

## **DIRECTION RELATING TO INDIVIDUAL PREMISES**

### **Granby Arms, 28 High Street, Uppermill, OL3 6HR**

#### **THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) (NO. 3) REGULATIONS 2020 (No.2020/750), REGULATION 4(1)**

1. Oldham Council ("the Council"), in exercise of the powers conferred by Regulation 4(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 ("the Regulations"), gives the following direction.
2. The Council 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 Council'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 Council has had regard to—
  - a. 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 Premises forms part of essential infrastructure).
4. The Council has taken reasonable steps to give advance notice of this Direction to a person carrying on managing a business from the Premises and the owner (if different) of the Premises.

## DIRECTION

### Person and premises

This Direction is given to **James Hardie of Granby Arms, 28 High Street, Uppermill, Oldham, OL3 6HR**, who is the Premises Licence Holder for the premises to which the direction relates.

This Direction is also given to **Debbie Hardie of Granby Arms, 28 High Street, Uppermill, Oldham, OL3 6HR**.

This Direction is copied for information to Enterprise Inns PLC

5. This Direction is given in respect of **Granby Arms, 28 High Street, Uppermill, Oldham, OL3 6HR** ("the Premises").

### Directed actions

6. This Direction requires the following:

The Premises must close.

No persons shall be admitted to the Premises unless employed there or contracted to work there.

### Timing and duration of direction

7. Any actions required to put into effect the restrictions set out in paragraph 6 must be undertaken by **17:00 on Thursday 20<sup>th</sup> August 2020**. The restrictions set out in paragraph 6 have effect until **10:00 on Friday 4<sup>th</sup> September 2020**.
8. In accordance with Regulation 2(2)(b) of the Regulations, the Council will review this Direction at least **once every seven days**. If the Council considers that one or more of the conditions in Regulation 2(1) are no longer met in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

### **Grounds for Direction**

9. This Direction is given on the basis that:

Restrictions on gatherings have been implemented in Oldham due to rising Coronavirus infection rates. Gatherings between different households are of particular concern and are increasing coronavirus transmission rates. The number of outbreaks in the hospitality sector is increasing.

The business operated from the Premises has failed to implement appropriate social distancing controls and failed to manage large gatherings of customers both inside and outside the Premises.

See Annex A for additional details on the Council's grounds for giving the Direction.

### **Consequences of not meeting the requirements of the Direction**

10. If this Direction is not complied with the Council may issue a Prohibition Notice against you or may commence criminal proceedings against you.

11. A person commits an offence if, without reasonable excuse, the person:

- contravenes this Direction;
- obstructs a person carrying out a function under the Regulations, including any local authority designated officer under Regulation 12 or a constable;  
or
- fails to comply with a Prohibition Notice.

Such an offence is punishable on summary conviction by an **unlimited fine**.

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Ref: Granby\_Arms\_PL0138/Direction\_01



### **Appeal/representations**

12. 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).
13. You have a right to appeal against this Direction to a magistrates' court. 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 Council at least every seven days and it will decide at each review whether to revoke this Direction or revoke and replace it with another direction.
14. 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 Regulations. The Secretary of State may direct the Council 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 Council.
15. 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](mailto:directionnotification@dhsc.gov.uk). Your representation should include reference to Oldham Council.
16. **You are still required to comply with this Direction pending the outcome of any appeal to the magistrates' court or the Secretary of State.**
17. You may wish to obtain independent legal advice should you seek to pursue an appeal.

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### **Additional powers and requirements that accompany this Direction**

#### **Publication**

18. This Direction may be published in such manner as the Council considers appropriate to bring it to the attention of other persons who may be affected by it.

#### **Notification**

19. The Council is required to notify any adjacent local authority of this Direction (and any revocation of the Direction). Relevant local authorities have been notified of the service of this Direction.

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

A handwritten signature in black ink, appearing to read "N. Crabtree".

**Neil Crabtree**  
**Head of Service**  
**Public Protection**

**As authorised by Helen Lockwood, Deputy Chief Executive**

### **Appeal Details**

You have the right to appeal against this Direction to Tameside Magistrates' Court, Henry Square, Ashton-under-Lyne, OL6 7TP. Any appeal must be made within 6 months from the date that the Direction is made. You may also make representations to the Secretary of State.

## **Annex A**

### **a. This direction responds to a serious and imminent threat to public health**

Over the past three weeks Oldham has seen a dramatic increase in the number and rate of new COVID-19 cases and now has one of the highest rates in the country. Local data shows us that transmission is happening in our communities rather than in care homes or other communal settings. Transmission between households is a key driver for our higher rates. In addition, our local data shows us that the most recent cases are occurring in working age adults, and young people rather than the elderly.

