

PROHIBITION NOTICE

The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 (SI. 2020: No.684)



METROPOLITAN POLICE

PART A

To Daniel Durrar LA ref

Trading as Afrikiko Bar Restaurant + Nightclub

At address of 871 Old Kent Road
London SE15 1NX

Company registered office address (if applicable)
Afrikiko Restaurant + Nightclub Ltd

Southwark
Council
southwark.gov.uk
Regulatory Services
tradingstandards@southwark.gov.uk
Contact centre: 020 7525 2000
Notice no. RAY/100 No2
Date & time 4/9/20
Officer name Ray Moore

This Prohibition Notice is served under Regulation 7(2) of the above 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. As an officer designated as a relevant person for the purposes of the Regulations, I 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 continued contravention of the requirement.

PART B - Contravention of the restrictions during the emergency period

Regulation 4(1) - Breach of requirement to close premises and business or to cease carrying on a prescribed business or service provision

Description of the contravention of the restrictions

(the grounds for the reasonable belief that there has been a contravention)

Evidence has been disclosed that the business has been operating as a night club with music and dancing contrary to the businesses subject to closure in Schedule 2 (1) + 2(2) and in breach of regulation 4(1)

PART C - What you must do under as a result of this notice

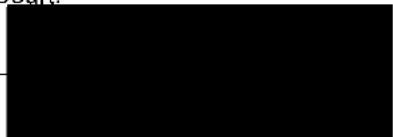
This Prohibition Notice requires that you immediately cease the activities giving rise to contravention of the Regulations. The activities must not resume before the end of the emergency period. The measures specified below must be taken to prevent continued contravention of the Regulations

This business must cease to operate as a night club with immediate effect - see Trading Standards Notice for steps taken to ensure this happens

Part D - Consequences of non-compliance

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Designated Officer's signature: _____



The authority reserves the right to amend, vary, or revoke this notice. If you wish to challenge or make representations you should do so in writing - guidance on this is detailed in Part E.

Part E - Challenging this Prohibition Notice

There is no statutory right to appeal against this Prohibition Notice.

If you consider that the Notice should not have been issued or that the actions required of you are unreasonable or unjust, you can make representations to the authority that issued it.

For Southwark Council write to the Head of Regulatory Services at the address given outlining your reasons for challenging the Notice, within 14 days of the date on this Notice or use the Council's corporate complaints procedure which can be accessed via www.southwark.gov.uk/complaints.

For Police use the Metropolitan Police complaints procedure accessed via www.met.police.uk

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

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 be revoked, you will be notified in writing that the Notice has been revoked.

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

Guidance on the regulations

www.southwark.gov.uk/coronavirus-businessclosure

Guidance and sample text for officers on completing Part B

Set out the offence, including sufficient detail to clearly identify the grounds for a reasonable belief that the offence has been committed. For example "Failed, without reasonable excuse, to cease to carry on the business or provide the service of [insert business or service type], listed in paragraph [insert paragraph number] of Schedule 2 to the Regulations, during the emergency period, other than as permitted by Regulation 4(2) or 4(5).

Guidance and sample text for officers on completing Part C

Detail the action(s) that need to be taken to prevent continued contravention of the requirement. For example in relation to a breach of Regulation 4(1) (Business listed in Schedule 2) - actions required:

Cease to carry on the business or provide the service except as permitted by (delete the points below where not relevant):

- Regulation 4(2) (which permits the use of premises and facilities for specified purposes, including by elite sportspersons, professional dancers and choreographers)
- Regulation 4(5) (which permits the business to carry on a business of offering goods for sale or hire in specified circumstances; or to operate a café or restaurant in specified circumstances.)

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