

Record of Officer Decision

This form is the written record of a key or significant operational decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision
Director¹	The Director of Public Health	
Contact person:	Lynne Hellewell Public Health Manager	Telephone number: 0113 37 86042
Subject²:	Review of and continuation of Direction Notification to restrict specified activities at the premises of La La’s Restaurant and Mumtaz Restaurant for a period ending on 14th December 2020 due to the risk to the public’s health of COVID-19	
	<p>What decision has been taken?³</p> <p>The Director of Public Health has given –</p> <ol style="list-style-type: none"> 1. Leeds City Council (“the Authority”), in exercise of the powers conferred by regulation 4(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020⁴ (“the No. 3 Regulations”), gives the following direction. 2. The Authority considers that the following conditions are met— <ol style="list-style-type: none"> 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 Authority’s area; and c. the prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose.⁵ 3. Before giving this Direction, the Authority has had regard to— <ol style="list-style-type: none"> a. any advice given to it by its Acting 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). c. The Authority’s Public Sector Equality Duty under section 149 of 	

¹ With delegated authority set out in Constitution

² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.

⁴ 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).

⁵ See regulation 2(1).

the Equality Act 2010

4. The Authority has taken reasonable steps to give advance notice of this direction to the owner or any occupier of the premises or a person carrying on/managing a business from the premises to which the direction relates.

Authorisation was given on the 9th October to issue a direction to prohibit both venues hosting wedding ceremonies/receptions or other celebratory gatherings, meaning that the restaurants would only be able to take bookings and accept parties of up to 6 persons or single household groups. This direction was issued in order to protect the Leeds population and the populations of surrounding Local Authorities from the significant Public health risk of COVID-19 and the spread of this highly infectious disease.

In accordance with the Regulations this decision has been reviewed and the decision taken that the direction notification issued on 9th October 2020 shall remain in place and be subject to further review in accordance with the Regulations.

A brief statement of the reasons for the decision⁶

Legal -

The Regulations give the power to the local authority to issue a Direction if the authority considers that the following conditions are met -

- a) that giving such a direction responds to a serious and imminent threat to public health,
- b) that the 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) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose.

Authorisation was given on the 9th October to issue a direction to prohibit both venues hosting wedding ceremonies/receptions or other celebratory gatherings, meaning that the restaurants would only be able to take bookings and accept parties of up to 6 persons or single household groups.

La La's restaurant, 501 Leeds and Bradford Road, Pudsey, Leeds LS28 8EE and Mumtaz restaurant, 1 & 2 Mackenzie House, Chadwick Street, Leeds,

⁶ Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal or Equality colleagues as appropriate.

LS10 1PJ must implement restricted entry to the Premises of any persons who enter for the purpose of a wedding ceremony/reception or celebratory gathering in order to protect the Leeds population and populations of surrounding Local Authorities from the significant Public Health risk of COVID-19 and the spread of this highly infectious disease

This direction was issued in order to protect the Leeds population and the populations of surrounding Local Authorities from the significant Public health risk of COVID-19 and the spread of this highly infectious disease.

In accordance with the Regulations this decision has been reviewed and the decision taken that the direction notification issued on 9th October 2020 shall remain in place and be subject to further review in accordance with the Regulations.

The Authority considers that the following conditions required under the Regulations are met—

1: This direction responds to a serious and imminent threat to public health;

The infection rate of COVID-19 across Leeds has continued to rise over the last few weeks, our 7 day infection rate is now 387 per 100,000, in addition Leeds is now in tier 2 (High) of the Governments 3 tier COVID-19 restrictions therefore it is essential ensure all measures are in place to protect the public's health.

Furthermore there continues to be an upward trend across Leeds and the whole of Yorkshire and Humber. We continue to see widespread community transmission across Leeds.

Events of this nature are likely to lead to more people congregating within a specific area. This will increase the likelihood of people from different households coming into closer proximity with each other, increasing the risk of transmission of COVID-19 and worsening the local situation.

