

Representation Form – The Hunters

On behalf of Licensing Authority South Ribble Borough Council, I Chris Ward - Interim Licensing Team Leader, wish to submit the following representation to support the review application made by Lancashire Constabulary for the premise licence namely, The Hunters, Hennel Lane, Walton Le Dale.

I was made aware of the disturbance caused at the Hunters for the screening of the Euro final between England and Italy on 11th July 2021, the following day by Julie Stewart Police Licensing Officer.

On 14th July 2021 I met with the premises DPS - Paul Bloomer and Director - Stephen Greenhalf, along with Julie Stewart and Alison O'Sullivan Covid Lead for the council.

Although I was not present at the time of the incident, I was provided with footage taken by Police Evidence Gatherers who had been requested to attend the premises following the Police Licensing Officer arriving at the scene. This footage is attached to the review application.

The video attached to the review application, shows that the outdoor area attached to the premises to be extremely overcrowded, the Police Licensing Officer in her review application estimates over 600 present. It hard to identify just how many people were present at the premises on the 11th July 2021 as the staff were not recording numbers of customers present.

My opinion in capacity of Interim Licensing Team Leader, this premises has undermined all 4 of the licensing objectives

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

Prevention of Crime and Disorder

The footage shows at 00:01 no qualified SIA doors staff were present at the premises this is admitted by the Designated Premises licence holder at 04:15.

Stephen Greenhalf director of the management company for The Hunters, was acting in a manner that would be recognised as a member of door staff/security, he was stood at the entrance point of the premises, he had a radio in his hand, and was directing customers in and out of the premises. He was questioned by the Police Licensing Officer at 00:01.

The following mandatory condition forms part of the premises Licence for the Hunters,

SECURITY PROVISION

1. The Premises licence holder shall ensure that each individual present on the premises to carry out a security activity [as defined by paragraph 2(1) (a) of Schedule 2 to the Private Security Industry Act 2001] must be licensed by the Security Industry Authority.

Although, the requirement of door supervisors is not conditioned within the premises licence at the hunters, the premises did have barriers erected near to the entrance of the premises as a queuing system, indicating the expectancy for a large amount of customers present on 11th July 2021, but the DPS did not see fit to have qualified SIA door staff in place as a security measure at the premises, an indication of poor planning and poor management at this premises.

The premises would have no means of controlling any outbreaks of violence that may have taken place within such a large amount of intoxicated people, who were clearly showing aggression towards the police officers on site.

Please refer to Exhibit CW4 footage of a fight which broke out during the event on 11th July 2021, where there was no measures in place to curtail any outbreaks or flash points like this taking place.

If the correct risk assessment had been completed, and/or correspondence with the police licensing team, then the need for sufficient SIA door supervisors would have been addressed. People had been queuing to get into the premises from 9am. The England v Italy game did not start until 8pm 11 hours later.

Within the video provided by the police evidence gathers you can clearly see

- Customers urinating in the car park
- Flare thrown at police officers
- Abusive and threatening behaviour from customers towards police officers
- Customers drinking from Glass bottles

The Hunters is an active member of the South Ribble Pub Watch Scheme, before the start of the Euro's football tournament, the police distributed to all premises via the pub watch scheme link system, a letter stating what was expected, in respect of using polycarbonates instead of glass, risk assessment being completed, extra glass collectors employed, this can be found attached to the review application.

On 14th July 2021 I met with the premises DPS and Manager Paul Bloomer and Stephen "Greenhalf", along with Julie Stewart and Alison O'Sullivan Covid Lead for the council. The DPS advised that he had not seen the letter and no longer had access to the scheme link system.

He was asked why he had not engaged with the police or the licensing authority before the showing of the euro final, to which he advised he didn't think he needed too. But referring back to the video posted on Facebook, the member of staff states they are expecting to be busy and to get down early.

Public Safety

Licence holders have a responsibility to ensure the safety of those using their premises, within the video provided from the police the following can be observed;

- Very few people wearing masks inside and outside the premises stood up and walking around queuing for the bar.
- No table service operated at the premise's customers were clearly walking in and out the premises collecting drinks from the bar.
- The premises looked to be operating no track and trace system, taking into account the number of guest within the premises and the outside area.
- Premises way over capacity – caused over crowding
- No social distancing
- Vertical drinking permitted and taking place
- No separation of groups.

