

Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY



Ref: HBC 001
Date: 21 September 2020

DIRECTION (EVENTS)

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) (NO. 3) REGULATIONS 2020 (No.2020/750)¹, REGULATION 5(1)

1. Hartlepool Borough Council ("the Authority"), in exercise of the powers conferred by regulation 5(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020² ("the No. 3 Regulations"), gives the following Direction.
2. The Authority considers that the following conditions are met:-
 - a. this direction responds to a serious and imminent threat to public health;
 - b. this direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the Authority's area; and
 - c. the prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose.³
3. Before giving this Direction, the Authority has had regard to—
 - a. any advice given to it by its Acting Director of Public Health; and
 - b. the need to ensure that members of the public have access to essential public services and goods (including whether the individual premises forms part of essential infrastructure).
 - c. other matters referred to in the guidance.
4. The Authority has taken reasonable steps to give advance notice of this direction to a person who is the organiser of the event(s), namely Julia Kirilova, Event Manager on behalf of Big Kid Entertainment LTD.

¹ SI 2020/750 accessed at <https://www.legislation.gov.uk/uksi/2020/750/contents/made>; guidance on local authority powers at: <https://www.gov.uk/government/publications/local-authority-powers-to-impose-restrictions-under-coronavirus-regulations/local-authority-powers-to-impose-restrictions-health-protection-coronavirus-restrictions-england-no3-regulations-2020>

² In this Direction, any reference to a regulation is a reference to a regulation of the Health Protection (Coronavirus Restriction) (No. 3) (England) 2020 (S.I. 2020/750).

³ See regulation 2(1).

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Person and event

5. This Direction is given to Julia Kirilova, who is the Event Manager for Big Kid Entertainment LTD, 29 Elmstead Crescent, Crewe, CW1 3PX and event manager / organiser of the event 'Big Kid Circus, Circus De Cuba.'
6. This Direction is given in respect of 'Big Kid Circus, Circus De Cuba' scheduled to take place between 23 September and 4 October 2020 at Marina, Middleton Road, Hartlepool TS24 0RU.

Directed actions

7. This Direction requires that:
 - ~~a. the 'Big Kid Circus, Circus De Cuba' events scheduled to be performed between 23 September and 4 October 2020 at Marina, Middleton Road, Hartlepool TS24 0RU are prohibited from taking place.~~
 - b. the event organiser must advertise the cancellation of the events including through media such as social media platforms or via direct contact with the intended attendees / purchasers of tickets.

Timing and duration of direction

8. The Direction is effective immediately. Therefore the events must not take place as planned at Marina, Middleton Road, Hartlepool TS24 0RU between 23 September and 4 October 2020 or at any time prior to these dates. The only action required to be put into effect is the cancellation of the events and associated publicity. The prohibitions and requirements set out in paragraph 7 above have effect until **4 October 2020** or until varied or revoked before then by the Authority.
9. In accordance with Regulation 2(2)(b) of the No. 3 Regulations, the Authority will review this Direction at least once every seven days. If the Authority considers one or more criteria in regulation 2(1) no longer apply in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

Grounds for Direction

10. This Direction is given on the basis that:
 - There is a high incidence of cases of coronavirus (COVID-19) in Hartlepool and the surrounding area, accordingly Hartlepool is on the Government watch list as an area of concern and neighbouring parts of the North East of England are subject to local restrictions. This means that there is a high risk of transmission amongst the local community.

- The event is targeted at families with young children in the age range of 2 to 15 years. In accordance with the current exemptions children under 11 years are exempt from wearing face coverings. If the event were to take place there would be an increased risk of people mingling with others, including people from outside the local community. This could increase the number of cases and lead to outbreaks within the local community, including within schools. There have been 11 confirmed positive cases in schools since schools returned after the summer.
- This Direction is considered necessary for the purpose of preventing, protection against, controlling and providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area.

Consequences of not meeting the requirements of the Direction

11. There may be consequences if this Direction is not complied with. For example, the Authority may issue a Prohibition Notice⁴ or Fixed Penalty Notice⁵ against you or may commence criminal proceedings against you.
12. A person commits an offence if, without reasonable excuse, the person:⁶
 - contravenes a direction under regulation 5(1); or
 - obstructs a person carrying out a function under the No. 3 Regulations, including any local authority designated officer under regulation 12 or a constable.

Such an offence is punishable on summary conviction by an unlimited fine.

Appeal/representations

13. If you believe that this Direction should not have been issued, and/or it contains incorrect information, please inform the specified point of contact set out below, setting out your reason(s).
14. You have a right to appeal against this Direction to a magistrates' court by way of complaint for an order.⁷ There is a time limit of **up to six months from the date of issue of this Direction to appeal to the Magistrates' Court**. However, bear in mind that this Direction will be reviewed by the Authority at least every seven days and it will decide whether to revoke this Direction or revoke and replace it with another direction.⁸

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

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

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

⁷ See regulation 5(9)(a) of the No. 3 Regulations.

⁸ If this direction was made pursuant to a direction of the Secretary of State under regulation 3 of the No 3 Regulations, a summons is to be issued to both the Secretary of State and the local authority.

15. You also have the right to make representations to the Secretary of State about this Direction.⁹ The Secretary of State must consider any such representations as soon as is reasonably practicable, and decide whether it would be appropriate to exercise the Secretary of State's powers set out in regulation 3 of the No. 3 Regulations. The Secretary of State may direct the Authority to revoke this Direction, or revoke and replace this Direction. The Secretary of State must provide written reasons for the decision to the person who made the representations and to the Authority.
16. In making any representations to the Secretary of State about this Direction, the recipient of the Direction should do this via NHS Test and Trace, with representations emailed to directionnotification@dhsc.gov.uk. This should include:
- a. The name of the Authority;
 - b. The reference [code/number] listed at the top of this Direction;
 - ~~c. The link to this Direction as noted in paragraph [20 – remove if not required] below;~~
 - d. An explanation as to how you have been impacted by the Direction and their relationship to the Event[s], such as whether you are the owner or occupier of premises for the Event[s], the organiser of the Event[s] or any other persons involved in holding such the Event[s], as set out in Regulation 5(3) of the No.3 Regulations;
 - e. An explanation of the basis upon which the Direction should not have been made and was or is not appropriate, with reference to the conditions set out in Regulation 2(1);
 - f. Any evidence which supports this contention; and
 - g. What action you would like to be taken.
17. **You are still required to comply with this direction pending the outcome of any appeal to the magistrates' court or the Secretary of State.**
18. You may wish to obtain independent legal advice should you seek to pursue an appeal.

Additional powers and requirements that accompany this Direction

Publication

19. This Direction (and notice of revocation of this direction) is published on the Authority's website www.hartlepool.gov.uk as required by the No. 3 Regulations.
20. This Direction may also be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

⁹ See regulation 5(9)(b) of the No. 3 Regulations.

Notification

21. The Authority is required to notify any local authority, whose area is adjacent to the initiating authority's area of this Direction (and any revocation of the Direction) by the No. 3 Regulations¹⁰.
22. The Authority is required to notify the Secretary of State as soon as reasonably practicable after the Direction is given.

As authorised by:



Denise McGuckin, Managing Director, Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool TS24 8AY

Date: 21 September 2020

Specified Point of contact:

NAME	Mrs Sylvia Pinkney
CONTACT DETAILS	Tel 01429 523315
	Email sylvia.pinkney@hartlepool.gov.uk

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

