

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 and continuation of direction notification to restrict specified activities at the licensed premises of Taag Leeds, 2b St George House, 40 Great George Street Leeds, LS1 3DL for a period ending on 12th November 2020 due to the risk to the public's health of COVID-19	
Decision	<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 the Equality Act 2010 	

With delegated authority set out in Constitution

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

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

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).

See regulation 2(1).

	<p>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.</p> <p>Authorisation was given on the 14th October to issue a Direction to commence 00:01 hours 15th October 2020 to restrict the opening hours of Taag Leeds to prohibit the premises opening to the public between the hours of 18.00 hours and 07.00 hours except for staff members,(including Arian Taaghobi, Azam Omidvari) and any persons employed to carry out any emergency work in the premises as well as any members of the emergency services and to restrict entry to the Premises of any persons who enter for the purpose of a celebratory gathering, meaning that the tapas bar/restaurant would only be able to take bookings and accept parties from single household groups (including support bubbles) in accordance with current Coronavirus legislation.</p> <p>In accordance with the Regulations this decision has been reviewed and the decision taken that the direction notification issued on 14th October 2020 shall remain in place and be subject to further review in 7 days accordance with the Regulations.</p> <p>A brief statement of the reasons for the decision⁶</p> <p>Legal -</p> <p>The Regulations give the power to the local authority to issue a Direction if the authority considers that the following conditions are met -</p> <ul style="list-style-type: none"> 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. <p>Information received from West Yorkshire Police and Leeds City Council enforcement officers indicate this premises is not adhering to the legislative restrictions to prevent and control transmission of Coronavirus. The premises operator has allowed large and unmanaged gatherings/parties to take place within the premises.</p>
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Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal or Equality colleagues as appropriate.

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 authorisation is given to issue a direction to restrict entry of any persons between the hours of 18:00 hours and 07:00 hours to the Premises except for staff members,(including Arian Taaghobi, Azam Omidvari) and any persons employed to carry out any emergency work in the premises as well as any members of the emergency services.

Authorisation is also given to restrict entry to the premises of any persons who enter for the purpose of a celebratory gathering, meaning that the premises would only be able to take bookings during the daytime when operating as a tapas bar and allow entry to single household groups (including support bubbles) in accordance with current Coronavirus legislation.

In accordance with the Regulations this decision has been reviewed and the decision taken that the direction notification issued on 14th October 2020 shall remain in place and be subject to a further review in 7 days in accordance with the Regulations.

The basis of this decision is that dialogue with the premises owner are ongoing but there remain important practical matters to resolve before enforcement is satisfied the premises can safely open without the current restrictions being imposed and the infection rate continues to be high with Leeds (currently in Tier 2 (High)

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 continues to remain high at 413.3 per 100 000, Leeds is 2nd highest in the region and ranked 30th highest for cases nationally, therefore it is essential to ensure all measures are in place to protect the public's health.

There is an increase in numbers of COVID related admissions and increase in demand for COVID related care in Leeds Teaching hospitals Trust (LTHT).

We continue to see widespread community transmission across Leeds, this situation remains a dynamic picture. All areas across Leeds are showing increasing rates in the older age bands. All wards are experiencing an increase

in number of cases with no ward having a 7 day case rate less than 200 per 100,000.

Large and unmanaged parties in indoor settings 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 large gatherings/parties 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 to the restrictions and so not mitigating the threat.

Leeds is currently in Tier 2 (High) of the enhanced restrictions to minimise spread and harm.

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

The holding of large gatherings/parties or similar events poses an additional, unnecessary risk to the local spread of infection in a context of current infection rates and characteristics across Leeds and the prevention of the event is the only and proportionate response to the current situation. The restrictions contained within the Direction prevent the premise operating as bar during the evening and night. The premises will be able to remain open during the day and continue to trade as a tapas bar up until 18.00 hours.

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:	Little London and Woodhouse
	<p>Executive Member – Adults and Health - Cllr Charlwood – 27-10-2020</p> <p>Executive Member – Environmental Health – Cllr Rafique – 27-10-2020</p> <p>Executive Member – Communities – Cllr Debra Coupar – 27-10-2020</p> <p>Executive Member – Resources – Cllr Lewis – 27-10-2020</p> <p>Chair of Licencing Committee – Cllr Garner – 27-10-2020</p> <p>Ward Cllrs Little London & Woodhouse – Cllr Akhtar, Cllr Brooks, Cllr Marshall Katung – 27-10-2020</p> <p>Council Leader – Cllr Blake – 27-10-2020</p> <p>Scrutiny Chairs – Cllr Hayden, Cllr Anderson – 27-10-2020</p> <p>West Yorkshire Police – Damien Millar – 27-10-2020</p> <p>Chief Executive Officer – Tom Riordan – 27-10-2020</p>
Implementation	<p>Officer accountable, and proposed timescales for implementation</p> <p>Director of Public Health Officer accountable for Original Direction Notification issuing 00:01 15 October 2020</p> <p>Director of Public Health Officer accountable for Review of Direction Notification issuing 00:01 22 October 2020</p> <p>Director of Public Health Officer accountable for Review of Direction Notification issuing 00:01 28 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>Date Added to List:-</p> <p>N/A</p>

List of Forthcoming Key Decisions⁷	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision -	
	If Special Urgency Relevant Scrutiny Chair(s)	
	Signature	Date
Call In	Is the decision available ⁸ 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 ⁹ The Deputy Director of Public Health Lucy Jackson	
	Signature 	Date 28-10-2020

Complete this section for key decisions only

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.

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