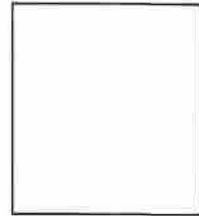




SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: Tuesday 23rd June 2020 – 1:30pm

Subject: Licensing Act 2003:
Review of a Premises Licence for:

Staffordshire Arms – 40 Sorby Street, Sheffield, S4 7LB

Author of Report: Jayne Gough

Summary: To consider an application for the **Review** of a premises licence under the Licensing Act 2003 submitted by South Yorkshire Police due to the premises operating in breach of the Health Protection (Coronavirus, Restrictions) Regulations 2020.

Recommendations: That members carefully consider the application for review along with any other representations made and take such steps that the Committee consider necessary for the promotion of the Licensing Objectives.

Background Papers: Attached documents

Category of Report: Open

HEAD OF LICENSING, TO THE LICENSING SUB COMMITTEE

LICENSING ACT 2003

Review of Premises Licence

Staffordshire Arms, 40 Sorby Street, Sheffield, S4 7LB

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to Staffordshire Arms, 40 Sorby Street, Sheffield, S4 7LB.

2.0 THE APPLICATION

- 2.1 The application was made by South Yorkshire Police on the 28th April 2020.
- 2.2 The grounds for the review are based on the following aspects of the 2003 Licensing Act objectives:-
- Prevention of Crime and Disorder
 - Public Safety
- 2.3 The application form and supporting evidence is attached at Appendix 'A' which details further the grounds for the review application.
- 2.4 A copy of the current premises licence is attached at Appendix 'B'.

3.0 REASONS FOR REFERRAL

- 3.1 The Government put in place emergency legislation and regulations in March to close certain premises under the ['Health Protection \(Coronavirus, Business Closure\) \(England\) Regulations 2020'](#). Businesses including pubs, cinemas, theatres and casinos were told to close from 2pm Saturday 21st March 2020.
- 3.2 Please note: these regulations have now been superseded by the ['Health Protection \(Coronavirus Restrictions\) \(England\) Regulations 2020'](#) and its amendment regulations on the [22nd April 2020](#), [13th May 2020](#) and the [1st June 2020](#).
- 3.3 These regulations were put in place by Government in its drive to reduce the spread of the coronavirus; protect the NHS and save lives. These regulations and subsequent amendments can be found at Appendix 'C'.
- 3.4 The licence has been referred back to the Licensing Sub-Committee by a Review application submitted by South Yorkshire Police on the grounds of the premises

licence holder breaching these regulations and undermining the Licensing Act 2003 core objectives.

3.5 During the representation period, the Licensing Authority has also received representations from the following Responsible Authorities and can be found at Appendix 'D':-

- a) Health Protection Service, Sheffield City Council
- b) Trading Standards, Sheffield City Council
- c) Department for Public Health, Sheffield City Council
- d) Licensing Authority, Sheffield City Council

3.6 The applicant, Premises Licence Holder and persons who made representations have all been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'E'.

3.7 The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific financial implications arising from this application. However additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

5.0 THE LEGAL POSITION

5.1 The Licensing Act 2003 at section 52(3) requires that the Licensing Authority must, having regard to the application and any relevant representations, take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

5.2 Section 52(4) states:

“The steps are –

- a) To modify the conditions of the licence;
- b) To exclude the licensable activity from the scope of the licence;
- c) To remove the designated premises supervisor;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence;

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted, or any new condition added.”

- 5.3 If members decide to take the steps referred to in (a) or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 5.4 The Licensing Act 2003 at section 52(11) states that:
- “A determination under this section does not have effect –
- a) until the end of the period given for appealing against the decision, or
 - b) if the decision is appealed against, until the appeal is disposed of.”
- 5.5 The Licensing Act 2003 at section 4(1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as: -
- a) the prevention of crime and disorder,
 - b) public safety,
 - c) the prevention of public nuisance,
 - d) the protection of children from harm.
- 5.6 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published Statement of Licensing Policy and any guidance issued by the Secretary of State under Section 182.

6.0 HEARINGS REGULATIONS

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'E'.
- 6.3 Attached at Appendix 'E' is the following: -
- a) a copy of the Notice of Hearing;
 - b) the rights of a party provided in Regulations 15 and 16;
 - c) the consequences if a party does not attend or is not represented at the hearing
 - d) the procedure to be followed at the hearing.

7.0 APPEALS

- 7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant; the holder of the premises licence and those making representations against decisions of the Licensing Authority to the Magistrates Court.

8.0 RECOMMENDATIONS

- 8.1 That members carefully consider the application for review along with any other representations made and take such steps as detailed in paragraph 5.2 above that the Committee consider necessary for the promotion of the Licensing Objectives.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1
- a) modify the conditions of the licence;
 - b) exclude a licensable activity from the scope of the licence;
 - c) remove the designated premises supervisor;
 - d) suspend the licence for a period not exceeding three months;
 - e) revoke the licence; or
 - f) reject the application for review.



Steve Lonnia,
Chief Licensing Officer, Head of Licensing
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot
Sheffield
S9 3HD.

23rd June 2020

Appendix A

Application and supporting evidence

Sheffield City Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I Catherine Jarvis, (for and on behalf of the Chief Constable, South Yorkshire Police)
apply for the review of a Premises licence under section 51 for the premises
described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description.

**Staffordshire Arms
40 Sorby Street
Burngreave**

Post town **Sheffield**

Post code (if known) **S4 7LB**

Name of premises licence holder or club holding club premises certificate (if known)

Mr Paul Greasby

Number of premises licence or club premises certificate (if known)

SY 5912 PER

Part 2 – Applicant details

I am

Please tick yes

1) an interested party (Please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of
the premises

c) a person involved in business in the vicinity of the
premises

d) a body representing persons involved in business
in the vicinity of the premises

2) a responsible authority (please complete (c) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

Please tick **yes**

I am 18 years old or over

Current address

Post Town Post Code

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address South Yorkshire Police Licensing Department Moss Way Police Station Moss Way Sheffield S20 7XX
Telephone number (if any) 0114 2523163 or 07584113579
E-mail (optional) Catherine.jarvis@southyorks.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes Y

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for the review (please read guidance note 1

A number of reports have been made into Police reporting the Staffordshire Arms is operating in breach of the Health Protection (Coronavirus, Restrictions) Regulations 2020

- 1. Namely that the Premise License Holder and DPS, Mr Paul Greasby, is in breach of the following named within the Regulations Operating a business listed in Schedule 2 (including pubs) offering sale of food or drink for consumption on the premises in breach of Reg 4(1)
- 2. The Reg 6 (as amended) also requires everyone to have a reasonable excuse for leaving and remaining outside of the place where they live. Police have received reports of customers attending the premises. Such customers are unlikely to have a reasonable excuse for being in the pub, putting them in breach of Reg 6. By remaining open, Mr Greasby is likely to have encouraged these breaches (which could amount to "encouraging an offence", an offence under Section 44 of the Serious Crime Act 2007).

Mr Greasby was initially spoken to about the reported breaches on 23/03/2020 by myself. He was fully aware of the law and its consequences. This was even more so after being served with a prohibition notice on 04/04/2020 for the premise.

Mr Greasby has continued to breach the new laws by having customers on his premise for the purposes of "On sales" of which a member of the public have provided video/audio and photographic evidence.

A further five reports have been made into Police reporting the same offences.

Please provide as much information as possible to support the application (please read guidance note 2)

21/03/2020 – Incident 738, report into police that the premise is still open and serving customers as normal

22/03/2020 – Incident 367, report into Police that customers are being let in through the back door.

23/03/2020 - Phone call out to Mr Greasby by myself to discuss the two above reports. He was spoken to at great length about the new Laws now in place and the consequences to him if he was caught in breach of said Laws. Mr Greasby appeared cagey and neither admitted or denied the reports.

24/03/2020 – Incident 485, report into Police that the pub is again open and people being let in through the rear doors.

02/04/2020 – Incident 469, report into Police that there are 10-15 people inside the premise drinking. The caller had Photo/Video and Audio evidence to back up the allegation.

(Evidence to be provided at a later date)

02/04/2020 – Police Officer Visit in relation to the above report. Mr Greasby was heavily in drink, there were several used glasses on a table inside the pub and two intoxicated males stood on the street nearby, but no one found inside. Mr Greasby advised the Officers he was fully aware of the new Laws and had not breached them. The Officers were then provided with the evidence from the caller. The evidence shows Mr Greasby in full breach.

03/04/2020 – Phone call out to the reporter of incident 469 02/04/2020. During this call I was advised that Mr Greasby is also the PLH and DPS at the Pitsmoor Hotel and was doing the same at that premise.

04/04/2020 - A Prohibition Notice was served on Mr Greasby by Officers on behalf of Sheffield City Council.

06/04/2020 - A letter to both Staffordshire Arms and the Pitsmoor Hotel were sent to Mr Greasby by the council again advising of the Laws and the consequences of failing to comply.

19/04/2020 – Online report into Police that the Premise is still operating on sales.

20/04/2020 – Officer visit. All in order at time of visit. Mr Greasby advised of the report against him and the consequences of a breach. It is believed the report had been generated due to Mr Greasby now selling beer as off sales. This is within the remit of the new laws. No breach on this occasion.

Although the below reports are in relation to a different premise, the "Pitsmoor Hotel", both are run by Mr Greasby and is relevant to the whole picture for the purposes of the Review.

