

Reference Number: 6 9 008084

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

**The Health Protection (Coronavirus, Restrictions) (Steps)(England) Regulations
2021**

FIXED PENALTY NOTICE

Date: 24th June 2021

Part A

To: Paul Andrew Gill

Of: The Red Lion Hotel, Red Lion Yard, Bridgegate, Rotherham S60 1PN

Trading as: The Red Lion Hotel, Red Lion Yard, Rotherham

This Fixed Penalty Notice is served under Regulation 12(1) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (the Regulations), as amended.

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, Jeremy Squires, designated as an authorised person for the purposes of the Regulations by Rotherham Metropolitan Borough Council, have reasonable grounds for believing that you have committed a criminal offence under the Regulations. I am issuing this Notice to offer the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

Rotherham Metropolitan Borough Council may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

Part B. Amount of Penalty and Period to Pay

The monetary penalty you must pay is: £1,000

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to Rotherham Metropolitan Borough Council:

Riverside House
Main Street
Rotherham
S60 1AE

How to Pay this Fixed Penalty

Credit or Debit Card - by phone or online: Call 0300 456 2723 enter the whole 8 digit reference number on the front of this Notice when prompted; or go to www.rotherham.gov.uk and click on "Make a Payment" then "Online Payments" Select "Env Fixed Penalty" as the fund type and enter the above number in the reference field.

In Person: You can pay at any Rotherham Metropolitan Borough Council payment office.

By Post: Payment can be made to the address on the back of this notice by cheque or postal order payable to RMBC. Do not send cash by post.

By Post

Please complete the following form and post to:

Community Protection Unit
Rotherham Metropolitan Borough Council
Riverside House,
Main Street,
Rotherham S60 1AE

Please make cheques payable to Rotherham Metropolitan Borough Council.

There is no appeal against this fixed penalty notice, as it has been issued because the Council has evidence you have committed an offence and would otherwise prosecute you for that offence. This notice is a way of you discharging your liability for the offence.

Signature... 

Name in Capitals...Jeremy Squires

Date 24th June, 2021.

Part C. Grounds for Imposing the Penalty

APPENDIX 7

Regulation contravened: Regulation 11(1)(a) in that without reasonable excuse you contravened a Step 3 restriction as set out under Paragraph 7 of Part 2, Schedule 3.

Particulars of the Offence: On 19th June 2021 as a person responsible for carrying on the business of a public house failed, without reasonable excuse, to comply with the restrictions imposed by Paragraph 7 of Schedule 3 of the Regulations in that you failed to ensure that food or drink was ordered by, and served to, a customer who was seated on the premises. You also failed to take all reasonable steps to ensure that customers remained seated whilst consuming food or drink on the premises.

On 19th June 2021 Police Officers attended the premises. The premises were seen to serve drinks to customers who attended the bar and who were not seated. The premises also failed to ensure that customers remained seated whilst consuming their drinks.

Part D. Challenging this Fixed Penalty Notice

If you consider that the Notice should not have been issued, you can make representations to Rotherham Metropolitan Borough Council in writing outlining your reasons for challenging the Notice, within 14 days of the date on this Notice.

Your challenge will be processed in accordance with Rotherham Metropolitan Borough Council's Complaint Procedure: <https://www.rotherham.gov.uk/council/complain-council-services/2>

Email: complaints@rotherham.gov.uk
Tel: 01709 382121

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.

Part E. Consequences of non-payment/continued non-compliance

If you fail to pay the fixed penalty within 28 days, you lose the opportunity to discharge liability to conviction, and criminal proceedings may be commenced against you in respect of the offence set out in Part C of this Notice.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Signed:  Date: 24th June, 2021

Name in capitals JEREMY SQUIRES

Telephone (01709) 255037 Email env.health@rotherham.gov.uk

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