



APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

Please read the following instructions first

Before completing this form, please read the guidance notes at the end of the form. 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 in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, (insert name of applicant) **Richard Woodhead**

- **Apply for the review of a Premises Licence under Section 51**
- **Apply for the review of a Club Premises Certificate under Section 87 of the Licensing Act 2003 for the premises described in Part 1 below**

Part 1 – Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

The Rose And Crown, Cop Hill, Slaithwaite

Town/City:

Postcode: **HD7 5XA**

Name of premises licence holder or club holding club premises certificate (if known):

Number of premises licence or club premises certificate (if known):

Part 2 – Applicant details

Please 'check' appropriate box(es)

I am:

1. An interested party (please complete A or B below)
 - (a) a person living in the vicinity of the premises
 - (b) a body representing persons living in the vicinity of the premises
 - (c) a person involved in business in the vicinity of the premises
 - (d) a body representing persons involved in business in the vicinity of the premises
2. A responsible authority (please complete C below)
3. A member of the club to which this application relates (please complete A below)

A – Details of individual applicant

Mr

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

B – Details of other applicant

Surname:

Forename(s):

Address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

C – Details of responsible authority applicant

Other title, e.g. R: Mr

Surname:

Woodhead

Forename(s):

Richard

Address:

West Yorkshire Police Licensing, Flint Steet

Town/City:

Huddersfield

Postcode: HD1 6LG

Daytime contact telephone number:



E-mail address (optional):

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

(a) The prevention of crime and disorder



(b) Public Safety



(c) The prevention of public nuisance



(d) The protection of children from harm



State the ground(s) for review (please read Guidance note 1):

On the 2nd June 2020 a joint licensing visit was carried out to the pub after various complaints had been made that the pub was still trading during the covid 19 lock down period, and persons were consuming alcohol in areas that were under control of the licensee.

At the time of the visit, two of the external benches were occupied by persons consuming alcohol. The alcohol had been sold from the internal bar area but was being consumed in the benched directly to the front of the pub. The customers drinking were in full view of the licensee at all times, who made no effort to ask the customers to cease.

The licensing visit was made up of myself, PC Katy Jagger, and Mr Mike Skelton from Kirklees licensing. All three of us witnessed the customers drinking.

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Please provide as much information as possible to support the application (please read Guidance note 2)

On the 20th March 2020 the Government directed that all pubs and bars offering on sales of alcohol must cease, however off sales, could continue. An off sale is where the alcohol is sold to customers for consumption away from the premises, and not in the area under control of the licensee.

On the 26th March 2020 PC Jagger spoke to you on the telephone and informed you that West Yorkshire Police had received a complaint about persons drinking outside your Premises. On this date you stated that these were passing walkers and they were drinking and eating food they had brought with them.

We discussed that your Premises does have Off Sales so you could sell alcohol, drinks and snacks but only to be consumed away from the Premises and not in the beer garden.

PC Jagger advised you to seal or tape off your beer gardens so that it was clear that they could not be used for the consumption of alcohol.

Intelligence had been received that the Rose and Crown pub was still open, and selling alcohol to customers, on the evening of Friday 27th March 2020 P.C. Jagger and myself visited the pub and spoke to the [REDACTED] about the current situation and the legislation linked to the sale of alcohol.

We confirmed [REDACTED] could carry out off sales, as long as [REDACTED] complied with the Government guidelines covering take away sales, which the premises had become.

PC Jagger and I asked that all the benches in front of the pub be removed, or taped off, to ensure customers were not encouraged to gather and remain at the premises consuming their off sales.

[REDACTED] agreed that all benches would not be used, [REDACTED] would sell alcohol to customers, but it would be for off sales only, and no one would be encouraged to remain at the premises what so ever.

The evidence I will put before you is that the sales of alcohol were not off sales but were carried out in the licensed area, were paid for in the licensed area, and therefore were on sales which are currently illegal. Consumption of alcohol is not a licensable activity, however the sale of alcohol is.

Throughout April and May a number of complaints were made to West Yorkshire police, officers attended and confirmed that the pub could sell alcohol as long as it was only for off sales. The attending officer was told by the licensee they were allowed to sell bottled beers and crisps.