19/04/2020 and 23/04/2020 – Two reports made into police from members of the public, in relation to Mr Greasby's second premise the "Pitsmoor Hotel", saying that customers have been seen entering the premise regularly. The main breaches occurred at lunchtimes and customers seen leaving intoxicated. The rear door is being used for entry and egress.

Special Constables arrived due to the later report and were refused entry. Officers have then arrived and entry gained. Upon a search of the premise, three persons were found to be hiding in the upstairs apartment concealed in wardrobes. These customers were found to have been drinking on the premise for beer served via the taps in the main bar. (Officer statements and Bodycam footage will be available) one is inside.

24/04/2020 – Prohibition notice served on Mr Greasby in relation to the Pitsmoor Hotel.

27/04/2020 – Incident 363, report into Police that members of the public have been seen leaving the premise with glasses of beer. Upon arrival of Officers, 24 minutes later, they were unable to find any evidence to support the report.

In conclusion, Mr Greasby has been fully aware of the new Laws and his responsibilities as a Premise License Holder for both businesses. He has had a blatant disregard to the law and despite numerous warnings has continued to breach them.

Please tick Y yes

Have you made an application for review relating to this premises before

NO

If yes please state the date of the application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them.

No representations have been made in the past

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if do not comply with the above requirements my application Will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



.....
Date **27/04/2020**

Capacity **Licensing Enforcement Officer, Sheffield, South Yorkshire Police**

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
if you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about the application.

Appendix B

Current Premises Licence

THE LICENSING ACT 2003



Premises Licence No: SY 1238 PR

ISSUE NO: 4.

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

PART 1 – Premises details

Staffordshire Arms
40 Sorby Street
Burngreave
Sheffield
S4 7LB

Telephone Number: 0114 272 1381

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:

1. Provision of regulated entertainment:

Films

Indoor Sporting Events

Live Music

Recorded Music

Performances of Dance

Indoors

Sunday to Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:30 hours the following day

When hours for the sale of alcohol are extended hereunder these hours are also extended.

2. Late Night Refreshment:

Indoors

Sunday to Thursday	23:00 to 24:00 hours
Friday	23:00 to 01:00 hours the following day
Saturday	23:00 to 01:30 hours the following day

When hours for the sale of alcohol are extended hereunder these hours are also extended.

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Paul Greasby



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal Licence Number: SY 5912 Per
Issuing Authority: Sheffield City Council

State whether access to the premises by children is restricted or prohibited:

Restricted

This Premises Licence shall be in force from the 24th November 2005

Issued on: 19th January 2006.

A handwritten signature in black ink that reads "Steve Lonnia".

.....
Steve Lonnia
Chief Licensing Officer
Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)

Sheffield City Council – For Office use only		
Variation of Premises Licence	No:	Issue Date:
Variation of DPS	No: 2	Issue Date: 17/02/2017
Transfer of Premises Licence	No: 1	Issue Date: 01/08/2013
Minor Variation	No:	Issue Date:
Change of Name/Address	No:1	Issue Date:

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Annex 1C - Mandatory Conditions effective from 1st October 2014:

- 1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.—(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

Annex 2 – Conditions consistent with the operating schedule

1. A permanent fixed residual current device (RCD) must protect the electrical power supply serving all amplified music equipment used for the purpose of live music and other entertainment.
2. When dancing is to take place on the premises in an area not previously approved for dancing by the Authority, at least 14 days notice must be given to Environment and Regulatory Services (Health Protection Service) and the Licensing Authority, identifying the area to be used which should be suitable and adequate in size as the designated dance floor for the intended use, and dancing must not take place in that area unless approved by the Authority.
3. Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority
4. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the Premises Licence.
5. Any person as defined in condition (1) will clearly display his/her name badge at all times whilst on duty.
6. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
7. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
8. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
9. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
10. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
11. Persons under the age of 16 who are not residents shall not be permitted to enter the premises after 21:00 hours.
12. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Annex 4 – Plans

Dwg No: 05-Staff-01
Date: June 05

LICENSING ACT 2003



Premises Licence Summary

ISSUE NO: 4.

The Sheffield City Council being the Licensing Authority under the above Act hereby issue this Premises Licence Summary in respect of:

Premises licence number **SY 1238 PR**

Staffordshire Arms
40 Sorby Street
Burngreave
Sheffield
S4 7LB

Telephone Number: 0114 272 1381

Licensable activities authorised by the licence:

1. Provision of regulated entertainment:

Films

Indoor Sporting Events

Live Music

Recorded Music

Performances of Dance

Indoors

Sunday to Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:30 hours the following day

When hours for the sale of alcohol are extended hereunder these hours are also extended.

2. Late Night Refreshment:

Indoors

Sunday to Thursday	23:00 to 24:00 hours
Friday	23:00 to 01:00 hours the following day
Saturday	23:00 to 01:30 hours the following day

When hours for the sale of alcohol are extended hereunder these hours are also extended.

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Paul Greasby

State whether access to the premises by children is restricted or prohibited:

Restricted

The Premises Licence shall be in force from 24th November 2005

Issued on: 19th January 2006.



.....
Steve Lonnia
Chief Licensing Officer
Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)

Appendix C

**Health Protection (Coronavirus, Business Closure)
(England) Regulations 2020**

**Health Protection (Coronavirus Restrictions)
(England) Regulations 2020**

Amendment Regulations - 22nd April 2020

Amendment Regulations - 13th May 2020

Amendment Regulations - 1st June 2020

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 327

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020

<i>Made</i>	- - - -	<i>at 2.00 p.m. on 21st March 2020</i>
<i>Laid before Parliament</i>		<i>23rd March 2020</i>
<i>Coming into force</i>	- -	<i>at 2.00 p.m. on 21st March 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 and come into force at 2.00 p.m. on 21st March 2020.

(2) These Regulations apply in relation to England only.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

Requirement to close premises and businesses during the emergency

2.—(1) A person who is responsible for carrying on a business which is listed in Part 1 of the Schedule must—

- (a) during the relevant period—
 - (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and
 - (ii) cease selling food or drink for consumption on its premises; or
- (b) if the business sells food or drink for consumption off the premises, cease selling food or drink for consumption on its premises during the relevant period.

(2) For the purposes of paragraph (1)(a), food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on its premises.

(3) For the purposes of paragraph (1)(a)(ii) and (b), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) to be treated as part of the premises of that business.

(4) A person responsible for carrying on a business which is listed in Part 2 of the Schedule must cease to carry on that business during the relevant period.

(5) If a business listed in the Schedule (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

(6) The Secretary of State must review the need for restrictions imposed by this regulation every 28 days, with the first review being carried out before the expiry of the period of 28 days starting with the day after the day on which these Regulations are made.

(7) As soon as the Secretary of State considers that the restrictions set out in this regulation are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England with the coronavirus, the Secretary of State must publish a direction terminating the relevant period.

(8) A direction published under paragraph (7) may terminate the relevant period in relation to some of the businesses listed in the Schedule, or all businesses listed in the Schedule.

(9) For the purposes of this regulation—

- (a) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- (b) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- (c) the “relevant period” starts when these Regulations come into force and ends on the day specified in a direction published by the Secretary of State under paragraph (7).

Offences and penalties

3.—(1) A person who, without reasonable excuse, contravenes regulation 2 commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(3) An offence under these Regulations is punishable on summary conviction by a fine.

(4) If an offence under paragraph (1) committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(5) In paragraph (4), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Enforcement of restrictions and prosecution

4.—(1) A person, designated by the Secretary of State, may take such action as is necessary to enforce a closure or restriction imposed by regulation 2.

(2) Proceedings for an offence under regulation 3 may be brought against any person designated by the Secretary of State.

Expiry

5.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

2:00 p.m. on 21st March 2020

Matt Hancock
Secretary of State for Health
Department for Health and Social Care

SCHEDULE

Regulation 2

Businesses that must close

PART 1

1. Restaurants, including restaurants and dining rooms in hotels or members clubs.
2. Cafes, including workplace canteens, but not including—
 - (a) cafes or canteens at a hospital, care home or school;
 - (b) canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence;
 - (c) services providing food or drink to the homeless.
3. Bars, including bars in hotels or members' clubs.
4. Public houses.

PART 2

5. Cinemas.
6. Theatres.
7. Nightclubs.
8. Bingo halls.
9. Concert halls.
10. Museums and galleries.
11. Casinos.
12. Betting shops.
13. Spas.
14. Massage parlours.
15. Indoor skating rinks.
16. Indoor fitness studios, gyms, swimming pools or other indoor leisure centres.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require the closure of businesses selling food or drink for consumption on the premises, and businesses listed in the Schedule, to protect against the risks to public health arising

from coronavirus. The closure lasts until a direction is given by the Secretary of State. The Secretary of State is required to keep the need for these restrictions under review every 28 days.

No impact assessment has been prepared for these Regulations.

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 350

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus,
Restrictions) (England) Regulations 2020**

<i>Made</i>	- - - -	<i>at 1.00 p.m. on 26th March 2020</i>
<i>Laid before Parliament</i>		<i>at 2.30 p.m. on 26th March 2020</i>
<i>Coming into force</i>	- -	<i>at 1.00 p.m. on 26th March 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and come into force at 1:00 p.m. on 26th March 2020.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

(a) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

- (b) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- (c) “vulnerable person” includes—
 - (i) any person aged 70 or older;
 - (ii) any person under 70 who has an underlying health condition, including but not limited to, the conditions listed in Schedule 1;
 - (iii) any person who is pregnant.

