

LANCASHIRE COUNTY COUNCIL

LSG6 PO BOX 78 COUNTY HALL PRESTON PR1 8XJ

Ref: LSG6/889.739/2

**DIRECTION (EVENTS)**

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

1. Lancashire County Council (“the Authority”), in exercise of the powers conferred by regulation 5(1) of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020<sup>2</sup> (“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.<sup>3</sup>
3. Before giving this direction, the Authority has had regard to—
  - 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).
  - c. Other matters referred to in the guidance

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

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

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

## **DIRECTION**

### **Person and premises**

4. This Direction is given to [REDACTED] who is the organiser of the Tarleton and Hesketh Bank Community Convoy Group's Celebration of the 75<sup>th</sup> Anniversary of VJ Day Convoy to which the direction relates.
5. This Direction is given in relation to the Tarleton and Hesketh Bank Community Convoy Group's Celebration of the 75<sup>th</sup> Anniversary of VJ Day Convoy scheduled to take place on 15<sup>th</sup> August 2020, as advertised on social media (Facebook).

### **Direction given**

6. a) That the Tarleton and Hesketh Bank Community Convoy Group's Celebration of the 75<sup>th</sup> Anniversary of the VJ Day Convoy scheduled to take place on 15<sup>th</sup> August 2020 is prohibited from taking place at all.  
  
b) That no VJ Day Convoy vehicles may gather or parade along the designated route for the intended Celebration at all.  
  
c) That the organiser must advertise the cancellation of the event through the same social media platform on which he advertised the same.  
  
d) the organiser must use his best endeavours to notify attendees to the event in any other way that the event has also been advertised, such as other social media platforms or via direct contact with intended attendees.

### **Timing and duration of direction**

7. The Direction is effective immediately. Therefore the event must not take place as planned on the 15<sup>th</sup> August 2020 at 4 pm or any time prior to that time. The only action required to be put into effect is the cancellation of the event. The prohibitions and requirements set out in paragraph 6 above have effect until 31 August 2020 or until varied or revoked before then by the Authority.
8. The Authority will review this Direction within the next seven days. If the Authority considers that one or more of the conditions in regulation 2(1) are no longer met in relation to the Direction or that the Direction is no longer required, it will either be revoked without replacement or revoked and replaced with another Direction.

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

9. There may be consequences if this Direction is not complied with. For example, the Authority may issue a Prohibition Notice<sup>4</sup> or Fixed Penalty Notice<sup>5</sup> against you or may commence criminal proceedings against you.
10. A person commits an offence if, without reasonable excuse, the person:<sup>6</sup>
  - 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**

11. 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).
12. You have a right to appeal against this Direction to a magistrates' court by way of complaint for an order.<sup>7</sup> There is a time limit of up to six months from the date of issue of this Direction to appeal to the Magistrates' Court. However, bear in mind that this Direction will be reviewed by the Authority within the next seven days and it will decide whether to revoke this Direction or revoke and replace it with another direction).<sup>8</sup>
13. The address of the Authority is at the end of this document. Refer also to Ref: LSG6/889.739/2
14. You also have the right to make representations to the Secretary of State about this Direction.<sup>9</sup> The Secretary of State must consider any such representations as soon as is reasonably practicable, and decide whether it would be appropriate to exercise the Secretary of State's powers set out in regulation 3

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

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

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

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

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

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

of the No. 3 Regulations. The Secretary of State may direct the Authority to revoke this Direction, or revoke and replace this Direction. The Secretary of State must provide written reasons for the decision to the person who made the representations and to the Authority.

15. In making any representations to the Secretary of State about this Direction, the recipient of the Direction should do this via NHS Test and Trace, with representations emailed to [directionnotification@dhsc.gov.uk](mailto:directionnotification@dhsc.gov.uk). This should include:

- a. The name of the Authority;
- b. The reference number listed at the top of this Direction;
- c. An explanation as to how you have been impacted by the Direction;
- d. An explanation of the basis upon which the Direction should not have been made and was or is not appropriate, with reference to the conditions set out in Regulation 2(1) / paragraph 2 of this Direction;
- e. Any evidence which supports this contention; and
- f. What action you would like to be taken.

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

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

### **Additional powers and requirements that accompany this Direction**

#### Publication

18. This Direction may 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 County Council whose area is adjacent to the initiating authority's area of this Direction by the No. 3 Regulations<sup>10</sup>. Notification will be to all upper tier authorities adjacent.

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

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

**Specified point of contact email-** [litigationadmin@lancashire.gov.uk](mailto:litigationadmin@lancashire.gov.uk)

**Post** – Legal Services LSG6RefLSG6/889.734/2  
Lancashire County Council PO Box 78 County Hall Preston PR1 8XJ

**Direction given by** Mike Kirby, Director of Strategy and Performance, Lancashire County Council LSG6 PO Box 78 County Hall Preston PR1 8XJ

Dated 14<sup>th</sup> August 2020