Further complaints were made to Environmental health, and to Kirklees licensing that the pub was flouting the current lock down guidance by allowing people to sit on the benches belonging to the pub and consume their alcohol on site.

A joint partnership licensing visit was put in place with KMC and West Yorkshire police on Tuesday 2nd June at 14.35 hours. When we visited the pub the licensee was sat outside along with [REDACTED] partner at a bench with a [REDACTED] who was consuming alcohol. We questioned as to why alcohol was been consumed on the property [REDACTED] replied it was an off sale.

Another bench had four persons sat on who were also consuming alcohol, two of the drinks had been dispensed into glasses, one being a glass of wine. Two others were drinking bottled cider that had been sold to them from the pub, and a bottle opener had been made available for the bottles to be opened. None of the customers were observing any form of social distancing.

On entering the premises it was noted that the toilets were available for customer use, and a sign was placed in the entrance saying 'one in one out' of the bar area. Current guidelines state, that even offering a take away service all bars must be closed. I have attached a copy of the current guidelines on safe working practices for take away service as append 1, which I will be referring to in support of this

review.

When we entered the bar area, which should have been closed, a number of alcoholic drinks were on display on the bar top, along with two draught ale pumps that were used to dispense cask ale to customers. I asked how I would purchase my take away alcohol and ██████ stated the as a customer I would come into the bar area, select my drink of choice, ██████ would dispense it, then charge me.

The drinks would not be consumed in the bar area, but outside on the benches which were are under control of the licensee. The licensee confirmed that all drinks sales were completed in the bar area via an electronic PDQ machine. This method of retailing alcohol is not an off sale but an on sale.

The government guidelines says that best practice is to have customers phone their order up in advance, or order on line, then when collecting it, wait in their cars till their order has been prepared and brought to them. The customers in this case were just turning up at the pub, buying what was available, then using the seating area provided by ██████ to consume the alcohol. Section 3.3 of the government guidelines states the bar area must be closed. To allow persons into the licensed area, and to have them select their drink of choice is against all guidance.

At the time of the visit ██████ was not in in any form of PPE, there was no evidence of any PPE being used while dispensing the drinks. The customers consuming alcohol were not in any form of PPE, and there was no social distancing going on. There was no evidence of any risk assessment being carried out to protect both customers and staff from any infection. There were no 2 metre markings on any of the floors, only a sign saying ONE IN ONE OUT', on the way into the bar area, which confirms the bar was being used by the general public.

We have brought this review as we feel all four of the licensing objectives have been impacted upon by the decisions and actions carried out by ██████ The pub is a free house, ██████ does not work for any brewer or pub company, so any decision has been made by ██████ All decision are purely financial without any considerations to the general public or the current situation faced by our local communities. ██████ with have been in receipt of the financial grant offered to business' to help protect his business, which has been funded by the local tax payers.

The objectives impacted upon are:

- 1) Protection of Children from harm, the actions of no social distancing carried out by the customers of the pub could impact on local children's health.
- 2) Public Safety, by allowing customers in the bar area, to use the toilet facilities, to sit on the benches provided by ██████ to consume alcohol all help in raising the threat to public safety.
- 3) Crime and disorder. ██████ has failed to observe the law on keeping a bar open to the public the offence under the Health protection (coronavirus and restrictions) (England) regulations 2020.
- 4) Public Nuisance, a number of complaints received from the public states that large numbers of people have been using the pub over the last sunny period, and were still outside after 10pm on a number of occasions. One resident stated that because people had found out the pub was still serving alcohol, there had been a dramatic increase in road traffic in the quiet rural area.

Because the licensee has chosen to continue to offer alcohol for sale, and for seating facilities made available for people to consume alcohol, without any consideration for the current situation, West Yorkshire police request that the panel seriously consider their only option to be revocation. All decisions made, and actions taken were for purely financial reasons, no consideration has been given to the current situation. We request revocation to send a strong message out to all businesses that they

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must follow Government guidelines. It also sends the message to law abiding business' and residents of Kirklees such action will not be tolerated by either West Yorkshire police or the local authority.

