

LICENSING ACT 2003

REPRESENTATION BY ANY OTHER PERSON

This leaflet consists of two parts. The first part provides information and guidance on making a representation. The second part is the representation form, which on completion should be signed in ink and returned to the Licensing Authority. Before completing this form please read the guidance notes. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Part 1 – Introduction

The Licensing Act 2003 enables a “responsible authority” or “other person” to make a relevant representation to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises.

Responsible Authorities– are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence.

Other Persons- this includes any individual, body or business regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious.

Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

The four licensing objectives are:

- The prevention of public nuisance
- Public safety
- The prevention of crime and disorder
- The protection of children from harm

If a relevant representation is made, the Licensing Authority must hold a hearing to consider the representation(s), unless all parties agree by giving a notice in writing that they consider a hearing is unnecessary.

If a hearing is held, all relevant parties will be given the opportunity to attend that hearing and invited to comment at the hearing on their representation, but they may if they wish choose to rely on their written representation.

Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing Committee. Please note that for the purposes of effective administration of the licensing hearing, where there are a number of representations or where there are repetitive representations on a common theme, the Council may ask for a spokesperson to be selected from amongst those making representations to present the comments to the Committee. Your individual written representations will still be presented to the Committee. If you wish to withdraw any

representations you may do so confirming this in writing, providing you do so no later than 24 hours before any hearing, or otherwise orally at the hearing.

Appeals

Anyone who feels aggrieved by the decision of the Licensing Authority has a right of appeal to the Magistrates' Court.

PLEASE NOTE:

This is an advisory document. Chorley Council does not accept any responsibility whatsoever for loss sustained in reliance on anything contained within this document. Nothing in this document is intended to negate the responsibilities of any person in respect of relevant legislation and standard of care.

The contents of these pages are provided as an information guide only. They are not a full and authoritative statement of the law and do not constitute professional or legal advice. Any statements on these pages do not replace, extend, amend or alter in any way the statutory provisions of the Licensing Act 2003 or any other legislation made under it or statutory guidance issued in relation to it.

No responsibility is accepted by the Council for any errors, omissions or misleading statements on these pages. The Council has made every effort to ensure that the information in these pages is correct and accurate.

Part 2 – Licensing Act 2003 Representation Form

On completion this form and any additional sheets or other accompanying documentation should be posted to: Licensing, Chorley Council, Civic Offices, Union Street, Chorley, PR7 1AR

Please indicate in which capacity you are making this representation by ticking a box below:

- An individual
- A body representing persons
- A person involved in a business

Contact details (of person completing form)

| | |
|---|---|
| Name: | Paul Lee |
| Name of organisation/ body/ person you represent (if appropriate) | Chorley Council, Environmental Health Section |
| Your full postal address or that of organisation or body you represent | Civic Offices Union Street Chorley |
| Post Code | PR7 1AL |
| Daytime contact phone number | 01257 515151 |
| E-mail address (optional) | paul.lee@chorley.gov.uk |

Details of person / body making representation (if different from above)

| | |
|---|--|
| Name of organisation/ body/ person you represent (as appropriate) | |
| Full postal address of the person/organisation or body making representation | |
| Post Code | |
| Daytime contact phone number | |
| E-mail address (optional) | |

Premises / Club Details

| | |
|---|---------------------------|
| Name of premises/club you are making representation about | Bretherton Arms |
| Name of applicant for Licence (if known) | |
| Postal address | 252 Eaves Lane Chorley |
| Post Code | PR6 0ET |

What are you making a representation about?

| |
|--|
| Please indicate which part of the licence / certificate application you are making a representation about |
| (i.e. crime, disorder, noise, disturbance) - Management of Coronavirus control measures |

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation **must** relate to one or more of the four Licensing Objectives. Please indicate the objective(s) your representation relates to)

| Licensing Objective | Tick for yes | Licensing Objective | Tick for yes |
|--------------------------------------|--------------|--------------------------------------|--------------|
| The prevention of crime and disorder | Yes | Public Safety | No |
| The prevention of Public nuisance | No | The protection of children from harm | No |

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it. (continue on a separate sheet if necessary)

MANAGEMENT OF CORONAVIRUS CONTROL MEASURES

I have viewed parts of the CCTV footage taken from the premises on 17th April 2021, which covers the rear car park area, in use as an outdoor drinking area at the time. I have also been provided with information relating to the management of Coronavirus control measures at the premises by Nathan Howson, Enforcement Team Leader (Licensing) based on his observations at the time of his visit and following discussions which took place with the management of the premises on 17th April.

Current legislation relating to Coronavirus control and restrictions, requires food businesses to ensure that the details of customers are recorded for the benefit of the NHS Track and Trace system, that customers remain seated when eating or drinking, other than to use toilet facilities and that customers are not seated in groups larger than 6 individuals or two households and do not interact with individuals outside of their own group.

The CCTV footage shows customers standing up from their own table and walking over to other tables to speak with customers who appear to be outside of their permitted group, along with frequent examples of customers standing away from their own tables. Although I appreciate that this can be difficult to manage, there appears to be very little supervision of the outdoor area by the premises management or staff, with management seen to be walking through groups of customers who are not seated at tables, with no attempt made to ask customers to return to their seats.

I understand that when members of the management team were asked about their Track and Trace procedures, that there was uncertainty about whether customers were "signing in" via the NHS app on their mobile phones. It appears from the information provided, that customers are not being required to leave Track and Trace details (either via the NHS app and QR code which should be on display at the premises, or on paper) and that insufficient efforts are being made to require customers to provide these details, either on entry to the premises or at the point of taking an order from a customer. In terms of entry to the premises, the lack of any barriers or door staff, combined with an apparent lack of management supervision, would, in my view, easily allow customers to enter the premises without being required to provide details for Track and Trace.

The Environmental Health team are in receipt of a report from Public Health England dated 27th April 2021, in which data from the most recent week available (16th to 22nd April) ranks Chorley at No 1 out of the 15 Lancashire Local Authorities, in terms of the Coronavirus case rate i.e. Chorley has the highest number of coronavirus cases of all Lancashire authorities for this period. With this in mind, it is vital that businesses adhere to Coronavirus restrictions, a key part of which for hospitality are the issues discussed above.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the Committee could add to the licence (if granted) that would remedy your concern. (continue on a separate sheet if necessary)

I would recommend that consideration be given to the addition of Heras fencing or similar to control customer access to the rear car park area, with a member of staff at the entrance point requesting that all customers “sign in” on the NHS Track and Trace app or leave their details on paper if they do not have access to the NHS app.

Signature:

Paul Lee

Capacity:

Environmental Health Officer

Date:

29/04/21

LIQ 36