Revocation and saving

2.—(1) The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020⁽²⁾ (the “first Regulations”) are revoked.

(2) Notwithstanding the revocation of the first Regulations, they continue in force in relation to any offence committed under the first Regulations before these Regulations came into force.

(3) A designation made in exercise of powers conferred by regulation 4(1) and (2) of the first Regulations is to be treated as it had been made in the exercise of powers conferred by regulations 8(12)(a)(iv) and 11 of these Regulations.

The emergency period and review of need for restrictions

3.—(1) For the purposes of these Regulations, the “emergency period”—

- (a) starts when these Regulations come into force, and
- (b) ends in relation to a restriction or requirement imposed by these Regulations on the day and at the time specified in a direction published by the Secretary of State terminating the requirement or restriction.

(2) The Secretary of State must review the need for restrictions and requirements imposed by these Regulations at least once every 21 days, with the first review being carried out by 16th April 2020.

(3) As soon as the Secretary of State considers that any restrictions or requirements set out in these Regulations are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England with the coronavirus, the Secretary of State must publish a direction terminating that restriction or requirement.

(4) A direction published under this regulation may—

- (a) terminate any one or more requirement or restriction;
- (b) terminate a requirement or restriction in relation to a specified business or service or a specified description of business or service.

(5) In this regulation, “specified” means specified in a direction published under this regulation.

Requirement to close premises and businesses during the emergency

4.—(1) A person responsible for carrying on a business which is listed in Part 1 of Schedule 2 must—

- (a) during the emergency period—
 - (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and
 - (ii) cease selling food or drink for consumption on its premises; or

⁽²⁾ S.I. 2020/327.

- (b) if the business sells food or drink for consumption off the premises, cease selling food or drink for consumption on its premises during the emergency period.
- (2) For the purposes of paragraph (1)(a), food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on its premises.
- (3) For the purposes of paragraph (1)(a)(ii) and (b), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.
- (4) A person responsible for carrying on a business or providing a service which is listed in Part 2 of Schedule 2 must cease to carry on that business or to provide that service during the emergency period.
- (5) Paragraph (4) does not prevent the use of—
 - (a) premises used for the businesses or services listed in paragraphs 5, 6, 8, 9 or 10 of that Part to broadcast a performance to people outside the premises, whether over the internet or as part of a radio or television broadcast;
 - (b) any suitable premises used for the businesses or services listed in that Schedule to host blood donation sessions.
- (6) If a business listed in Part 1 or 2 of Schedule 2 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

Further restrictions and closures during the emergency period

5.—(1) A person responsible for carrying on a business, not listed in Part 3 of Schedule 2, of offering goods for sale or for hire in a shop, or providing library services must, during the emergency period—

- (a) cease to carry on that business or provide that service except by making deliveries or otherwise providing services in response to orders received—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including orders by text message, or
 - (iii) by post;
 - (b) close any premises which are not required to carry out its business or provide its services as permitted by sub-paragraph (a);
 - (c) cease to admit any person to its premises who is not required to carry on its business or provide its service as permitted by sub-paragraph (a).
- (2) Paragraph (1) does not apply to any business which provides hot or cold food for consumption off the premises.
- (3) Subject to paragraph (4), a person responsible for carrying on a business consisting of the provision of holiday accommodation, whether in a hotel, hostel, bed and breakfast accommodation, holiday apartment, home, cottage or bungalow, campsite, caravan park or boarding house, must cease to carry on that business during the emergency period.
- (4) A person referred to in paragraph (3) may continue to carry on their business and keep any premises used in that business open—
- (a) to provide accommodation for any person, who—
 - (i) is unable to return to their main residence;
 - (ii) uses that accommodation as their main residence;
 - (iii) needs accommodation while moving house;

- (iv) needs accommodation to attend a funeral;
 - (b) to provide accommodation or support services for the homeless,
 - (c) to host blood donation sessions, or
 - (d) for any purpose requested by the Secretary of State, or a local authority.
- (5) A person who is responsible for a place of worship must ensure that, during the emergency period, the place of worship is closed, except for uses permitted in paragraph (6).
- (6) A place of worship may be used—
- (a) for funerals,
 - (b) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast, or
 - (c) to provide essential voluntary services or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency).
- (7) A person who is responsible for a community centre must ensure that, during the emergency period, the community centre is closed except where it is used to provide essential voluntary activities or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency).
- (8) A person who is responsible for a crematorium or burial ground must ensure that, during the emergency period, the crematorium is closed to members of the public, except for funerals or burials.
- (9) If a business referred to in paragraph (1) or (3) (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) or (3) to cease to carry on its business if it ceases to carry on business A.

Restrictions on movement

6.—(1) During the emergency period, no person may leave the place where they are living without reasonable excuse.

- (2) For the purposes of paragraph (1), a reasonable excuse includes the need—
- (a) to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household) or for vulnerable persons and supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person, or to obtain money, including from any business listed in Part 3 of Schedule 2;
 - (b) to take exercise either alone or with other members of their household;
 - (c) to seek medical assistance, including to access any of the services referred to in paragraph 37 or 38 of Schedule 2;
 - (d) to provide care or assistance, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006⁽³⁾, to a vulnerable person, or to provide emergency assistance;
 - (e) to donate blood;
 - (f) to travel for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living;
 - (g) to attend a funeral of—

(3) 2006 c. 47, Sub-paragraph (3B) was substituted, with sub-paragraphs (1), (3) and (3A) to (3E) for sub-paragraphs (1) to (3) by s. 66(2) of the Protection of Freedoms Act 2012 (c. 9).

- (i) a member of the person's household,
- (ii) a close family member, or
- (iii) if no-one within sub-paragraphs (i) or (ii) are attending, a friend;
- (h) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (i) to access critical public services, including—
 - (i) childcare or educational facilities (where these are still available to a child in relation to whom that person is the parent, or has parental responsibility for, or care of the child);
 - (ii) social services;
 - (iii) services provided by the Department of Work and Pensions;
 - (iv) services provided to victims (such as victims of crime);
- (j) in relation to children who do not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, "parent" includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
- (k) in the case of a minister of religion or worship leader, to go to their place of worship;
- (l) to move house where reasonably necessary;
- (m) to avoid injury or illness or to escape a risk of harm.

(3) For the purposes of paragraph (1), the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(4) Paragraph (1) does not apply to any person who is homeless.

Restrictions on gatherings

7. During the emergency period, no person may participate in a gathering in a public place of more than two people except—

- (a) where all the persons in the gathering are members of the same household,
- (b) where the gathering is essential for work purposes,
- (c) to attend a funeral,
- (d) where reasonably necessary—
 - (i) to facilitate a house move,
 - (ii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006,
 - (iii) to provide emergency assistance, or
 - (iv) to participate in legal proceedings or fulfil a legal obligation.

Enforcement of requirement

8.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by regulation 4, 5 or 7.

(2) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in regulation 4 or 5, and
 - (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.
- (3) Where a relevant person considers that a person is outside the place where they are living in contravention of regulation 6(1), the relevant person may—
- (a) direct that person to return to the place where they are living, or
 - (b) remove that person to the place where they are living.
- (4) A relevant person exercising the power in paragraph (3)(b) to remove a person to the place where they are living, may use reasonable force, if necessary, in the exercise of the power.
- (5) Where the person outside the place where they are living without reasonable excuse is a child accompanied by an individual who has responsibility for the child—
- (a) the relevant person may direct that individual to take the child to the place where they are living, and
 - (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.
- (6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 6(1), the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.
- (7) For the purposes of this regulation, an individual has responsibility for a child if the individual—
- (a) has custody or charge of the child for the time being, or
 - (b) has parental responsibility for the child (within the meaning of the Children Act 1989(4)).
- (8) A relevant person may only exercise the power in paragraph (3), (5) or (6) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement.
- (9) Where a relevant person considers that three or more people are gathered together in contravention of regulation 7, the relevant person may—
- (a) direct the gathering to disperse;
 - (b) direct any person in the gathering to return to the place where they are living;
 - (c) remove any person in the gathering to the place where they are living.
- (10) Paragraphs (4), (5), (6), (7) and (8) of this regulation apply to the exercise of a power under paragraph (9), as they apply to the exercise of a power under paragraph (3).
- (11) A relevant person exercising a power under paragraph (3), (5), (6) or (9) may give the person concerned any reasonable instructions they consider to be necessary.
- (12) For the purposes of this regulation—
- (a) a “relevant person” means—
 - (i) a constable,
 - (ii) a police community support officer,
 - (iii) subject to paragraph (13), a person designated by a local authority for the purposes of this regulation, or
 - (iv) a person designated by the Secretary of State for the purposes of this regulation;

(4) 1989 c. 41. The term is defined in s 3

(b) references to a requirement include references to a restriction.

(13) A local authority may only designate a person for the purposes of this regulation in relation to a requirement in regulation 4 or 5.

Offences and penalties

9.—(1) A person who—

(a) without reasonable excuse contravenes a requirement in regulation 4, 5, 7 or 8, or

(b) contravenes a requirement in regulation 6,

commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction given under regulation 8, or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 8, commits an offence.

(4) An offence under this regulation is punishable on summary conviction by a fine.

