

**Hampshire County Council
The Castle
Winchester
SO23 8UJ**

Contact Simon Bryant, Director of Public Health at covid.enquiries@hants.gov.uk
Reference number : 134343

Directions Relating to Events

Pursuant to Regulation 5(1) of The Health Protection (Coronavirus, Regulations) (England) (No. 3) Regulations 2020 (No. 2020/750)

1. Hampshire County Council (the “Local Authority”), in exercise of the powers conferred by regulation 5(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (“the No. 3 Regulations”), gives the following direction.
2. The Direction is given in respect of the organising, holding and/or operating of the Alresford Fair (“the Event”), on and around the vicinity of Broad Street, Alresford, Hampshire, SO24 9DA and Drove Lane, Alresford, Hampshire, SO24 9EX.
3. This Direction is given to John Searle Funfairs Limited and John Searle of Transit Place, London Road, Hooke, Hampshire, RG21 9EH and New Alresford Town Trust of 4 Broad St, Alresford SO24 9AN who are the persons involved in organising the Event and/or a person involved in holding such an event.
4. The Direction is that the Event shall be prohibited from taking place and that the organiser(s) of the event and/or those involved in holding the Event shall take reasonable steps to notify all participants and the general public that the event has been prohibited.
5. The Direction comes into effect at 11:00 on Wednesday 14 October 2020. The prohibitions, restrictions or requirements of this Direction shall have effect until 24:00 on Friday 16 October 2020 or until varied or revoked before then by the Local Authority.
6. The Local 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 Local Authority’s area; and
 - c. The prohibitions, requirements and/or restrictions imposed by this direction are a proportionate means of achieving that purpose.
7. Before giving this Direction, the Local Authority has had regard to –

- a. Advice given to it by its Director of Public Health;
- b. The changes to Regulations due to the recognition of the serious and imminent increasing threat posed by the infection rate at present;
- c. The evidence of sustained community transmission and increased rate of weekly increase in the number of confirmed cases and of increased hospital admissions in the area of the Local Authority and its immediate vicinity; and
- d. The available space at the location of the event and the likelihood that social distancing will be very challenging given this; and
- e. The lack of assurance from organisers that they will be able to limit numbers of people attending or to prevent individuals from different households gathering in more than groups of 6; and
- f. The lack of assurance from organisers that adequate measures will be applied in practice to protect those attending and working at the Fair or others present in the immediate vicinity from Covid-19; and
- g. Other matters referred to in the Statutory Guidance including but not limited to the anticipated level of attendance and the activities that are due to take place, the Public Sector Equality duty under S149 of the Equality Act 2010; the effect on those directly impacted by any direction made; the view of the Local Safety Advisory groups, Local Resilience forum, Hampshire Constabulary, and where relevant Winchester City Council any Alresford Town Council.

8. In accordance with Regulation 2(2) of the No. 3 Regulations, the Local Authority will review this Direction at least once every seven days. If the Local Authority considers that one or more of the conditions of Regulation 2(1) are no longer met in relation to this Direction, it will revoke this Direction without replacement or revoke and replaced this Direction with another Direction.

9. The consequences of this Direction not being complied with may include:

- a. The Local Authority may issue a Prohibition Notice, or Fixed Penalty Notice or may commence criminal proceedings; and/or
- b. Any other action including those set out at Regulations 12 to 15 of the No. 3 Regulations.

10. A person/legal entity commits an offence if, without reasonable excuse, the person/legal entity:

- a. Contravenes a Direction under Regulation 5(1); and/or
- b. 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 a fine.

11. If a person affected by this Direction believes that this Direction should not have been issued, and/or it contains incorrect information, please inform the specified point of contact provided in this Direction, setting out your reasons.
12. A person on whom this Direction imposes a prohibition, requirement or restriction, has a right to appeal against this Direction to a magistrates' court by way of complaint for an order (pursuant to Regulation 5(9) of the No. 3 Regulations). 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 local authority at least every seven days and it will decide whether to revoke/vary this Direction or revoke and replace it with another Direction. The address of the local authority is at the top of this document.
13. You also have the right to make representations to the Secretary of State about this Direction (pursuant to Regulation 5(9) of the No. 3 Regulations). 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 the No. 3 Regulations. The Secretary of State may direct the Local 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 Local Authority.
14. In making any representations to the Secretary of State about this Direction, the recipient of the Direction should do so, with representations, by email to directionnotification@dhsc.gov.uk and include:
 - a. The name of the Local 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 and your relationship to the event, such as whether you are the owner, occupier or involved in organising the event, as set out in Regulation 5 of the No. 3 Regulations;
 - 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 this Direction; and
 - e. What action you would like to be taken.
15. You are still required to comply with this Direction pending the outcome of any appeal to the Magistrates' Court or any decision by the Secretary of State following the making of representations.
16. You may wish to obtain independent legal advice.
17. This Direction may be published in such manner as the Local Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

18. The Local Authority is required to notify the district council in whose area the Event is taking or is due to take place and any local authority whose areas is adjacent to the Local Authority's area of this Direction.
19. The Local Authority is required to notify the Secretary of State as soon as reasonably practicable after the Direction is given.
20. The specified point of contact details are provided at the top of this Direction.

Direction given by:

Hampshire County Council, The Castle, Winchester, SO23 8UJ

Signed

A handwritten signature in black ink, appearing to read 'John Coughlan', written in a cursive style.

John Coughlan Chief Executive

Dated 12 October 2020