

**The Health Protection (Coronavirus, Restrictions) Regulations 2020
(SI. 2020: No.350)****PROHIBITION NOTICE****Part A**

To: Shadeq Mannan

At: India Cottage, 35 Christchurch Road, Ringwood, BH24 1DG

Of: India Cottage, 35 Christchurch Road, Ringwood, BH24 1DG

Trading as: India Cottage

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, Ben Stockley, designated as a relevant person for the purposes of the Regulations by New Forest District Council, have reasonable grounds for believing that you are contravening / have contravened 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

During a visit to India Cottage, 35 Christchurch Road, Ringwood at 19.15 on 25 April 2020, by PC Swallow and PC Hawley of Hampshire Police it was observed that the premises was being used for the sale and service of drinks for consumption on the premises to customers awaiting takeaway food. This was confirmed to the police officers by the proprietor of the premise Mr Shadeq Mannan who was on site at the time. In addition, CCTV footage for the premises along with Mr Mannan's description of the events portrayed demonstrated to the police officers' satisfaction that that customers were also sold drinks for consumption on the premises on the 23 and 24 April 2020.

I therefore have reasonable belief that there has been a contravention of Regulation 4(1) of the Public Health (Coronavirus, Restrictions) (England) Regulations 2020 which states that a person responsible for carrying on a business which is listed in Part 1 of Schedule 2 must cease selling food or drink for consumption its premises.

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:

- 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 New Forest District Council in writing outlining your reasons for challenging the Notice, within [*insert number of days*] of the date on this Notice.

Your challenge will be processed in accordance with New Forest District Council's Complaint Procedure: <http://newforest.gov.uk/complaints>

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:.....Relevant Person

Name: BEN STOCKLEY, FOOD AND SAFETY TEAM MANAGER

Date: 1 May 2020

Address: New Forest District Council, Environmental Health, Appletree Court, Beaulieu Road, Lyndhurst, Hants, SO43 7PA, Tel: 023 8028 5230, eho.office@nfdc.gov.uk

Please read the following notes carefully. If you are not sure of your rights or the implications of this notice, you may wish to seek independent legal advice.

¹The Secretary of State will publish a direction terminating the emergency period as soon as they consider the restrictions or requirements set out in the Regulations are no longer necessary

NOTES

The Public Health (Coronavirus, Restrictions) (England) Regulations 2020 can be viewed by following the link: <http://www.legislation.gov.uk/uksi/2020/350/made>

The Food and Safety Privacy Notice can be viewed by following the link: <http://newforest.gov.uk/article/18318/Privacy-Notice-Food-and-Safety>.