



**Directorate for Deputy Chief Executive
Legal and Democratic Services**

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DIRECTION (EVENTS)

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

Regarding: Firework Display at land on the West side of Marsh Lane, Taplow known as Car Boot Sale site, 4th November 2020

Dear [REDACTED]

1. Buckinghamshire 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 in relation to events.
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—

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).

- a. any advice given to it by its 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).

DIRECTION

Person and event

4. This Direction is given to [REDACTED] who are the owners or any occupier of premises for an event to which the direction relates.
5. This Direction is given in respect of a specified event, **namely a firework display to be held on land on the West side of Marsh Lane, Taplow known as Car Boot Sale site** (“the Event”).⁴

Directed actions

6. This Direction requires the following:
 - a. Prohibits the Event from being held at all

Timing and duration of direction

7. Any actions required to put into effect the restrictions set out in paragraph 6 must be undertaken by **00.01 on 4th November 2020**. The restrictions set out in paragraph 2 have effect until **00.00 8th November 2020**.
8. 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

9. This Direction is given on the basis that:

COVID-19 case numbers in Buckinghamshire have increased significantly over the last month (going from a weekly incidence rate of 12.5/100,000 in the first full week of September to 87/100,000 for the same week in October) as we move into the Second Wave of the pandemic. An extremely concerning age trend has been the initial rapid

⁴ As per regulation 5(5) of the No. 3 Regulations, events may be described by reference to a number of people attending the event, by reference to a requirement for medical or emergency services to attend the event, or in any other way.

rise in young adult age groups (18-30yr olds) which being followed by similar rises in older age groups (particularly the over 60s). Since age is the most significant risk factor for serious illness resulting from COVID-19 infection, growing prevalence in the over 60s is likely to lead to increased numbers of hospitalisations and deaths. This trend is currently seen most clearly in the South Bucks data, and very similar situations exist across the border in the Slough and the RB Windsor and Maidenhead local authority areas (which would also form part of the catchment for this proposed series of events).

All of this is happening in the context of the seasons changing, with the annual increase of pressure on the NHS and social care sector generally resulting from colder weather, seasonal influenza and other circulating viral illnesses. Holding large events which carry a high risk of increasing community transmission of COVID-19 at this time could have disastrous consequences for individuals, the community and the NHS. The public health team of Buckinghamshire Council are unambiguous in their professional view that these events, if they were to go ahead, would represent a serious and imminent threat to public health.

By stopping the event by direction, the potential for increasing the spread of infection across all age groups as a direct result of the event is eliminated.

The event organiser has already been informed of the local authority's concerns about the potential spread of infection which should have been identified by the covid risk assessment. Alternative measures have not been proposed which would control the spread of infection and therefore the only way in which the spread of infection can be controlled is for the event to be cancelled. The prohibition of the event is proportionate given Buckinghamshire Council has no confidence in the intentions of the event organiser that they will ensure adequate Covid control measures will be put in place or maintained at the event both on and off the site.

Consequences of not meeting the requirements of the Direction

10. There may be consequences if this Direction is not complied with. For example, the Authority may issue a Prohibition Notice⁵ or Fixed Penalty Notice⁶ against you or may commence criminal proceedings against you.

11. A person commits an offence if, without reasonable excuse, the person:⁷

- 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.

⁵ See regulation 12(2) of the No. 3 Regulations.

⁶ See regulation 14(1) of the No. 3 Regulations.

⁷ See regulation 13(1) of the No. 3 Regulations.

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

Appeal/representations

12. If you believe that this Direction should not have been issued, and/or it contains incorrect information, please inform the specified point of contact set out below, setting out your reason(s).
13. You have a right to appeal against this Direction to a magistrates' court by way of complaint for an order.⁸ 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.⁹
14. You also have the right to make representations to the Secretary of State about this Direction.¹⁰ The Secretary of State must consider any such representations as soon as is reasonably practicable, and decide whether it would be appropriate to exercise the Secretary of State's powers set out in regulation 3 of the No. 3 Regulations. The Secretary of State may direct the Authority to revoke this Direction, or revoke and replace this Direction. The Secretary of State must provide written reasons for the decision to the person who made the representations and to the Authority.
15. In making any representations to the Secretary of State about this Direction, the recipient of the Direction should do this via NHS Test and Trace, with representations emailed to directionnotification@dhsc.gov.uk. 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);

⁸ See regulation 5(9)(a) of the No. 3 Regulations.

⁹ 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.

¹⁰ See regulation 5(9)(b) of the No. 3 Regulations.

- f. Any evidence which supports this contention; and
- g. What action you would like to be taken.

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

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

Additional powers and requirements that accompany this Direction

Publication

18. This Direction may also be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

Notification

19. The Authority is required to notify any local authority whose area is adjacent to the initiating authority's area of this Direction (and any revocation of the Direction) by the No. 3 Regulations¹¹.

20. The Authority is required to notify the Secretary of State as soon as reasonably practicable after the Direction is given.

A handwritten signature in black ink on a white rectangular background. The signature appears to read "Nick Graham".

Nick Graham
Director of Legal and Democratic Service
Directorate for Deputy Chief Executive, Legal and Democratic Services

As authorised by Sarah Ashmead, Deputy Chief Executive, Buckinghamshire Council

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