

**London Borough of Barking and Dagenham**  
**Enforcement Services, Barking Town Hall,**  
**Town Hall Square, Barking, IG11 7LU**

Ref: **Sweet London Gjana\_IG11/DN01**

Date of issue: **27<sup>th</sup> April 2021**

**DIRECTION (INDIVIDUAL PREMISES)**

**THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) (NO. 3) REGULATIONS 2020 (No.2020/750)<sup>1</sup>, REGULATION 4(1)**

1. London Borough of Barking and Dagenham (LBBD) (“the Authority”), in exercise of the powers conferred by regulation 4(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. that giving this direction responds to a serious and imminent threat to public health;
  - b. that 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. that 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).

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<sup>1</sup> 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>

<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).

4. The Authority has taken reasonable steps to give advance notice of this direction to **Rraman Gjana** the director of a business from the premises to which the direction relates.

## **DIRECTION**

### **Person and premises**

5. This Direction is given to **Rraman Gjana**, of 62 Longbridge Road Barking, IG11 8TQ who is a Director of the business and of the premises to which the direction relates and involved in the day-to-day running of the business.
6. This Direction is given to the **Sweet London Gjana Ltd, Company number 10525426** in respect of the premises trading as Sweet London, 62a Longbridge Road, Barking IG11 8RT
7. This Direction is given to, **Ian Charman and Christopher Charman** of [REDACTED] [REDACTED] who are identified as the Freeholders of the premises trading as Sweet London, 62 Longbridge Road, Barking IG11 8RT

### **Directed actions**

8. This Direction requires the following:
  - a. Closure of the Premises.
  - b. A written policy stating the measures taken to ensure the business and premises operate in a Covid-safe way.

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

9. Any actions required to put into effect the restrictions set out in paragraph 8 must be undertaken by **27<sup>th</sup> April 2021 3pm** when the prohibition comes into effect. The restrictions set out in paragraph 8 have effect until **11<sup>th</sup> May 2021 3pm** at which date and time it will end.
10. 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 that one or more of the conditions in regulation 2(1) are no longer met in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

### **Grounds for Direction**

11. This Direction is given following a visit to your premises on Friday 23<sup>rd</sup> April 2021 when officers from London Borough of Barking and Dagenham Regulatory Services observed a wooden structure to the rear of your shop

premises being used to serve shisha tobacco and food to 25-30 customers. Customers were observed congregating at close proximity and sharing communal food and shisha tobacco. The Police who were in attendance during the visit have advised that a fixed penalty notice was served on the premises.

12. The direction is considered appropriate in the circumstances where you are supplying shisha to customers contrary to regulations and where there is a lack of social distancing or safe grouped seating in your premises. It is considered that these failures constitute a serious and imminent risk to public health to both your staff and customers.

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

13. 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.

14. A person commits an offence if, without reasonable excuse, the person:<sup>6</sup>

- contravenes a direction under regulation 4(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.

### **Appeals/representations**

15. 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).

16. 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 28 days for appealing against this Direction**, starting from the date on which the direction was issued (see 'Date of issue' at the top of this direction).

17. Please note this direction will be reviewed by the Authority at least once every seven days. The Authority will decide whether regulation 2(1) continues to be

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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.

met, or whether to revoke this Direction (or revoke and replace it with another direction).<sup>8</sup> If the Authority reviews the direction and decides to uphold it (makes a 'review determination'), then the 28-day time-period for appealing this Direction will start from the date of that review determination.

18. You also have the right to make representations to the Secretary of State about this Direction.<sup>9</sup> The same 28-day time limit applies to making representations: you have 28 days from the date this Direction was issued to make representations or, where there has been a review and the Authority decides to uphold the direction, 28 days from the date of that review determination. 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(2) 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.

19. 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 [code/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 premises, such as whether you are the owner, occupier or involved in managing entry into, or departure from, the Premises, as set out in Regulation 4(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 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.

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

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<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.

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

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

#### **Publication**

22. 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**

23. The Authority is required to notify any other London Borough Council of this Direction (and any revocation of the Direction) by the No. 3 Regulations<sup>10</sup>.

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



Gary Jones,  
Head of Regulatory and Enforcement Services

**As authorised by** Claire Symonds, Acting Chief Executive  
London Borough of Barking and Dagenham

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