(5) If an offence under this regulation committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer of the body, or

(b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(6) In paragraph (5), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(7) Section 24 of the Police and Criminal Evidence Act 1984⁽⁵⁾ applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

(a) to maintain public health;

(b) to maintain public order.

(8) For the purposes of this regulation, references to a requirement include references to a restriction.

Fixed penalty notices

10.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

(a) has committed an offence under these Regulations;

(b) is over the age of 18.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.

(3) The local authority specified in the notice must be the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”).

(4) Where a person is issued with a notice under this regulation in respect of an offence—

(5) 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (5) A fixed penalty notice must—
- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
 - (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence;
 - (c) specify the amount of the fixed penalty;
 - (d) state the name and address of the person to whom the fixed penalty may be paid;
 - (e) specify permissible methods of payment.
- (6) The amount specified under paragraph (5)(c) must, subject to paragraph (7), be £60.
- (7) (a) Unless sub-paragraph (b) applies, a fixed penalty notice must specify that if £30 is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty;
- (b) if the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—
 - (i) sub-paragraph (a) does not apply, and
 - (ii) the amount specified as the fixed penalty is to be—
 - (aa) in the case of the second fixed penalty notice received, £120;
 - (bb) in the case of the third and subsequent fixed penalty notice received, double the amount specified in the last fixed penalty notice received by that person, to a maximum of £960.
- (8) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (9) Where a letter is sent as mentioned in paragraph (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) In any proceedings, a certificate—
- (a) that purports to be signed by or on behalf of the chief finance officer of the local authority concerned, and
 - (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,
- is evidence of the facts stated.
- (11) In this regulation—
- (a) “authorised person” means—
 - (i) a constable;
 - (ii) a police community support officer;
 - (iii) a person designated by the Secretary of State for the purposes of this regulation;
 - (iv) subject to paragraph (12), a person designated by the relevant local authority for the purposes of this regulation;
 - (b) a “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

(12) The relevant local authority may only designate a person for the purposes of this regulation to issue fixed penalty notices where the alleged offence relates to the contravention of a requirement or restriction in regulation 4 or 5.

Prosecutions

11. Proceedings for an offence under these Regulations may be brought by the Crown Prosecution Service and any person designated by the Secretary of State.

Expiry

12.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

At 1:00 p.m. on 26th March 2020

Matt Hancock
Secretary of State for Health
Department for Health and Social Care

SCHEDULE 1

Regulation 1

Underlying Medical Conditions

1. Chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis.
2. Chronic heart disease, such as heart failure.
3. Chronic kidney disease.
4. Chronic liver disease, such as hepatitis.
5. Chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy.
6. Diabetes.
7. Problems with the spleen, such as sickle cell disease or removal of the spleen.
8. A weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy.
9. Being seriously overweight, with a body mass index of 40 or above.

SCHEDULE 2

Regulations 4 and 5

Businesses subject to restrictions or closure

PART 1

1. Restaurants, including restaurants and dining rooms in hotels or members' clubs.
- 2.—(1) Cafes, including workplace canteens (subject to sub-paragraph (2)), but not including—
 - (a) cafes or canteens at a hospital, care home or school;
 - (b) canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence;
 - (c) services providing food or drink to the homeless.(2) Workplace canteens may remain open where there is no practical alternative for staff at that workplace to obtain food.
3. Bars, including bars in hotels or members' clubs.
4. Public houses.

PART 2

5. Cinemas.
6. Theatres.
7. Nightclubs.
8. Bingo halls.

9. Concert halls.
10. Museums and galleries.
11. Casinos.
12. Betting shops.
13. Spas.
14. Nail, beauty, hair salons and barbers.
15. Massage parlours.
16. Tattoo and piercing parlours.
17. Skating rinks.
18. Indoor fitness studios, gyms, swimming pools, bowling alleys, amusement arcades or soft play areas or other indoor leisure centres or facilities.
19. Funfairs (whether outdoors or indoors).
20. Playgrounds, sports courts and outdoor gyms.
21. Outdoor markets (except for stalls selling food).
22. Car showrooms.
23. Auction Houses.

PART 3

24. Food retailers, including food markets, supermarkets, convenience stores and corner shops.
25. Off licenses and licensed shops selling alcohol (including breweries).
26. Pharmacies (including non-dispensing pharmacies) and chemists.
27. Newsagents.
28. Homeware, building supplies and hardware stores.
29. Petrol stations.
30. Car repair and MOT services.
31. Bicycle shops.
32. Taxi or vehicle hire businesses.
33. Banks, building societies, credit unions, short term loan providers and cash points.
34. Post offices.
35. Funeral directors.
36. Laundrettes and dry cleaners.
37. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.
38. Veterinary surgeons and pet shops.
39. Agricultural supplies shop.

Status: This is the original version (as it was originally made).

40. Storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this Part.

41. Car parks.

42. Public toilets.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require the closure of businesses selling food or drink for consumption on the premises, and businesses listed in Part 2 of Schedule 2, to protect against the risks to public health arising from coronavirus, except for limited permitted uses. Restrictions are imposed on businesses listed in Part 3 of Schedule 2, which are permitted to remain open. The Regulations also prohibit anyone leaving the place where they live without reasonable excuse, and ban public gatherings of more than two people. The closures and restrictions last until they are terminated by a direction given by the Secretary of State.

The need for these restrictions must be reviewed by the Secretary of State every 21 days, with the first review taking place by 15th April 2020.

No impact assessment has been prepared for these Regulations.

This Statutory Instrument corrects errors in the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350) and is being issued free of charge to all known recipients of that Statutory Instrument.

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 447

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020

<i>Made</i>	- - - -	<i>21st April 2020</i> <i>at 12.30 p.m. on</i>
<i>Laid before Parliament</i>		<i>22nd April 2020</i> <i>at 11.00 a.m. on</i>
<i>Coming into force</i>	- -	<i>22nd April 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020 and come into force at 11.00 a.m. on 22nd April 2020.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

Amendment of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020⁽²⁾ are amended as follows.

(2) In regulation 3, after paragraph (4), insert—

“(4A) Section 16 of the Interpretation Act 1978⁽³⁾ applies in relation to the termination of a restriction or requirement by a direction as it applies in relation to the repeal of an enactment.”.

(3) In regulation 5—

(a) in paragraph (8)—

(i) at the beginning, insert “Subject to paragraph (8A),”;

(ii) omit “or burial ground”;

(b) after paragraph (8), insert—

“(8A) Paragraph (8) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.”.

(4) In regulation 6—

(a) in paragraph (1), after “leave” insert “or be outside of”;

(b) in paragraph (2)—

(i) in sub-paragraph (a), omit “or to obtain money,”;

(ii) after sub-paragraph (a), insert—

“(aa) to obtain money from or deposit money with any business listed in paragraphs 33 or 34 of Schedule 2;”;

(iii) after sub-paragraph (g), insert—

“(ga) to visit a burial ground or garden of remembrance, to pay respects to a member of the person’s household, a family member or friend;”;

(iv) in sub-paragraph (i)(iii), for “Department of Work” substitute “Department for Work”.

(5) In regulation 8—

(a) in paragraph (5)(a), for “they are” substitute “the child is”;

(b) for paragraph (10), substitute—

“(10) A relevant person exercising the power in paragraph (9)(c) to remove a person in a gathering to a place where they are living may use reasonable force, if necessary, in exercise of the power.

(10A) Where a person who is in a gathering in contravention of regulation 7 is a child accompanied by an individual who has responsibility for the child—

(a) the relevant person may direct that individual to take the child to the place where the child is living, and

(b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

⁽²⁾ S.I. 2020/350.

⁽³⁾ 1978 c. 30.

(10B) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 7, the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.

(10C) A relevant person may only exercise the power in paragraph (9), (10A) or (10B) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the restriction in regulation 7.”;

(c) in paragraph (11), for “or (9)” substitute “, (9), (10A) or (10B)”.

(6) In regulation 10—

(a) in paragraph (1)(b), for “over the age of 18” substitute “aged 18 or over”;

(b) in paragraph (2), for “a local” substitute “an”;

(c) for paragraph (3), substitute—

“(3) The authority specified in the notice must be—

(a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or

(b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).”;

(d) in paragraph (10), for sub-paragraph (a), substitute—

“(a) that purports to be signed by or on behalf of—

(i) the chief finance officer of the relevant local authority, where the authority to which payment is made is a local authority, or

(ii) the designated officer, where that officer is the authority to which payment is made; and”;

(e) in paragraph (11), after sub-paragraph (b), insert—

“(c) references to a “local authority” include references to a county council.”.

(7) In Schedule 2—

(a) in paragraph 20, for “and outdoor gyms” substitute “, outdoor gyms and outdoor swimming pools”;

(b) in paragraph 21, after “except for” insert “livestock markets and”;

(c) in paragraph 23, at the end, insert “(except for livestock auctions)”;

(d) for paragraph 33, substitute—

“**33.** The following businesses—

(a) banks,

(b) building societies,

(c) credit unions,

(d) short term loan providers,

(e) savings clubs,

(f) cash points, and

(g) undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

21st April 2020

Matt Hancock
Secretary of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. Regulation 3 is amended to ensure that the saving provisions made in section 16 of the Interpretation Act 1978 (c. 30) apply to the termination of a restriction or requirement by direction. Regulation 6 is amended to clarify that under regulation 6(1), the prohibition applies both to leaving the place where a person is living without reasonable excuse, and also to staying outside that place without reasonable excuse. The Regulations also clarify the application of enforcement provisions in regulation 8, permit payment of fixed penalties following the issue of a fixed penalty notice under regulation 10 to be made to an officer designated by the Secretary of State or by a local authority (including a county council), amend the list of businesses in Part 2 and Part 3 of Schedule 2 and make other minor amendments.

