

North East Lincolnshire Borough Council

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations
2020¹ (SI. 2020 No. 1374)**

PROHIBITION NOTICE

17th February 2021

Part A

To: Mr Lee Collins

Trading as: The Mariners Rest

At: Albert Street East, Grimsby, DN32 7DN

Of: [REDACTED]

This Prohibition Notice is served under regulation 9(2) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (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, Adrian Watson Moody, designated as a relevant person for the purposes of the Regulations by North East Lincolnshire Borough Council, have reasonable grounds for believing that you are contravening 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 you from continuing to contravene that requirement.

Part B. Contravention of the restrictions

Regulation contravened: Lee Collins on the 13 February 2021 carried on a business/provided a service other than as permitted by the exceptions listed in paragraphs 12 and 13 namely: a public house and being in contravention of regulation 8, and Part 3 of Schedule 9A, paragraph 11(1), to The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Particulars of the offence: Humberside Police Officers attended the premises at about 2230 hrs on Saturday 13th February 2021 following complaints. On their arrival about 20 persons ran away as they entered. One person was apprehended and he claimed to the Police Officers that the Designated Premises Supervisor had told him to open the premises so people could drink.

Part C. Action required

This Prohibition Notice requires that you immediately cease the activities identified in Part B giving rise to contravention of the Regulations. The measures specified below must be taken to prevent continued contravention of the Regulations:

Cease carrying on a business/providing the service of alcohol other than as permitted by the exceptions listed in paragraphs 12 and 13

¹ Amended most recently by SI 2020 No. 1611 / 1646 / 1654, and SI 2021 No. 8

Part D. Consequences of non-compliance with this Notice, and with the Regulations

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence under regulation 10 of the Regulations, punishable by a fine on summary conviction in a Magistrates' Court.

A fixed penalty notice may be issued in accordance with regulation 11 and 12 of the Regulations, or you may be prosecuted under regulations 10 and 13 of the Regulations.

Part E. Challenging this Prohibition Notice

If you consider that the Notice should not have been issued, you can make representations to North East Lincolnshire Borough Council in writing outlining your reasons for challenging the Notice, within 7 days of the date on this Notice.

Your challenge will be processed in accordance with North East Lincolnshire Borough Council's Complaint Procedure: <https://www.nelincs.gov.uk/your-council/complaints-compliments-and-suggestions/>

Contact: Adrian Watson Moody

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 not have been issued, you will be notified in writing.

Signed:

Date: 17th February 2021

Name in Capitals: Adrian Watson Moody

Name and Address of Local Authority: North East Lincolnshire Borough Council

Municipal Offices

Town Hall Square

Grimsby

DN31 1HU

Telephone: 01472 326299

Email: licensing@nelincs.gov.uk

If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice.

From: Michael Kheng [REDACTED]
Sent: 22 February 2021 17:50
To: [REDACTED]
Cc: Licensing (NELC) <Licensing2@nelincs.gov.uk>; [REDACTED]; 'lee collins'

Subject: Prohibition Notice Challenge - Mr Lee Collins

Dear [REDACTED]

I have been instructed to formally lodge a challenge against the attached Prohibition Notice dated 17 February 2021 that has been served on Mr Lee Collins.

I wish to draw your attention to the attached email from [REDACTED] that was sent to Mr Collins on 18 February 2021 which confirms that Mr Collins was not aware of the incident, and therefore Mr Collins did not carry on a business or provide a service as stated in the notice. The email confirms that Mr Collins, the named DPS, did not tell [REDACTED] to open.

I would like to point out that a prohibition notice cannot be issued to prevent a business operating that is already prohibited from operation due to other regulations. A prohibition notice must seek for measures to be put in place before opening. That is not possible in this instance.

For the above the prohibition is wrong and we therefore request that it be withdrawn.

We reserve the right to expand upon this request should the notice not be withdrawn.

Kind regards

[REDACTED]

Kurnia Licensing Consultants Limited

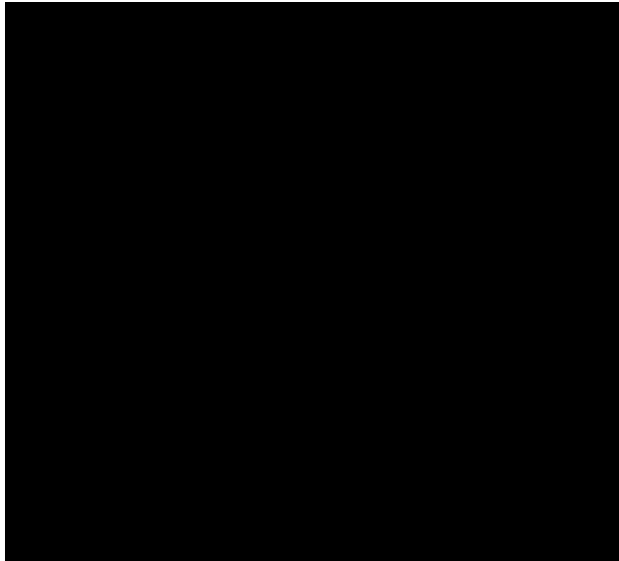
From: [REDACTED]

Date: 18 February 2021 at 18:52:18 GMT

To: [REDACTED]

Cc: lee collins [REDACTED]

Subject: To whom it may concern



To who it may concern

My name is [REDACTED] I am a Barman/maintenance man for Lee Collins at the Mariners rest. I am also a key holder for the venue.

I was performing some maintenance works and checking the venue mid evening on Saturday 13th February 2021, whilst I was performing some duties some friends knocked on the window to see how I was, they was sat talking to me when the police arrived and asked for my details as they said I was breaking the law due to how many people was in the venue, they asked where I got the keys from and as stated in this statement I am a key holder of the venue, I was issued a fine that will arrive in the post and took my keys for the venue off me.

Lee Collins did not know I was performing any tasks at the venue Saturday evening as I usually go and do my checks and any jobs that need doing and report to him as soon as they are done.

I have now lost my job there when we are allowed to reopen and apologize for any thing I have done wrong but wasn't aware that I was doing anything wrong in the first instance as the venue wasn't open as I stated.

Also may I add that the police asked where I got the keys from to which I replied from Lee Collins, I have been a key holder since September 2020.

Kind regards

[REDACTED] Sent from my iPhone