

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

**Direction No3**

- 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 No3”) 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 to the Addressees as the Addressees are aware that Direction No2 was being reviewed within each 7 day period.

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<sup>1</sup> 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>

<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 No3

### Person and premises

- 4 Direction No3 is given to: -
- (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

("the Addressees")

5. Direction No3 is given in respect of: -

All the land and buildings at the Queens Head, 34 Main Street Kimberley, NG16 2LL (hereinafter "the Premises") as identified in the register attached to this Direction ("the Premises").

### Directed actions

6. Direction No3 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 20<sup>th</sup> November 2020** when Direction No3 comes into effect. The restrictions set out above have effect until Friday the 18<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 No3 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.

### **Grounds for Direction**

**9** Direction No3 is given on the basis that: the Addressees were already subject to a direction under these regulations (Direction No2) to temporarily close. That requirement to close expires at 6.00pm 20<sup>th</sup> November 2020. To date there remains several outstanding concerns. Officers from both Broxtowe District Council and the Council have worked with the Addressees to see whether enough measures can be put in place to offset risks identified. Having considered the available evidence and representations from the Director of Health, it is concluded that the Addressees have withdrawn cooperation all together from officers. Further whilst, of little relevance to the matters determined by this review, although possibly relevant in any subsequent review, it is understood that action has been taken to withdraw the Addressees licence and that is subject to an appeal period. Therefore, officers have been unable to assess whether the risks identified previously have since been remedied. In the absence of that confirmation it is concluded that the following risks remain:

- i. The layout of the premises remains a major concern in that there is insufficient control on entering and exiting premises and how that is to be managed safely.
- ii. Insufficient and inconsistent management practices to safeguard those attending the premises.
- iii. There remains a lack of proactivity by the Addressees to demonstrate ongoing regard to the regulations and its requirements in order to keep its patrons safe and therefore the wider community.
- iv. Rates of infection in Broxtowe are 281 cases in the last 7 days - 245/100k, and for Kimberley South, 33 cases in the last 7 days - 260/100k

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

**10** There may be consequences if Direction No3 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@nottscc.gov.uk](mailto:Fiona.needham1@nottscc.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>

**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.

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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.

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

**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 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 is published on the Authority's website as required by the No.3 Regulations.

**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.

#### **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>.

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

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

A handwritten signature in black ink, appearing to read 'A. May'.

Anthony May  
Chief Executive  
An authorised officer on behalf of  
Nottinghamshire County Council

18<sup>th</sup> November 2020

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.

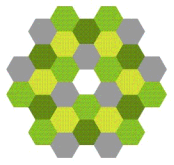
This official copy is issued on 25 September 2020 shows the state of this title plan on 25 September 2020 at 13:01:49. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries.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