



DIRECTION (EVENTS)

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) (NO. 3) REGULATIONS 2020 (No.2020/750), REGULATION 5(1)

GLOUCESTERSHIRE COUNTY COUNCIL STOW HORSE FAIR ALSO KNOWN AS STOW FAYRE, LOCATED ON FIELDS BETWEEN MAUGERSBURY ROAD AND ODDINGTON ROAD, STOW-ON-THE- WOLD, GLOUCESTESHIRE, GL54 1AX DIRECTION 2020

1. Gloucestershire County Council (“the Authority”), in exercise of the powers conferred by regulation 5(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (“the No. 3 Regulations”), gives the following Direction in relation to events.
2. The Authority considers that the following conditions are met—
 - 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.
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).
4. The Authority has taken reasonable steps to give advance notice of this direction to [REDACTED PERSONAL INFORMATION] further to regulation 5(8) of the No.3 Regulations.

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Person and event

5. This Direction is given to [REDACTED PERSONAL INFORMATION] who are the owners or occupiers of premises for the Event to which the direction relates and the organisers of such an event, and any other person involved in holding such an event.
6. This Direction is given in respect of Stow Horse Fair also known as Stow Fayre, located on the fields between Mangersbury Road and Oddington Road, Stow-on-the-Wold, Gloucestershire, GL54 1AX (“the Event”).

Directed actions

7. This Direction requires the following:
 - a. Prohibits the Event from taking place and
 - b. Prohibits all members of the public at all times and without exception from entry to or access to the Event (save for the owners for access to their land, emergency services and any statutory undertakers necessary for undertaking their statutory duties) and
 - c. Requires the Event Organisers and the owners/occupiers referred to in Paragraph 5 to inform persons who may be planning to attend the Event of any prohibitions, requirements or restrictions imposed in relation to the holding of it as set out in this Direction.

Timing and duration of direction

8. Any actions required to put into effect the restrictions set out in paragraph 7 must be undertaken by 00:01 on Saturday, 17 October 2020 when the prohibition comes into effect. The restrictions set out in paragraph 7 shall continue to have effect until 23:59 on Friday, 23 October 2020.
9. In accordance with Regulation 2(2)(b) of the No. 3 Regulations, the Authority will review this Direction at least once every seven days (where the Direction applies in excess of this period). If the Authority considers one or more criteria in regulation 2(1) no longer apply in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

Grounds for Direction

10. This Direction is given on the basis of a decision made by the Chief Executive of the Authority on 15 October 2020 available from:
[\(https://www.gloucestershire.gov.uk/covid-19-information-and-advice/covid-3-regulations/\)](https://www.gloucestershire.gov.uk/covid-19-information-and-advice/covid-3-regulations/).

Consequences of not meeting the requirements of the Direction

11. There may be consequences if this Direction is not complied with. For example, the Authority may issue a Prohibition Notice or Fixed Penalty Notice against you or may commence criminal proceedings against you.
12. A person commits an offence if, without reasonable excuse, the person:
 - contravenes a direction under regulation 5(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.

Appeal/representations

13. 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).
14. You have a right to appeal against this Direction to a magistrates' court by way of complaint for an order. There is a time limit of **up to six months from the date of issue of this Direction to appeal to the Magistrates' Court**. However, bear in mind that this Direction will be reviewed by the Authority at least every seven days (where the Direction applies in excess of this period) and it will decide whether to revoke this Direction or revoke and replace it with another direction.
15. You also have the right to make representations to the Secretary of State about this Direction. 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 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.
16. 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 listed at the top of this Direction;
 - c. The link to this Direction as noted in paragraph 19 below;

- d. An explanation as to how you have been impacted by the Direction and their relationship to the Event, such as whether you are the owner or occupier of premises for the Event, the organiser of the Event or any other persons involved in holding such the Event, as set out in Regulation 5(3) of the No.3 Regulations;
- e. 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);
- f. Any evidence which supports this contention; and
- g. What action you would like to be taken.

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

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

Additional powers and requirements that accompany this Direction

Publication

19. This Direction (and any notice of revocation of this direction (if applicable)) is published on the Authority's website as required by the No. 3 Regulations at <https://www.gloucestershire.gov.uk/covid-19-information-and-advice/covid-3-regulations/>.

20. 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

21. The Authority has notified the Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 of this Direction

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

G.M. Parkinson

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