against you or may commence criminal proceedings against you

**11** A person commits an offence if, without reasonable excuse, the person:<sup>6</sup>

- 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 the specified point of contact Fiona Needham Trading Standards [Fiona.needham1@nottsc.gov.uk](mailto:Fiona.needham1@nottsc.gov.uk) setting out your reasons

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

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<sup>4</sup> See regulation 12(2) of the No. 3 Regulations.

<sup>5</sup> See regulation 14(1) of the No. 3 Regulations

<sup>6</sup> See regulation 13(1) of the No. 3 Regulations.

<sup>7</sup> See regulation 4(9)(a) of the No. 3 Regulations.

<sup>8</sup> 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.

**14** You also have the right to make representations to the Secretary of State about this direction.<sup>9</sup> 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.

**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](mailto: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. 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;
- 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) / paragraph 2 of this direction;
- e. Any evidence which supports this contention; and
- f. What action you would like to be taken.

**16** You are still required to comply with Direction No2 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** Direction No2 is published on the Authority's website as required by the No.3 Regulations.

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<sup>9</sup> See regulation 4(9)(b) of the No. 3 Regulations.

**19** Direction No2 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.

**Notification**

**20** The Authority is required to notify any *local authority, district council, area of a council in* whose area is adjacent to the initiating authority's area of this direction (and any revocation of the direction) by the No. 3 Regulations<sup>10</sup>.

**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  
An authorised officer on behalf of  
Nottinghamshire County Council

12<sup>th</sup> November 2020

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<sup>10</sup> See Regulation 11(1)(a) – (d) of the No. 3 Regulations

**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.

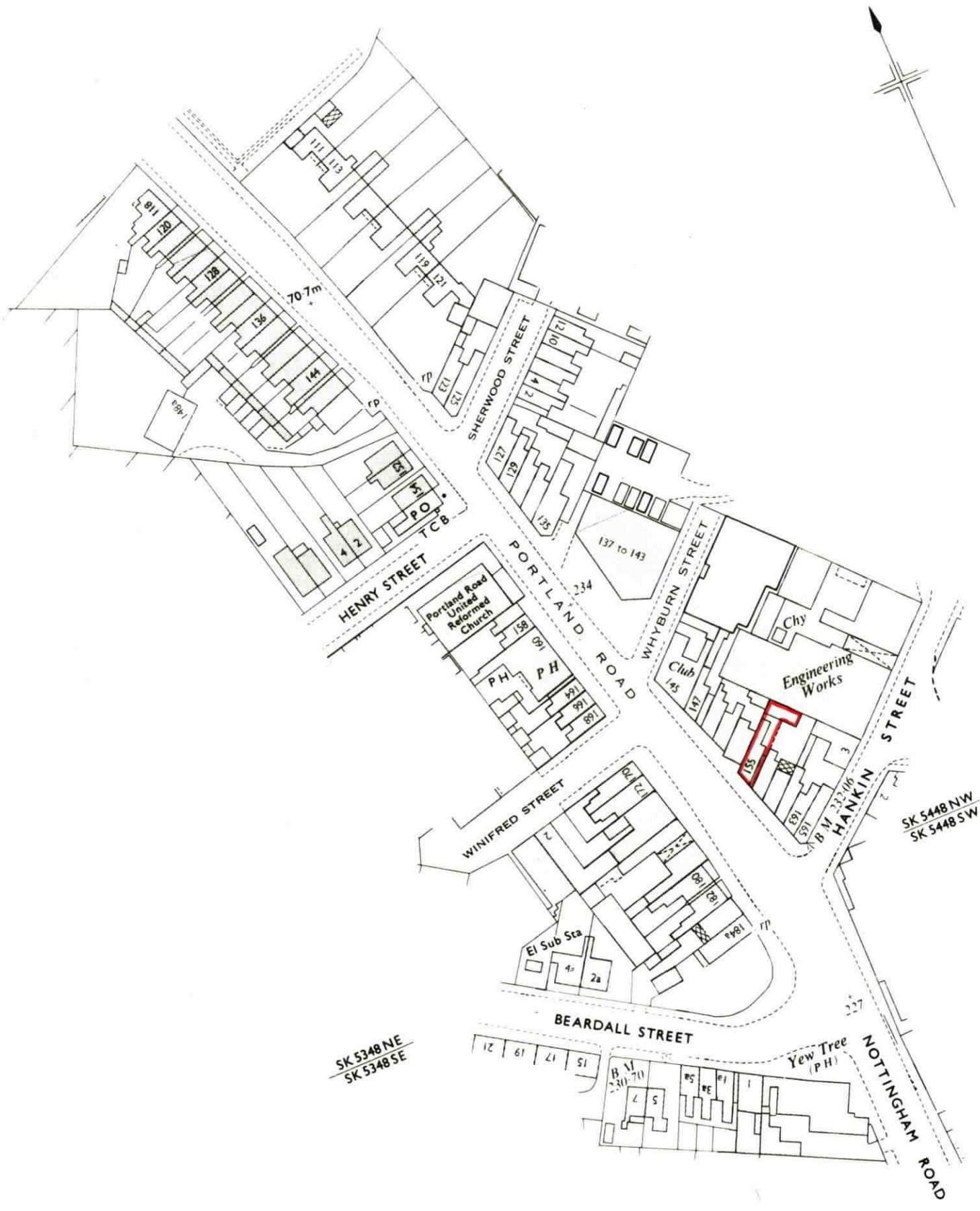
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

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	



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