A full regulatory impact assessment has not been prepared for these Regulations.

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 500

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020

<i>Made</i>	- - - -	<i>12th May 2020</i>
		<i>at 9.30 a.m. on 13th</i>
<i>Laid before Parliament</i>		<i>May 2020</i>
<i>Coming into force</i>	- -	<i>13th May 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020 and come into force on 13th May 2020.

Amendment of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020(2) are amended as follows.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

(2) S.I. 2020/350, amended by S.I. 2020/447.

- (2) In regulation 5(4), after sub-paragraph (a), insert—
- “(aa) to provide accommodation for any person—
- (i) who works in one of the critical sectors listed in the guidance titled “Guidance for critical workers who can access schools or educational settings” published by the Cabinet Office and the Department for Education and updated on 5th May 2020(3), and
 - (ii) whose need for accommodation is connected to their work;”.
- (3) In regulation 6—
- (a) in paragraph (2)—
- (i) after sub-paragraph (aa), insert—

“(ab) to collect goods which have been ordered from a business in any way permitted under regulation 5(1)(a);”;
 - (ii) for sub-paragraph (b), substitute—

“(b) to take exercise—

 - (i) alone,
 - (ii) with one or more members of their household, or
 - (iii) with one member of another household;”;
 - (iii) after sub-paragraph (b), insert—

“(ba) to visit a public open space for the purposes of open-air recreation to promote their physical or mental health or emotional wellbeing—

 - (i) alone,
 - (ii) with one or more members of their household, or
 - (iii) with one member of another household;”;
 - (iv) in sub-paragraph (f), omit the words “travel for the purposes of”;
 - (v) for sub-paragraph (l), substitute—

“(l) to undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—

 - (i) visiting estate or letting agents, developer sales offices or show homes;
 - (ii) viewing residential properties to look for a property to buy or rent;
 - (iii) preparing a residential property to move in;
 - (iv) moving home;
 - (v) visiting a residential property to undertake any activities required for the rental or sale of that property;”;
 - (vi) after sub-paragraph (m), insert—

“(n) to use a waste or recycling centre.”;

(b) after paragraph (4), insert—

“(5) For the purposes of paragraph (2)(ba), “public open space” includes—

(3) The guidance is published at: <https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>. A hard copy of the guidance can be obtained from the Cabinet Office, 70 Whitehall, London SW1A 2AS.

- (a) land laid out as a public garden or used for the purpose of recreation by members of the public;
 - (b) land which is “open country” as defined in section 59(2) of the National Parks and Access to the Countryside Act 1949(4), as read with section 16 of the Countryside Act 1968(5);
 - (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000(6) (see section 1(1) of that Act(7)).”.
- (4) In regulation 10—
- (a) in paragraph (6), for “£60” substitute “£100”;
 - (b) in paragraph (7)—
 - (i) in sub-paragraph (a), for “£30”, substitute “£50”;
 - (ii) in sub-paragraph (b)(ii)—
 - (aa) in sub-paragraph (aa), for “£120” substitute “£200”;
 - (bb) for sub-paragraph (bb), substitute—
 - “(bb) in the case of the third fixed penalty notice received, £400;
 - (cc) in the case of the fourth fixed penalty notice received, £800;
 - (dd) in the case of the fifth fixed penalty notice received, £1,600;
 - (ee) in the case of the sixth and subsequent fixed penalty notices, £3,200.”.
- (5) In Schedule 2—
- (a) in paragraph 20, after “Playgrounds,” insert “indoor”;
 - (b) after paragraph 42, insert—
 - “43. Garden centres.
 - 44. Outdoor sports courts.”.

Savings

3. Regulations 9 and 10 of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before these Regulations came into force as if the amendments set out in regulation 2 had not been made.

(4) 1949 c. 97.

(5) 1968 c. 41. Section 16 has been amended by section 111 of the Transport Act 1968 (c. 73), Schedule 27 to the Water Act 1989 (c. 15) and S.I. 2012/1659. There are other amendments to section 16 which are not relevant to this instrument.

(6) 2000 c. 37.

(7) The definition of “access land” has been amended by section 303(2) of and Part 7 of Schedule 22 to, the Marine and Coastal Access Act 2009 (c. 23).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

12th May 2020

Matt Hancock
Secretary of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350). Regulation 5 is amended to clarify the circumstances in which hotels may provide accommodation to “key workers”. Regulation 6 is amended to extend the list of reasonable excuses for which express provision is made, including permitting people to leave their homes to visit public open spaces for open-air recreation with members of their households, and to permit people to exercise or engage in open-air recreation with one member of another household. Regulation 10 is amended to increase the fines which may be imposed by fixed penalty notice. Garden centres and outdoor sports courts are added to the list of businesses which may remain open by an amendment to Schedule 2.

A full regulatory impact assessment has not been prepared for these Regulations.

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 558

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Restrictions)
(England) (Amendment) (No. 3) Regulations 2020**

<i>Made</i>	- - - -	<i>31st May 2020</i>
		<i>at 11.30 a.m. on 1st</i>
<i>Laid before Parliament</i>		<i>June 2020</i>
<i>Coming into force</i>	- -	<i>1st June 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020.

(2) They come into force on 1st June 2020.

(1) 1984 c. 22, Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

Amendment of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020⁽²⁾ are amended as follows.

(2) In regulation 1—

(a) in paragraph (3)—

(i) before sub-paragraph (a), insert—

“(za) “childcare” has the same meaning as in section 18 of the Childcare Act 2006⁽³⁾, and “early years childcare” is childcare provided for a child who is a young child within the meaning of section 19 of that Act;”;

(ii) after sub-paragraph (a), insert—

“(aa) “elite athlete” means an individual who—

(i) derives a living from competing in a sport,

(ii) is a senior representative nominated by a relevant sporting body,

(iii) is a member of the senior training squad for a relevant sporting body, or

(iv) is aged 16 or above and on an elite development pathway;

(ab) references to a “parent” of a child include any person who is not a parent of the child but who has parental responsibility for, or who has care of, the child, and for these purposes, a “child” is a person under the age of 18;”;

(b) after paragraph (3), insert—

“(4) For the purposes of the definition of “elite athlete”, in paragraph (3)—

(a) “elite development pathway” means a development pathway established by the national governing body of a sport to prepare athletes—

(i) so that they may derive a living from competing in that sport, or

(ii) to compete at that sport at the Tokyo or Beijing Olympic or Paralympic Games, or, if that sport is not part of the Tokyo Olympic and Paralympic Games programme, in the Commonwealth Games to be held in Birmingham;

(b) “relevant sporting body” means the national governing body of a sport which may nominate athletes to represent—

(i) Great Britain and Northern Ireland at the Tokyo or Beijing Olympic or Paralympic Games, or

(ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme;

(c) “senior representative” means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete on behalf of—

(i) Great Britain and Northern Ireland at the Tokyo or Beijing Olympic or Paralympic Games;

⁽²⁾ S.I. 2020/350, amended by S.I. 2020/447 and 2020/500.

⁽³⁾ 2006 c. 21, Section 18 has been amended by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 19, and Schedule 4, the Criminal Justice and Courts Act 2015 (c. 2), Schedule 9, paragraph 21, and S.I. 2010/813.

- (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme.”
- (3) In regulation 3(2), for “21” substitute “28”.
- (4) In regulation 4(5), after sub-paragraph (b), insert—
 - “(c) facilities for training for elite athletes, including indoor fitness studios, gyms, sports courts, indoor or outdoor swimming pools and other indoor leisure centres.”
- (5) In regulation 5—
 - (a) in paragraph (4)(a), after paragraph (iv), insert—
 - “(v) is isolating themselves from others as required by law;
 - (vi) is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete who is under the age of 18), the parent of an elite athlete, and needs accommodation for the purposes of training or competition;”;
 - (b) in paragraph (6)—
 - (i) at the end of sub-paragraph (b), omit “or”;
 - (ii) at the end of sub-paragraph (c), insert—
 - “or
 - (d) for early years childcare provided by a person registered on the Early Years Register under Part 3 of the Childcare Act 2006.”;
 - (c) in paragraph (7), for the words from “to provide” to the end, substitute—
 - “(a) to provide essential voluntary activities or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency), or
 - (b) for early years childcare provided by a person registered on the Early Years Register under Part 3 of the Childcare Act 2006.”
- (6) For regulation 6, substitute—
 - “6.—(1) No person may, without reasonable excuse, stay overnight at any place other than the place where they are living.
 - (2) For the purposes of paragraph (1), the circumstances in which a person (“P”) has a reasonable excuse include cases where—
 - (a) P needs to stay elsewhere to attend a funeral, as—
 - (i) a member of the deceased person’s household,
 - (ii) a close family member of the deceased person, or
 - (iii) if no-one within paragraph (i) or (ii) is attending, a friend of the deceased person;
 - (b) P is an elite athlete, a coach of an elite athlete, or (in the case of an elite athlete who is under the age of 18), a parent of the elite athlete, and needs to stay elsewhere for the purposes of training or competition;
 - (c) P needs to stay elsewhere while moving house;
 - (d) it is reasonably necessary for P to stay elsewhere—
 - (i) for work purposes, or for the provision of voluntary or charitable services;

- (ii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006(4);
- (iii) to provide emergency assistance;
- (iv) to avoid injury or illness, or to escape a risk of harm;
- (v) to obtain medical assistance;
- (e) P needs to stay elsewhere to fulfil a legal obligation or participate in legal proceedings;
- (f) P is a child that does not live in the same household as their parents, or one of their parents, and the overnight stay is necessary to continue existing arrangements for access to, and contact between, parents and children;
- (g) P is unable to return to the place where P lives, because—
 - (i) it is not safe for P to live there,
 - (ii) P may not lawfully travel there, or is required by law to stay in another place, or
 - (iii) the place where P is living is not available to P for any other reason.
- (3) Paragraph (1) does not apply to any person who is homeless.
- (4) For the purposes of paragraph (1), the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.”.
- (7) For regulation 7, substitute—

“7.—(1) During the emergency period, unless paragraph (2) applies, no person may participate in a gathering which takes place in a public or private place—

 - (a) outdoors, and consists of more than six persons, or
 - (b) indoors, and consists of two or more persons.