Have you made an application for review relating to this premises before? **NO**

If 'YES', please state the date of that application:

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If you have made representations before relating to this premises, please state what they were and when you made them:

[Empty box for representations]


Please 'check' appropriate box(es)

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements, my application will be rejected

It is an offence, liable on conviction to a fine up to Level 5 on the standard scale, under Section 158 of the Licensing Act 2003, to make a false statement in, or in connection with this application

Part 3 – Signatures (please read Guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of the applicant, please state in what capacity:

Signature:  Date: 3rd June 2020
Capacity: Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname: Forename(s):
Address:
Town/City: Postcode:
Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state your e-mail address (optional):

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



HM Government

Append. 1.

Working safely during COVID-19 in restaurants offering takeaway or delivery

Guidance for employers, employees and the self-employed
11 May 2020





Introduction

What do we mean by 'restaurants offering takeaway or delivery'?

This guidance applies to any food preparation or food service setting where food is sold for takeaway or delivery. For example, bars, pubs and restaurants operating as takeaways, cafes, food to go, food delivery, takeaways and mobile catering; and contract catering at the point of service to the consumer such as in offices or similar environments.

It also applies to the food services provided by businesses.

It does not apply to food preparation or food service in clinical or healthcare settings.

This document is to help employers, employees and the self-employed in the UK understand how to work safely during the COVID-19 pandemic, keeping as many people as possible 2 metres apart from those they do not live with. We hope it gives you freedom within a practical framework to think about what you need to do to continue, or restart, operations during the COVID-19 pandemic. We understand how important it is that you can work safely and support your employees' health and wellbeing during the COVID-19 pandemic. We know that many businesses of this type are currently closed for their usual service. We hope this document will help those who are already working because they cannot work from home, as well as help other people think about how to prepare for when they return to work. The government is clear that workers should not be forced into an unsafe workplace.

This document has been prepared by the Department for Business, Energy and Industrial Strategy (BEIS) with input from firms, unions, industry bodies and the devolved administrations in Wales, Scotland and Northern Ireland, and in consultation with Public Health England (PHE) and the Health and Safety Executive (HSE).

Public health is devolved in Northern Ireland, Scotland and Wales; this guidance should be considered alongside local public health and safety requirements and legislation in Northern Ireland, Scotland and Wales. For advice to businesses in other parts of the UK please see guidance set by the Northern Ireland Executive, the Scottish Government, and the Welsh Government..

We expect that this document will be updated over time. This version is up to date as of 11 May 2020. You can check for updates at <https://www.gov.uk/workingsafely>. If you have any feedback for us, please email workingsafely@beis.gov.uk.

This document is one of a set of documents about how to work safely in different types of workplace. This one is designed to be relevant for people who work in or run restaurants offering takeaway or delivery services.

How to use this guidance

This document sets out guidance on how to work safely. It gives practical considerations of how this can be applied in the workplace.

Each business will need to translate this into the specific actions it needs to take, depending on the nature of their business, including the size and type of business, how it is organised, operated, managed and regulated.

This guidance does not supersede any legal obligations relating to health and safety, employment or equalities and it is important that as a business or an employer you continue to comply with your existing obligations, including those relating to individuals with protected characteristics. It contains non-statutory guidance to take into account when complying with these existing obligations. When considering how to apply this guidance, take into account agency workers, contractors and other people, as well as your employees.

To help you decide which actions to take, you need to carry out an appropriate COVID-19 risk assessment, just as you would for other health and safety related hazards. This risk assessment must be done in consultation with unions or workers.



1. Thinking about risk

Objective: That all employers carry out a COVID-19 risk assessment.

Everyone needs to assess and manage the risks of COVID-19. As an employer, you also have a legal responsibility to protect workers and others from risk to their health and safety. This means you need to think about the risks they face and do everything reasonably practicable to minimise them, recognising you cannot completely eliminate the risk of COVID-19.

You must make sure that the risk assessment for your business addresses the risks of COVID-19, using this guidance to inform your decisions and control measures. A risk assessment is not about creating huge amounts of paperwork, but rather about identifying sensible measures to control the risks in your workplace. If you have fewer than five workers, or are self-employed, you don't have to write anything down as part of your risk assessment. Your risk assessment will help you decide whether you have done everything you need to. There are interactive tools available to support you from the Health and Safety Executive (HSE) at <https://www.hse.gov.uk/risk/assessment.htm>.