2: 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;

The data demonstrates clear evidence of ongoing and heightened transmission

of COVID-19 across Leeds. Allowing premises to host wedding ceremonies/receptions or any other celebratory events with parties above 6 or from a single household to take place that would lead to large numbers of people congregating together and represents a threat to ongoing measures to contain the virus and limit its transmission. Such a threat is mitigated by the premises adhering strictly to the restrictions set out in Regulations and Guidance. Information received from West Yorkshire Police and Leeds City Council enforcement officers indicate these premises are not adhering strictly enough to the restrictions and so not mitigating the threat.

There are a high number of situations across different settings affecting schools, workplaces and care homes. All wards now have a rate of over a 100 per 100 000. Leeds is currently in tier 2 (high) restrictions to minimise spread and harm.

3: The prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose;

Holding the weddings or similar events poses an additional, unnecessary risk to the local spread of infection in a context of rising infection rates across Leeds and the prevention of the event is the only and proportionate response to the current situation. The restrictions on these two premises may have a disproportionate affect on the Asian community but this has been mitigated by the availability of other premises who are not restricted in this way and that these two premises can still operate in a limited way.

The Public Sector Equality duty means we have to consider how decisions affect people who are protected under the Equality Act. Decisions can be made that may be seen as having a negative impact as long as mitigation has been considered. In this case the mitigation is that the Health Protection Regulations have been put in place to protect lives. If this decision was challenged the mitigation in this case is that the protection of lives would be seen as a priority over any potential challenges of discrimination or disadvantage.


Affected wards:

Calverley and Farsley, Hunslet and Riverside

<p>Details of consultation undertaken⁷:</p>	<p>Executive Member – Adults and Health - Cllr Charlwood – 16-10-2020 Executive Member – Environmental Health – Cllr Rafique – 16-10-2020 Executive Member – Communities – Cllr Debra Coupar – 16-10-2020 Executive member – Resources – Cllr Lewis – 16-10-2020 Chair of Licencing Committee – Cllr Garner – 16-10-2020 Ward Cllrs Calverley and Farsley – Cllr Carlill, Cllr Andrew Carter, Cllr Amanda Carter – 16-10-2020 Ward Cllrs Hunslet & Riverside – Cllr Iqbal, Cllr Nash, Cllr Wray – 16-10-2020 Council Leader – Cllr Blake – 16-10-2020 Scrutiny Chairs – Cllr Hayden, Cllr Anderson – 16-10-2020 West Yorkshire Police – Damien Millar – 16-10-2020 Chief Executive Officer – Tom Riordan – 16-10-2020</p>			
<p>Implementation</p>	<p>Officer accountable, and proposed timescales for implementation</p> <p>Director of Public Health Officer accountable for Direction Notification issuing before 00.01am on the 17th October 2020</p> <p>Enforcement falls to James Rogers, Director of Communities and Environment, Leeds City Council and officers under his sub-delegation scheme.</p>			
<p>List of Forthcoming Key Decisions⁸</p>	<p>Date Added to List:- N/A</p> <p>If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision -</p> <p>If Special Urgency Relevant Scrutiny Chair(s)</p> <table border="1" data-bbox="427 1727 1495 1823"> <tr> <td data-bbox="427 1727 1198 1823">Signature</td> <td data-bbox="1198 1727 1495 1823">Date</td> </tr> </table>		Signature	Date
Signature	Date			

⁷ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

⁸ Complete this section for key decisions only

Call In	Is the decision available ⁹ for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public: -		
Approval of Decision	Authorised decision maker ¹⁰ The Director of Public Health Victoria Eaton		
	Signature 		Date 16-10-2020

⁹ Significant operational decisions are never available for call in. Key decisions are always available for call in unless they have been exempted from call in.

¹⁰ Give the post title and name of the officer with appropriate delegated authority to take the decision.