

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020¹ (SI. 2020 No. 1374)

FIXED PENALTY NOTICE

Date 24 February 2021

Part A

To: Mr Mark Anthony Counihan

At: 249 Neasden Lane, London, NW10 1QG

Business Name/Registered Office: The Field

Trading as: The Field

This Fixed Penalty Notice is served under regulation 11(1) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, as amended (the Regulations).

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, Susana Figueiredo, designated as an authorised person for the purposes of the Regulations by The London Borough of Brent, have reasonable grounds for believing that you have committed a criminal offence under the Regulations. I am issuing this Notice to offer you the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

The London Borough of Brent 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: **£1000**

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

The penalty must be paid to The London Borough of Brent, in one of the following ways:

Card Payment Over The Phone

You are able to make a secure payment over the telephone. Please contact us on [REDACTED] or [REDACTED] and we can arrange to take a payment from you.

Pre-pay by Post

Payment may be made using a pre-paid postal service enclosing cash, cheque or postal order, made payable to: The London Borough of Brent, Regulatory Services, Civic Centre, Engineers Way, Wembley HA9 0FJ.

Please write the name of the person to whom the penalty notice was issued to, on the back of the cheque and reference number.

Part C. Grounds for imposing the Penalty

Regulation contravened: Regulation 8 and Part 3 of Schedule 3A, paragraph 10 (1), paragraph 15 (2) (d), paragraph 15 (6) (c) and (d).

Failed, without reasonable excuse, to cease carrying on the business or providing the service listed in Part 3 of Schedule 3A, paragraph 11, paragraph 15 (2) (d), paragraph 15 (6) (c) and (d).

¹ Amended most recently by SI 2020 Nos. 1611 / 1646 / 1654, and SI 2021 No. 8

Particulars of the offence:

Requirement to close premises and businesses –

On 19 February 2021, at 16.40 hours police officers witnessed a bar/ public house, namely The Field, 249 Neasden Lane, NW10 1QG, was open to members of the public serving alcohol, contrary to the restrictions imposed by Part 3 of Schedule 3A, paragraph 11, paragraph 15 (2) (d), paragraph 15 (6) (c) and (d). of this legislation.

Part D. Challenging this Fixed Penalty Notice

If you consider that the Penalty Notice should not have been issued, you can make representations to The London Borough of Brent in writing outlining your reasons for challenging the Notice, within 21 Days of the date on this Notice.

Your challenge will be processed in accordance with The London Borough of Brent Complaint Procedure: <https://www.brent.gov.uk/your-council/complaints/>

Contact: Regulatory Services, The London Borough of Brent, Civic Centre, Engineers Way, Wembley HA9 0FJ.

Email: trading.standards@brent.gov.uk

This Penalty 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 not have been served, you will be notified in writing that the Notice has been revoked.

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

Failure to pay fixed penalty within 28 days may lead to criminal proceedings being 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 : 24 February 2021

Name in Capitals: SUSANA FIGUEIREDO

The London Borough of Brent, Civic Centre, Engineers Way, Wembley HA9 0FJ.

Telephone: XXXXXXXXXX

Email: trading.standards@brent.gov.uk

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