

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

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

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 holding and/or operating of the New Forest Fairy Festival (“the Event”), at Burley Park, Chapel Lane, Burley, Hampshire BH24 4DJ.
3. This Direction is given to Holly Kate Norman of New Forest Fairy Festival, Coven of Witches, The Cross, Burley, Ringwood BH24 4AA who is the organiser of the Event and/or a person involved in holding such an event.
4. This Direction is also given to Daniel Tanner, Buttercup Cottage, Sopley Farm, Sopley, BH23 7AZ who is the owner of the land to which the direction relates.
5. The Direction is that the Event shall be prohibited from taking place and that organiser of the event notify all ticket holders that the event has been prohibited
6. The Direction comes into effect at **11.59pm on 25 September 2020**. The prohibitions, restrictions or requirements of this Direction shall have effect until **11.59pm on 1 October 2020** or until varied or revoked before then by the Local Authority.
7. 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.
8. 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 rate of testing in the local authority area;
 - d. The sustained weekly increase in the number of confirmed cases in the area of the Local Authority and its immediate vicinity; and,
 - e. Other matters referred to in the Statutory Guidance
9. 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.
10. 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.
- 11. 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.**
12. 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.

13. 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.
14. 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.
15. 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 their relationship to the event/premises, 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.
16. 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.
17. You may wish to obtain independent legal advice.
18. 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.

19. 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.

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

21. 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

John Coughlan
Chief Executive

Dated 25th September 2020