(2) This paragraph applies where—

 - (a) all the persons in the gathering are members of the same household;
 - (b) the person is attending a funeral, as—
 - (i) a member of the deceased person’s household,
 - (ii) a close family member of the deceased person, or
 - (iii) if no-one within paragraph (i) or (ii) is attending, a friend of the deceased person;
 - (c) the person concerned is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete under the age of 18), the parent of an elite athlete, and the gathering is necessary for training or competition;
 - (d) the gathering is reasonably necessary—
 - (i) for work purposes, or for the provision of voluntary or charitable services;
 - (ii) to facilitate a house move;

(4) 2006 c. 47. Sub-paragraph (3B) was substituted, with sub-paragraphs (1), (3) and (3A) to (3E) for sub-paragraphs (1) to (3) by s. 66(2) of the Protection of Freedoms Act 2012 (c. 9).

- (iii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006;
 - (iv) to provide emergency assistance;
 - (v) for the purposes of early years childcare provided by a person registered on the Early Years Register under Part 3 of the Childcare Act 2006;
 - (vi) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
 - (vii) to continue existing arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents, or one of their parents;
 - (e) the person concerned is fulfilling a legal obligation or participating in legal proceedings;
 - (f) the gathering takes place at an educational facility and is reasonably necessary for the purposes of education.
- (3) For the purposes of this regulation—
- (a) there is a gathering when two or more people are present together in the same place in order to engage in any form of social interaction with each other, or to undertake any other activity with each other;
 - (b) a place is indoors if it would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006⁽⁵⁾, under the Smoke Free (Premises and Enforcement) Regulations 2006⁽⁶⁾.
- (8) In regulation 8—
- (a) in paragraph (3)—
 - (i) in the opening words, for “outside” substitute “staying overnight at a place other than”;
 - (ii) at the end of sub-paragraph (a), omit “or”;
 - (iii) omit sub-paragraph (b);
 - (b) omit paragraph (4);
 - (c) in paragraph (5), in the opening words, for “outside” substitute “staying overnight at a place other than”;
 - (d) in paragraph (8), at the end insert “in regulation 6(1)”;
 - (e) in paragraph (9)—
 - (i) in the opening words, for “three or more” substitute “a number of”;
 - (ii) in sub-paragraph (c), for “the gathering” substitute “a gathering in a public place”;
 - (f) in paragraph (10), after “a gathering” insert “in a public place”.
- (9) In Schedule 2—
- (a) in Part 2—
 - (i) in paragraph 18, at the end, insert “, including indoor games, recreation and entertainment venues”;
 - (ii) in paragraph 19, at the end, insert “, theme parks and adventure parks and activities.”;

⁽⁵⁾ 2006 c. 28, Section 2 was amended by paragraph 4 of Schedule 2 to the Health (Wales) Act 2017 (2017 anaw 2).

⁽⁶⁾ S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.

- (iii) omit paragraph 21;
- (iv) omit paragraph 22;
- (v) after paragraph 23, insert—

“23A. Social clubs.

23B. Model villages.

23C. Aquariums and zoos, including safari parks.

23D. Visitor attractions at farms.

23E.—(1) Indoor attractions at visitor attractions such as—

- (a) botanical or other gardens, biomes or greenhouses;
- (b) heritage sites or film studios;
- (c) landmarks, including observation wheels or viewing platforms.

(2) For the purposes of sub-paragraph (1), an “indoor attraction” means those parts of a venue, including shops and visitor centres but not including toilets for visitors, which—

- (a) would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006 under the Smoke Free (Premises and Enforcement) Regulations 2006; and
- (b) are, in normal times, open for members of the public to visit for the purposes of recreation, whether or not for payment.”;

- (b) in Part 3—

- (i) in paragraph 44, at the end, insert “or amenities, including water sports, stables, shooting and archery venues, golf courses and driving ranges.”;

- (ii) after paragraph 44, insert—

“45. Outdoor markets.

46. Showrooms and other premises, including outdoor areas, used for the sale or hire of caravans, boats, or any vehicle which can be propelled by mechanical means.”.

Transitional and saving provision

3.—(1) The first review under regulation 3(2) of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (“the first Regulations”) after these Regulations come into force must be carried out before the end of a period of 28 days starting with the day on which the last review was carried out under that regulation as it had effect immediately before these Regulations came into force.

(2) Notwithstanding the amendments to regulations 6 and 7 of the first Regulations, they continue in force as they had effect immediately before these Regulations came into force in relation to any offence committed under regulation 6 or 7 of the first Regulations before these Regulations came into force.

31st May 2020

Matt Hancock
Secretary of State
Department of Health and Social Care

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350). They amend regulation 4 to permit certain businesses to open for the training of elite athletes. They amend regulation 5 to clarify that places of worship and community centres may be used to provide early years childcare. Regulation 6 is replaced by a prohibition on staying overnight in a place other than where a person lives, without reasonable excuse. Regulation 7 is replaced by more detailed provision on prohibited gatherings, and amendments are made to Schedule 2. Consequential amendments are made to regulation 8 to reflect the amendments to regulations 6 and 7, and transitional and saving provision is made by regulation 3 of these Regulations.

A full regulatory impact assessment has not been prepared for these Regulations.

Appendix D

**Representations:
Health Protection Service
Trading Standards
Department for Public Health
Licensing Authority**

HPS

Gough Jayne (CEX)

From: Gibbons Sean (DEL)
Sent: 30 April 2020 11:24
To: Turner John (CEX); licensingservice; Police Licensing; Skiba Jennie (CEX)
Cc: Fell Greg
Subject: Fwd: LICENSING REVIEW PAPERS FOR STAFFORDSHIRE ARMS S4 AND PITSMOOR HOTEL S3 SRS 664947/8 AND 664950/1
Attachments: SIGNED APP FOR STAFFORDSHIRE ARMS APR 20.pdf; SIGNED APP TO REVIEW PITSMOOR HOTEL 33333333.pdf
Categories: Emma Rhodes

Dear John and Jenny,
Could you please forward these comments to the Licensing Sub-Committee with respect to the Licensing review papers for both Staffordshire Arms and Pitsmoor Hotel.

Dear Cllr's

It was so disappointing to hear of licensed premises here in Sheffield blatantly disregarding the emergency legislation introduced to help reduce the spread of Covid -19 and to ensure that the NHS is protected. As we all face this pandemic together it has placed so much strain on emergency services and us in local authorities.

We fully support actions taken by colleagues with respect to the service of prohibition notices and applications to review the premises licence for the Staffordshire Arms, and Pitsmoor Hotel under the control of Paul Greasby.

Kind regards
Sean

*Sean Gibbons BSc (Hons)
Environmental Health Officer
Health & Safety Inspector
Environmental Regulation
Sheffield City Council
5th Floor North
Howden House
1, Union Street
Sheffield
S1 3SH*

*Tel: 0114 273 4616
Fax: 0114 273 6464
Email: sean.gibbons@sheffield.gov.uk
www.sheffield.gov.uk*

From: "Lobo Rose" <Rose.Lobo@sheffield.gov.uk>
Date: Tuesday, 28 April 2020 at 16:39:53
To: "Gibbons Sean (DEL)" <Sean.Gibbons@sheffield.gov.uk>, "Cresswell Elaine" <Elaine.Cresswell@sheffield.gov.uk>, "Thornton Paul" <Paul.Thornton@sheffield.gov.uk>, "Pates Neal" <Neal.Pates@sheffield.gov.uk>
Subject: LICENSING REVIEW PAPERS FOR STAFFORDSHIRE ARMS S4 AND PITSMOOR HOTEL S3 SRS 664947/8 AND 664950/1

From: CATHERINE JARVIS [<mailto:Catherine.Jarvis@southyorks.pnn.police.uk>]

Sent: 28 April 2020 12:34

To: Singh Bob; Deborah Gill; DPHOffice; eps admin; EPS.commercial; Ward Greg; Health Protection; Immigration; Round Jonathan; Pates Neal; ##Pilkington Claire; planningdc@sheffield.gov.uk; (GCSX) Gibbons Sean; SCSP; Prasad Shiva; SY FIRE & RESCUE LICENSING; Thornton Paul; Trading Standards

Subject: FW: REVIEW PAPERS FOR STAFFORDHSIRE ARMS AND PITSMOOR HOTEL

Dear all

Attached are the applications from South Yorkshire Police to review the below premises.

