

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

Ref: **BardhiPoolClub_IG11/DN01**

Date of issue: **8th April 2021**

DIRECTION (INDIVIDUAL PREMISES)

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) (NO. 3) REGULATIONS 2020 (No.2020/750)¹, 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 2020² (“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.³
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).

¹ 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>

² 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).

³ See regulation 2(1).

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

DIRECTION

Person and premises

5. This Direction is given to, **Mr Lad Bardhaj** of 70a Longbridge Road, Barking IG11 8SF 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 **BARDHI LIMITED, Company number 07932556** in respect of the premises trading as BARDHI Pool Club 7PW, 70a Longbridge Road, Barking IG11 8SF
7. This Direction is given to, [REDACTED] who is identified as the freeholder of the premises trading as BARDHI Pool Club 7PW, 70a Longbridge Road, Barking IG11 8SF

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 **8th April 2021 5pm** when the prohibition comes into effect. The restrictions set out in paragraph 8 have effect until **22nd April 2021 5pm** 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:

12. 07/04/2021, where a complaint was made regarding groups of people drinking in an outdoor building to the rear of Bardhi Pool Club. LBBB COVID-response officers attended, and a group of people could be seen sitting in a structure to the rear of Bardhi Pool Club. Groups of males were seen entering and leaving via a metal side gate, as the shutter to the premises was pulled down. A decision was made to call the Police who attended at approximately 6pm. The COVID-response officers observed from a distance within a vehicle and a group of approximately 15 males were seen to leave the premises in groups, some still with drinks in their hands. One of the Police officers updated the COVID-response officers and said that a Mr Bardhi (and his son) had agreed to being the licensee and lease holder of the premises and took full accountability for the gathering and operating of his business during lockdown. It was noted that they were remorseful of their actions and assisted the police with information. The officer also informed us that, following discussion with his superior, action was being taken to fine the business owners.
13. The direction is considered appropriate in the circumstances of persistent and sustained failure to ensure customer facing staff are wearing mandatory face coverings in the proper manner and repeated observations of overcrowding and a lack of social distancing in your premises. It is considered that these failures constitute a serious risk to public health to both your staff and customers.

Consequences of not meeting the requirements of the Direction

14. There may be consequences if this Direction is not complied with. For example, the Authority may issue a Prohibition Notice⁴ or Fixed Penalty Notice⁵ against you or may commence criminal proceedings against you.
15. A person commits an offence if, without reasonable excuse, the person:⁶
- 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

⁴ See regulation 12(2) of the No. 3 Regulations.

⁵ See regulation 14(1) of the No. 3 Regulations

⁶ See regulation 13(1) of the No. 3 Regulations.

16. 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).
17. You have a right to appeal against this Direction to a magistrates' court by way of complaint for an order.⁷ **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).
18. 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 met, or whether to revoke this Direction (or revoke and replace it with another direction).⁸ 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.
19. You also have the right to make representations to the Secretary of State about this Direction.⁹ 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.
20. 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. 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,

⁷ See regulation 4(9)(a) of the No. 3 Regulations.

⁸ 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.

⁹ See regulation 4(9)(b) of the No. 3 Regulations.

- 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.

21. 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.

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

Additional powers and requirements that accompany this Direction

Publication

23. 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

24. The Authority is required to notify any other London Borough Council of this Direction (and any revocation of the Direction) by the No. 3 Regulations¹⁰.

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

Andy Opie
Operational Director – Community Safety and Enforcement

**As authorised by Claire Symonds, Managing Director
London Borough of Barking and Dagenham**

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