In order to prevent different households gathering in social settings, restrictions have been put in place across Greater Manchester, including Oldham. The impact of these restrictions on our rising rates is being threatened by businesses not following the guidelines. In addition, there is the possibility that if premises are not managed in compliance with the current legislation that the numbers of contacts for a case would be extremely high.

The high rates of cases in Oldham, and the increasing rates in working age adults and young people, combined with the risk of spread between households means that hospitality settings have the potential to be a particularly potent source of transmission if the regulations are not followed. Premises that do not follow the regulations are a clear threat to the health of the public.

### **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**

Listed below is the evidence that describes the continued non-compliance with the COVID restrictions despite repeated efforts to engage, explain and encourage the licensee and manager.

25/03/2020 – report via GMP that premises are open to customers and operating in contravention of lockdown requirements.

03/04/2020 – letter to licence holder regarding allegations and information provided on current restrictions.

21/06/2020 – information received from GMP regarding visit to premises. 2 x PSCOs were in area and upon walking past viewed 3 males drinking inside. Licence holder on site and appeared intoxicated. Licence holder told to close.

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24/06/2020 – warning letter sent to licence holder in respect of previous incident.

29/06/2020 – general letter to licensed premises sent with COVID advice, guidance and information in readiness for lockdown restrictions easing and re-opening of pubs on 4<sup>th</sup> July.

11/07/2020 – information received from GMP that on the evening of 10/07/2020 the premises appeared to be over capacity and customers were unmanaged. Outside customers also completely blocking the footpath. This was evidenced by GMP officers body worn camera footage.

11/07/2020 – visit undertaken to premises by GMP officers to discuss the matter, licensee stated a large volume of people entered the premises towards the end of the night. She admitted she had nobody on the door controlling capacity and did not turn any of the people away in order to remain within capacity. Failed to comply with COVID capacity restrictions. Licensee firmly advised there must be no recurrence going forward. Following advice licensee petulantly walked away and stated she would complain and would not discuss the matter further. Meeting captured on GMP officer body worn camera footage.

11/07/2020 – GMP observations carried out of the high street in the evening where GMP Officers were approached by licensee of premises who informed the Officers that the same afternoon she had been visited by GMP and they had threatened her and informed her that she was being made a target. The licensee didn't realise one of the Officers in the vehicle was the one who visited her the same afternoon and when this was pointed out to her and she was told it was untrue she became argumentative and unpleasant.

17/07/2020 – as a result of the information received on 11/07/2020, meeting between manager of premises, Police Licensing Officer and Oldham Council Licensing Officer took place to discuss ongoing issues. Action plan drawn up and agreed as follows;

- Internal capacity will be max 45 people
- External capacity will be max 30 people
- Seated customers only – no vertical drinking
- Door managed to control numbers
- Rules will be displayed on each table and if not adhered to customers will be refused service and asked to leave
- Refusal book supplied for staff to use
- Friday & Saturday last orders will be at 22:00hrs and doors closed

07/08/2020 – visit to premises by GMP at 23:00hrs. Manager informed GMP Officer in attendance she intended to close at 00:15hrs. Inside premises was busy with a number of people crowded round the bar and drinking right next to the licensee, no functional queuing system, no effective social distancing. Approx 100 youths outside premises drinking, appearing to have been served at Granby. Evidenced by body worn camera footage of Officer.

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10/08/2020 – phone call to licence holder regarding incident on 07/08/2020. Verbally warned licence holder regarding compliance and conduct and advised letter would be sent out to require both licence holder and manager to attend a meeting on 20/08/2020. Advised licence holder he had one more weekend prior to the meeting and they should ensure they were fully compliant and had no further issues.

18/08/2020 – information received from GMP that licensee had no control over customer outside premises using bench seating and one-way system is not being used. Body worn camera footage of the visit to premises at 21:15hrs on 15/08/2020 shows large gathering outside premises and lack of social distancing within premises.

**c. The prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose.**

Despite the best efforts of GMP and Council officers the premises continue to pose a threat to the public health and it is only a matter of time before an outbreak is likely to occur if immediate action is not taken to close the premises until the licensee/manager can and will ensure compliance.

Other options considered were to restrict access to the premises to a certain number of people between certain hours. This was suggested as part of the action plan on 17<sup>th</sup> July and it was understood that an agreement had been made with the licensee however she failed to carry out this agreement and therefore the Council seeks closure of the premises due to ongoing lack of compliance.