

REVOCATION AND REPLACEMENT OF DIRECTION (INDIVIDUAL PREMISES)

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

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) (NO. 3) REGULATIONS 2020 (No.2020/750), REGULATION 2(3)

1. Oldham Council ("the Council"), in accordance with the requirements of Regulation 2(2)(b) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 ("the Regulations") considers that the conditions in Regulation 2(1) of the Regulations are no longer met in relation to the Direction of 20th August 2020 relating to Granby Arms.
2. Therefore, in exercise of the powers conferred by Regulation 2(3)(b) of the Regulations the Council hereby revokes the Direction of 20th August 2020 and replaces it with the following Direction under Regulation 4(1) of the Regulations.

Directed Actions

This replacement Direction requires the following:

- Limit capacity at the premises to the following;
 - Front external seating – maximum 30 persons
 - Rear external seating – maximum 25 persons
 - Internal seating – maximum 45 persons
- Both external seating areas to cease being used by patrons by 2200 daily, save for the rear area for the purposes of smoking only
 - No drinks are permitted outside after 22:00 including whilst smoking
- No new entries, or re-entries, to the premises from 22:30hrs on any day
- No vertical drinking at any time, both internally and externally
- Premises to operate table service only from 19:30hrs (no bar service after this time)

Timing and Duration of Direction

3. Any actions required to be put into effect in the restrictions set out in paragraph 3 must be undertaken by **12:00 noon on Friday 28th August 2020** and will end at **10:00am on Friday 11th September 2020**.

4. In accordance with Regulation 2(2)(b) of the No. 3 Regulations, the Council will review this further 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 that further Direction, it will either be revoked without replacement or revoke and replace it with another Direction.

5. Before revoking and replacing this Direction, the Council has had regard to advice given to it by its Director of Public Health.

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

Grounds for Replacement Direction

7. This replacement Direction is given on the basis that:

8. Over the past four weeks Oldham has had one of the highest rates of COVID-19 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. More recently, over the past week, our rates are falling, although we still have amongst the highest rates in England.

9. In order to prevent different households gathering in social settings, restrictions have been put in place across Greater Manchester. Due to the high rates in Oldham, additional restrictions have been placed on Oldham. The impact of these restrictions on our high 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.

10. The high rates of cases in Oldham, and the concentration of these cases 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.

11. Following a previous Direction the operators of the premises to which this Direction relates have now carried out a risk assessment and undertaken to implement additional controls at the premises to prevent the spread of Covid-19.

12. The additional restrictions contained within this Direction are necessary to ensure that the premises are operated in a safe manner going forwards.

Consequences of not meeting the requirements of the Direction

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

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

- contravenes a direction under regulation 4(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

15. If you believe that this further 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).

16. 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 and it will decide whether to revoke this Direction or revoke and replace it with another direction.

17. 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.

Date: 28 August 2020
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18. 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. Your representation should include reference to Oldham Council.

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

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

Additional powers and requirements that accompany this Direction

Publication

21. 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

22. The Council is required to notify any local authority whose area is adjacent to the initiating authority's area of this Direction (and any revocation of the Direction) by the No. 3 Regulations. All Greater Manchester Local Authorities have been notified of the service of this Direction.

23. 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.