1. Staffordshire Arms, 40 Sorby Street, Sheffield
2. Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield

Regards
Catherine Jarvis
Licensing Enforcement Officer
South Yorkshire Police
Liquor Licensing Department

South Yorkshire Police Licensing Dept
Moss Way Police Station
Moss Way
Sheffield
S20 7XX

Catherine Jarvis: (Licensing Enforcement Officer, Sheffield) Mobile 07584113579 Ext 0114 252 3163, Int 718163
Ian Armitage (Licensing Enforcement Officer, City Centre only) 07464983647
E-mail: Sheffield.liquor-licensing@southyorks.pnn.police.uk

Website address - southyorks.police.uk



Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at www.sypalerts.co.uk #SignMeUp

TR ST.

From: Masini Bill
Sent: 26 May 2020 18:21
To: licensingservice
Cc: CATHERINE JARVIS
Subject: Review of Premises Licence - The Staffordshire Arms - Trading Standards Representation

Importance: High

Categories: Emma

1. Sheffield City Council's Trading Standards Service in its role as a Responsible Authority under The Licensing Act is in receipt of an application by South Yorkshire Police to review the Premises Licence for The Staffordshire Arms at 40 Sorby Street Burngreave Sheffield S47LB.
2. The Premises Licence Holder is Mr Paul Greasby who since 2017 has also been The Designated Premises Supervisor.
3. The application details a series of events where Mr Greasby was operating the pub in breach of The Health Protection (Coronavirus Restrictions) Regulations 2020 and in doing so undermining the Licensing objectives of The Prevention of Crime and Disorder and also Public Safety.
4. Trading Standards Officers, together with other Council officers and The Police, have a responsibility for the enforcement of these regulations.
5. Trading Standards fully support South Yorkshire Police's application.
6. Speaking at the Daily Downing Street Press Briefing on Friday 20th March, The Prime Minister said, "We are telling cafes, pubs, bars and restaurants to close tonight as soon as they reasonably can and not to open tomorrow. To be clear, they can continue to provide take out services [subject to licence conditions -added]. We will review the situation each month". There was huge publicity and following reports Mr Greasby was operating in breach, South Yorkshire Police gave clear advice to him, telling him also of the consequences if he was caught in further breach of these emergency rules. Breaches continued despite a Prohibition Notice being served.
7. At the time of submitting this representation it is highly likely that when the Government permits pubs to reopen, The Premises Licence Holder and Designated Premises Supervisor will have a responsibility to ensure, amongst other things, that social distancing (in whatever form) is maintained. Council Officers

and/or The Police will almost certainly have responsibility to enforce these or some of these provisions.

Based on his actions to date during this pandemic ,Mr Greasby has provided officers with no confidence that he would do this.

8. Trading Standards does not have confidence that the current management are able to properly manage this Premise and ensure all four licensing objectives are promoted. The poor management has led to two of the four licensing objectives being undermined.
9. Further, due to the seriousness of events outlined in the application and the blatant disregard shown, which has put the Public's and law enforcement officers' personal safety at risk , Trading Standards does not have confidence this will improve at another critical phase when pubs are re-opened with social distancing rules in place.
10. In conclusion, considering the seriousness of the breaches and the overall interests of the Local Community, Trading Standards recommends the Premises Licence be revoked.

Bill Masini

Trading Standards Officer

Sheffield City Council

PH
Office of the Director of Public Health
Sheffield Town Hall, Pinstone Street S1 2HH
Web Site: www.sheffield.gov.uk
E-mail: Greg.fell@sheffield.gov.uk



Stephen Lonnia
Head of Licensing
Sheffield City Council
c/o Block C
Staniforth Road Depot
Sheffield
S9 3HD

22nd May 2020

Dear Stephen,

Re: The Staffordshire Arms and The Pitsmoor Hotel

As Director of Public Health for Sheffield City Council I was extremely concerned to be informed of significant breaches of the Health Protection Coronavirus Regulations 2020 by two local licensed premises, The Staffordshire Arms, 40 Sorby Street, Sheffield and The Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield in allowing people to congregate on and around the premises contravening social distancing guidance. Sheffield City Council Public Health support South Yorkshire Police's application for a review of the license of both these premises and recommend that these breaches are taken extremely seriously in terms of impact on the licensing objective of "public safety".

The pandemic of Covid-19 is a current critical threat to public safety. This is well publicised and I cannot believe how anyone could have any other interpretation. The Council is clear in its position, we are following the national strategy on the response to COVID-19, furthermore the council have been clear that protecting public safety is of paramount concern. Social distancing is the key control measure we have to reduce the spread of Covid-19 in the community and it is particularly important that we are both stringent in following the guidance and that we appropriately respond to breaches. There is no currently known vaccine or effective treatment for this disease which makes these control measures to avoid getting the disease particularly important. There are some individuals who are clinically vulnerable to this disease and are likely to experience severe health impacts and sadly there have been a number of deaths from Covid-19 in Sheffield. In addition to the serious individual impacts, without these control measures being strictly enforced there is a risk that local NHS services could be overwhelmed with serious consequences to local people.

In this instance, these Licensed Premises should have been aware of the restrictions on opening through the representations made by officers, and should have been aware of the packages of support available to businesses and employees who may suffer hardship during this period. There is no justification in terms of lack of awareness or financial hardship for these breaches.

We are not yet at Step 3¹ (4.3) which the government has set out as the stage where some public houses which meet the Covid-19 Secure Guidelines can be partially or fully opened as lockdown measures are gradually lifted. When this Step 3 can be enacted it is vitally important that our licensed premises follow the guidance and instructions to the letter to avoid increasing the spread of Covid-19 in communities and risking a second wave. Crucially, not all premises will be able to fully open because their design may mean that social distancing is not practical. Therefore we need all our licensed providers to demonstrate a responsible attitude to the licensing objective of public safety and to demonstrate that they are prepared to put the health and safety of the public first and foremost.

Yours sincerely,



Greg Fell
Director of Public Health

¹ <https://www.gov.uk/government/publications/our-plan-to-rebuild-the-uk-governments-covid-19-recovery-strategy/our-plan-to-rebuild-the-uk-governments-covid-19-recovery-strategy#the-current-situation>

Licensing Service,
Sheffield City Council,
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD



Date: 22nd May 2020

Sent via email to:

Mr Paul Greasby : [REDACTED]
The Licensing Service: licensing@sheffield.gov.uk

Dear Sirs,

**Licensing Act 2003 – Review of a premises licence submitted on 28th April 2020
Staffordshire Arms, 40 Sorby Street, S4 7LB - SY 1238 PR
Licensing Authority Supporting Review Application**

I am writing as a Responsible Authority under the Licensing Act 2003 in support of the above application for a review of the premises licence submitted by South Yorkshire Police on the 28th April 2020 on the grounds of the core objectives relating to the Licensing Act 2003:

- The Prevention of Crime and Disorder
- Public Safety

The Licensing Authority as a Responsible Authority is supportive of the review due to the disregard of the governments restrictions placed on licensed premises in its drive to reduce the spread of the coronavirus; protect the NHS and save lives; and failing to promote the licensing objectives under the Licensing Act 2003. The coronavirus is currently a threat to public safety and Sheffield City Council is actively following the national strategy to reduce this threat.

Emergency regulations to close certain premises were implemented by the government under the 'Health Protection (Coronavirus, Business Closure) (England) Regulations 2020'. Businesses including pubs, cinemas, theatres and casinos were told to close from 2pm Saturday 21st March 2020.

Please note: these regulations have now been superseded by the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 and its amendment regulations on the 13th May 2020.

On the 22nd March 2020, a report was made to South Yorkshire Police that the Staffordshire Arms were continuing to operate in breach of these new regulations.

On the 23rd March 2020, Mr Greasby the current premises licence holder and Designated Premises Supervisor was spoken to at length by Catherine Jarvis, a South Yorkshire Police Licensing Enforcement Officer regarding the requirement to close his premises, or part of the premises, in which food or drink are sold for consumption on those premises immediately in order to comply with the current regulations.

On the 31st March 2020, the Licensing Authority sent a follow up letter by email to remind Mr Greasby of the current requirements and also the consequences should he fail to comply. A copy of the letter is attached for information.

On the 2nd April 2020, Sergeant Ben Hall informed the Authorities that numerous further reports had been received regarding this premises continuing to operate. A visit by South Yorkshire Police officers to the premises found these breaches to be true. Further evidence was also

received by South Yorkshire Police and the Licensing Authority which showed clear breaches and a blatant disregard of the current government restrictions.

On the 3rd April 2020 the Licensing Authority issued a Prohibition Notice for this premises under Regulation 8(2) of The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. The Prohibition Notice was served to Mr Paul Greasby at the Staffordshire Arms by South Yorkshire Police Officers at 2155 on the 3rd April 2020. A copy of the Prohibition Notice is attached.

On the 9th April 2020, Mr Greasby contacted the Licensing Service by email regarding opening the premises for off-sales. Advice was given in relation to off sales as per regulations.

In addition to the new restrictions the government has placed on certain businesses, the Licensing Act 2003 also provides a clear focus for licence holders and designated premises supervisors to promote the four core licensing objectives when licensing functions are being undertaken at all times.