Employers have a duty to consult their people on health and safety. You can do this by listening and talking to them about the work and how you will manage risks from COVID-19. The people who do the work are often the best people to understand the risks in the workplace and will have a view on how to work safely. Involving them in making

decisions shows that you take their health and safety seriously. You must consult with the health and safety representative selected by a recognised trade union or, if there isn't one, a representative chosen by workers. As an employer, you cannot decide who the representative will be.

At its most effective, full involvement of your workers creates a culture where relationships between employers and workers are based on collaboration, trust and joint problem solving. As is normal practice, workers should be involved in assessing workplace risks and the development and review of workplace health and safety policies in partnership with the employer.

Employers and workers should always come together to resolve issues. If concerns still cannot be resolved, see below for further steps you can take.

Where the enforcing authority, such as the HSE or your local authority, identifies employers who are not taking action to comply with the relevant public health legislation and guidance to control public health risks, they will consider taking a range of actions to improve control of workplace risks. For example, this would cover employers not taking appropriate action to socially distance, where possible. The actions the HSE can take include the provision of specific advice to employers through to issuing enforcement notices to help secure improvements.

How to raise a concern:



Contact your employee representative.



Contact your trade union if you have one.



Contact HSE online using our [working safely enquiry form](#).



Contact HSE by phone on 0300 790 6787.



3.3 Workplaces and workstations

3.3.1 Food preparation

Objective: To maintain social distancing and reduce contact where possible in kitchens and other food preparation areas.

- COVID-19 is a respiratory illness. It is not known to be transmitted by exposure to food or food packaging.

Steps that will usually be needed:

- Following [government guidance](#) on managing food preparation and food service areas.
- Allowing kitchen access to as few people as possible.
- Minimising interaction between kitchen staff and other workers, including when on breaks.
- Putting teams into shifts to restrict the number of workers interacting with each other.
- Spacing workstations 2m apart as much as possible, recognising the difficulty of moving equipment such as sinks, hobs and ovens. Consider cleanable panels to separate workstations in larger kitchens.
- Providing floor marking to signal distances of 2m apart.
- Using 'one way' traffic flows to minimise contact.
- Minimising access to walk-in pantries, fridges and freezers, for example, with only one person being able to access these areas at one point in time.
- Minimising contact at 'handover' points with other staff, such as when presenting food to serving staff and delivery drivers.

3.3 Workplaces and workstations

3.3.2 Food consumption areas

Objective: To maintain social distancing and reduce contact where possible in public spaces. Current guidance for public spaces is as follows:

- Bar areas must be closed.
- Seated restaurants and café areas must be closed.
- All food and drink outlets should be takeaway only.

Steps that will usually be needed:

- Using signage to make clear to customers and the public that these areas are closed.



4.1 Manage contacts

Objective: To minimise the contact resulting from visits to restaurants, bars and cafés offering takeaway or delivery services.

Steps that will usually be needed:

- Providing handwashing and hand sanitiser and encourage visitors to wash their hands regularly.
- Regulating entry so that the premises do not become overcrowded, and placing 2m markers on the floor to maintain social distancing inside the premises.
- Providing clear guidance on social distancing and hygiene to people on arrival, for example, signage, visual aids and before arrival, such as by phone, on the website or by email.
- Determining if schedules for essential services and contractor visits can be revised to reduce interaction and overlap between people, for example, carrying out services at night.

4.1 Manage contacts

4.1.1 Selling food or drink

Objective: To minimise interactions with outside workers and the public when selling food or drinks.

Steps that will usually be needed:

- Minimising contact between kitchen workers and front of house workers, delivery drivers or riders, for example, by having zones from which delivery drivers can collect packaged food items.
- Using front of house staff to serve customers purchasing food and drink, minimising the time they spend in the kitchen.
- Creating a physical barrier such as a screen, between front of house workers and customers where possible.
- Encouraging contactless payments where possible.
- Limiting access to premises for people waiting for or collecting takeaways. Setting out clear demarcation for 2m distances for customers queuing. Asking customers to wait in their cars.
- Asking customers to order online, on apps or over the telephone to reduce queues and stagger pick-up times.
- Making regular announcements to remind customers to follow social distancing advice and clean their hands regularly.