Before the event took place, a video was placed on the Facebook page for The Hunters, the member of staff in the video can quite clearly be observed advertising the event as a no ticket, open to all event, advertising glass bottles being sold, in open fan zone with no social distancing measures in place. The video can be found attached to this representation as exhibit CW1 - <https://youtu.be/-LR88ClfqTs>

Because the numbers of guests were not monitored by ticket sales, there was a likelihood of large numbers of people attending, the DPS has no way of estimating what volume of people were going to arrive, the outside area had been reshuffled, with tables and chairs removed, to accommodate for extra people being able to freely stand in large groups, with no regard for safe capacity or the Covid 19 regulation still in place with regards to social distancing.

Surely good management of the premises would have been to risk assess the possible risk, the potential numbers of people who would attend the premises, taking into account the previous numbers who had attended the screening of the game before. There was no measures in place to enforce safe social distancing of groups of up to 30 people that was still in place at the time of the incident.

On the visit/meeting with the DPS and director on 14/07/2021, the DPS Mr Bloomer, gave us a tour of the outside area, he advised that there is two single exits out of the outside area, in addition to a gate which would let customer exit onto the car park. I was concerned that the gates actually opened inwards, obviously this could act as an obstruction if the outside area needed to be evacuated, especially considering the large amount of numbers that were permitted entry to the event on the 11th July 2021.

On the video of the incident of the 11th July it is clear that the gate is actually covered by a BBQ and tables. This is backed up in the Facebook video , where the member of staff is advertising this was the BBQ area where we will be cooking burgers.

The Prevention of Public Nuisance

Since the reopening of premises since the start of the ease of restriction in April 2021, the premises has utilised the outside area, with regular outdoor regulated entertainment.

This has resulted in complaints being received from members of the public regarding the noise levels.

In May 2021 I spoke to the DPS Paul Bloomer. I advised although regulated entertainment is not a licensable activity until 11pm, the noise levels coming from the premises were causing a nuisance to local residents.

I advised Mr. Bloomer that if the premises continued to be a nuisance a member of public may be able to review the licence under the licensing objective The Prevention of Public Nuisance.

Mr Bloomer advised he would speak to the performers and had already advised the saxophonist that “this wasn’t Ibiza” and to respect the residents.

But as you can see within Exhibit CW2 and CW3, complaints from residents have been made to the local councillor, since me advising the DPS the noise level were causing nuisance to local residents.

Conditions relating to noise within the premises licence, that should have been adhered to with the number of customers within the outside area.

The following relevant conditions for part of premises licence within annex 2 consistent with the operating schedule.

- 2. The DPS or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and***

shall include, the time and date of the checks, the person making them and the results including any remedial action.

- 3. The DPS or his representative shall record any complaints received and actions taken in a log book***
- 9. Signs posted at the exits reminding customers to leave quietly and with respect for local residents.***

The protection of children from harm

Due to the large number of people within the outside area, no SIA security on site to regulate challenge 25 policies, the DPS had no way of monitoring if any alcohol was being bought on behalf of any one under the age of 18.

The outside area was not a safe place for under 18s to be present due to the overcrowding, abusive and threatening behaviour from customers and foul language used not only towards the police, but also chants of expletives regarding certain England players.

Many children were present at The Hunters on 11th July 2021, various potential risk to physical harm were present, if fights broke out at the premises, risk of crushing if an emergency happened.

The following relevant conditions for part of premises licence within annex 2 consistent with the operating schedule.

Summary

The management of the premise during the events that took place on 11th July 2021 has been poor, lack of concern for the promotion of the 4 licensing objectives, in particular Public Safety. It's clear the DPS lost all management control of the premises.

This would certainly happen again without correct management of the premises.

The current conditions within the licence are not appropriate to the type of venue that The Hunters has become. This has allowed for this premises to be poorly managed on its own, without more strenuous conditions regulating the outdoor activities at this premises, I feel the occurrences of the 11th July 2021, may happen again.

The incident that occurred on 11th July 2021 could have been avoided if it was correctly risk assessed, possible risks identified, managed correctly, security measures in place and ticket only.

But as a result of poor management the premises was not managed correctly, it had no security measures, the event wasn't risk assessed, possible risks were not identified, as a result the incident of disorder on the 11th July occurred.

At a minimum the Licensing Authority believe that the premise would benefit from a number of additional conditions, particularly in relation to management of the outside area, numbers, security measures need to be in place when the premises is at its busiest.

Section 182 guidance

Crime and disorder

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Public safety

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*

- *Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- *Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- *Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- *Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- *Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- *Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

Safe capacities

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.