There is clear evidence in this case that Mr Greasby has breached the law and demonstrated a disregard for both the licensing and public health regulations that are designed to ensure the premises only operate when a safe environment can be provided, in this case by opening the premises to customers when not permitted to do so.

In light of the comments made by South Yorkshire Police and other Responsible Authorities in support of the Review application, it is the opinion of the Licensing Authority that despite repeated advice and continuous warnings issued by South Yorkshire Police and Licensing Officers, Mr Greasby is not an operator who demonstrated the promotion of operating a safe and compliant business and shall continue to compromise the safety of himself and patrons accessing the premises.

Mr Greasby's disregard of the government regulations has failed to demonstrate the level of responsibility and due diligence that is required to operate a premises responsibly under the Licensing Act 2003 and clearly undermining the public safety and prevention of crime and disorder objectives.

The Licensing Authority is also concerned that Mr Greasby's evident and repeated disregard of public health restrictions relating to the coronavirus may have exposed not only himself but also others that have accessed the premises increasing the risk of harm posed by the virus.

Mr Greasby is also the Premises Licence Holder and Designated Premises Supervisor for the Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield, S3 9AY. South Yorkshire Police have also submitted an application for a Review of this licence for further breaches under government regulations.

Yours faithfully

E Rhodes-Evans

Emma Rhodes-Evans
Licensing Enforcement & Technical Officer
Licensing Authority
Sheffield City Council

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020
(SI. 2020: No.350)

PROHIBITION NOTICE

Date: 3rd April 2020

Part A

To: Paul Greasby

Trading as: N/A

At: Staffordshire Arms, 40 Sorby Street, Sheffield, S4 7LB

Of: [REDACTED]

This Prohibition Notice is served under Regulation 8(2) of The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Regulations) and has immediate effect.

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Emma Rhodes-Evans, designated as a relevant person for the purposes of the Regulations by Sheffield City Council, have reasonable grounds for believing that you are contravening a requirement in the Regulations as set out in Part B below and that it is necessary and proportionate to issue this Prohibition Notice to prevent continued contravention of the requirement.

Part B. Contravention of the restrictions

We have grounds to believe the following regulation has been breached following reports and evidence which consists of audio, video and photographs that your premises has not ceased trading as required:

Regulation 4-

- 4.—(1)** *A person responsible for carrying on a business which is listed in Part 1 of Schedule 2 must—*
- (a) during the emergency period—*
 - (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and*
 - (ii) cease selling food or drink for consumption on its premises; or*
 - (b) if the business sells food or drink for consumption off the premises, cease selling food or drink for consumption on its premises during the emergency period.*

Part C. Action required

This Prohibition Notice requires that you immediately cease the activities giving rise to contravention of the Regulations. The activities must not resume before the end of the emergency period¹. The measures specified below must be taken to prevent continued contravention of the Regulations:

In relation to a breach of Regulation 4(1) (Business listed in Schedule 2 Part 1):

Actions required:

- *Close the premises, or part(s) of the premises, in which food or drink are sold for consumption on the premises; and*
- *Cease selling food or drink for consumption on the premises*

Part D. Consequences of non-compliance

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Part E. Challenging this Prohibition Notice

There is no statutory right to appeal against this Prohibition Notice.

If you consider that the Notice should not have been issued or that the actions required of you are unreasonable or unjust, you can make representations to Sheffield City Council in writing outlining your reasons for challenging the Notice, within 14 days of the date on this Notice.

Your challenge will be processed in accordance with Sheffield City Council's Complaint Procedure

Contact: Stephen.Lonnia@sheffield.gov.uk

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.

Signed: Emma Rhodes-Evans

Date: 3rd April 2020

Name in Capitals: Emma Rhodes-Evans

Licensing Service

Sheffield City Council

Block C, Staniforth Road Depot

Staniforth Road

Sheffield

S9 3HD

Telephone: 0114 2734264

Email: licensing@sheffield.gov.uk

If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice

Appendix E

Hearing Notices / Regulations / Procedures

Notice of hearing to consider an application for review of premises licence and any relevant representations

Mr Paul Greasby



Sent via email: [Redacted]

The Sheffield City Council being the Licensing Authority, on 28th April 2020 received an application from South Yorkshire Police for the review of a Premises Licence in respect of premises known as:

Staffordshire Arms, 40 Sorby Street, Sheffield, S4 7LB

During the consultation period the Council have received representations from Health Protection Service, Trading Standards, Department for Public Health and Sheffield Licensing Authority.

The Council now GIVES YOU NOTICE that the review application will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **Tuesday 23rd June 2020 at 1:30pm**; following which the Council will issue a Notice of Determination of the Application for Review.

PLEASE NOTE: The applications for Review for the Pitsmoor Hotel and Staffordshire Arms are going to be heard together at the same hearing, as the representations and supporting evidence refer to the same licence holder and are therefore linked.

The documents which accompany this notice are the relevant representations which have been made, as defined in Sections 52(7), 42(6), 113(1) and 37(5) of the Act. The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your licence.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 4th June 2020

Signed: Jayne Gough
The officer appointed for this purpose

Please address any communications to:

The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield, S9 3HD.

Notice of actions following receipt of notice of hearing

To **Licensing Service,
Sheffield City Council
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD**

I **Mr Paul Greasby**

hereby confirm that I have received the Notice of Hearing dated **4th June 2020** and notify you as follows **(please complete)**:

I intend to attend the hearing at 1:30pm am on Tuesday 23rd June 2020.

I do not intend to attend the hearing

I intend to be represented at the hearing by:

I do not intend to be represented at the hearing by:.....

I consider the hearing to be unnecessary because:

I request thatshould appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it to:
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
 - (a) whether he intends to attend or be represented at the hearing;
 - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
 - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
 - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
 - (a) section 167(5)(a) (review of premises licence following closure order),
 - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
 - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.

1. The hearing before the Council is Quasi Judicial.
 2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
 3. The Chair will ask the applicants and other parties to formally introduce themselves.
 4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
 5. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked by Members the applicant and other parties.
 - (c) The Licensing Officer will introduce the applicant for review (or his/her nominated representative) who will be asked to detail the application.
 - (d) Members may ask questions.
 - (e) The Licensing Officer will in turn introduce representatives for the other Responsible Authorities and Interested parties who will be asked to detail their relevant representations
 - (f) Members may ask questions
 - (g) With the leave of the Chair the licensee or his representative may cross examine the representatives of the applicant for review and the other Responsible Authorities and Interested Parties.
 - (h) The licensee (or his/her nominated representative) will then be asked to respond to the application and to any other representations made.
 - (i) The licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
 - (j) The applicant will then be given the opportunity to sum up the application.
 - (k) The representatives of the Responsible Authorities will be given the opportunity to sum up
 - (l) The licensee will be given the opportunity to sum up
 - (m) The Licensing Officer will then detail the options.
 - (n) There will then be a private session for members to take legal advice and consider the application.
 6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
 - 2) The Board Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

Notice of hearing to consider an application for review of premises licence and any relevant representations

Ms Catherine Jarvis
South Yorkshire Police (Applicant)

The Sheffield City Council being the licensing authority, on 28th April 2020 received an application from South Yorkshire Police for a review of a Premises Licence in respect of premises known as:

Staffordshire Arms, 40 Sorby Street, Sheffield, S4 7LB

During the consultation period the Council has received representations from, Health Protection Service, Trading Standards, Sheffield Licensing Authority and Sheffield Public Health Service.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **Tuesday 23rd June 2020 at 1:30pm**; following which the Council will issue a Notice of Determination of the Application for Review.

PLEASE NOTE: The applications for Review for the Pitsmoor Hotel and Staffordshire Arms are going to be heard together at the same hearing, as the representations and supporting evidence refer to the same licence holder and therefore linked.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 4th June 2019

Signed: Jayne Gough
The officer appointed for this purpose

Please address any communications to:
The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.
Email – licensing@sheffield.gov.uk

Notice of hearing to consider an application for review of premises licence and any relevant representations

Mr Sean Gibbons
Health Protection Service
Sheffield City Council

The Sheffield City Council being the licensing authority, on 28th April 2020 received an application from South Yorkshire Police for a review of a Premises Licence in respect of premises known as:

Staffordshire Arms, 40 Sorby Street, Sheffield, S4 7LB

During the consultation period the Council has received representations from, Health Protection Service, Trading Standards, Sheffield Licensing Authority and Sheffield Public Health Service.

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Dated: 4th June 2019

Signed: Jayne Gough
The officer appointed for this purpose

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Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.

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Notice of hearing to consider an application for review of premises licence and any relevant representations

Mr Bill Masini
Trading Standards
Sheffield City Council

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Dated: 4th June 2019

Signed: Jayne Gough
The officer appointed for this purpose

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Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.

Email – licensing@sheffield.gov.uk

Notice of hearing to consider an application for review of premises licence and any relevant representations

Ms Magda Boo
Department for Public Health
Sheffield City Council

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Dated: 4th June 2019

Signed: Jayne Gough
The officer appointed for this purpose

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Business Strategy and Regulation
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Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.

Email – licensing@sheffield.gov.uk

Notice of hearing to consider an application for review of premises licence and any relevant representations

Ms Emma Rhodes-Evans
Licensing Service,
Sheffield City Council

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Dated: 4th June 2019

Signed: Jayne Gough
The officer appointed for this purpose

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