

I am Nathan Howson, Enforcement Team Leader (Licensing), an authorised officer of Chorley Council under the Licensing Act 2003. I make these representations on behalf of the Licensing Authority, acting in the capacity of a responsible authority, following an application for a summary review of a premises licence, made by and on behalf of, the Chief Officer of Police for Lancashire Constabulary.

These representations relate to the premises known as The Bretherton Arms, 252 Eaves Lane, Chorley, Lancashire, PR6 0ET and are concerned with the following licensing objective being undermined at the premises:

- The Prevention of Crime and Disorder

On Saturday 17th April 2021, I was on duty in Chorley carrying out proactive visits to licensed premises to check on the level of compliance with Covid regulations. At approximately 17:00hrs, I attended the premises and made the following observations of the area to the rear of the premises:

1. A number of males were consuming alcohol whilst stood up,
2. There were groups that appeared to be larger than 6 persons, with individuals moving between groups,
3. There were members of staff who appeared to be taking orders and dispensing drinks but who did not seem to be taking any steps to encourage patrons to sit or break up these larger groups.

I identified myself to the designated premises supervisor, Nicola Steele, and pointed out the issues above. Nicola told me that they were trying their best but that some of the patrons did not listen to her. I told her that it was her responsibility to ensure compliance with the requirements and that, ultimately, if customers were not paying attention to her, she should refuse to continue selling alcohol to them. I asked Nicola whether there were any door supervisors currently at the premises and she advised there was not. She told me that she had contacted a company and was in the process of trying to arrange this. I told Nicola that, in light of the history of the premises, it seemed remiss of her to have not arranged to have door supervisors in advance.

As Nicola and I discussed the problems at the premises, I noticed a male walking over to us. The male was visibly very intoxicated; his eyes were glazed and he struggled to walk in a straight line towards us. As he arrived, Nicola told him to go and sit down and that she would speak to him shortly. He responded to Nicola and I noticed that his speech was very slurred and that he was having trouble standing in place. The male had dyed- green hair.

The male returned to his seat and I told Nicola that the male was obviously very drunk and pointed out it is an offence to serve a person who is drunk. I told Nicola that he must not be served any further alcohol and that he should be removed from the premises so that he could not cause or be involved with disorder. Shortly after this, I left the premises.

At approximately 1740hrs, I became aware that an assault had been reported to the Police at the Bretherton Arms and so I made to the premises. On arriving, I observed a number of police vehicles and an ambulance parked outside the premises. I was informed by one of the police officers that the male with green hair had been assaulted and was in the ambulance. I entered the premises. I was told that Nicola was speaking with the Police upstairs and so spoke to her partner, who I know as Craig.

During our conversation, Craig didn't take responsibility for the occurrences at the premises, telling me that he had been "swung at" by the group of lads. I told Craig that, as a result of the failure to manage the premises adequately, a male was now outside in an ambulance, when he should have been ejected from the premises almost an hour ago; when I gave this instruction to Nicola. Craig told me that the assault had happened at the side of the premises and that they could not be responsible for what happened once patrons left. I told Craig this was a wholly unacceptable attitude to have and that the safety of patrons to the pub was their responsibility. I explained it was likely that the altercation happened as a result of the severe intoxication of the male and that was directly linked to the premises.

During our conversation, I asked Craig to explain how track and trace was being managed at the premises. He told me they couldn't really control it as they didn't know when people were signing in or not. I told Craig this wasn't acceptable and that the regulations required that they do everything reasonable to ensure track and trace data was being collected. Craig asked whether this meant they had to barrier off the car park and have a managed entry system. I told Craig I had seen this in many of the premises I had visited that day and that the burden was on him and the DPS to carry on activities in a way that meant he complied with the regulations. Craig seemed disbelieving of the things I had said.

I spoke briefly with the door supervisor who had recently arrived and left the premises.

On the morning of Monday 19th April 2021, I attended the premises and recovered CCTV covering the incident which I exhibit as NH01. I produce a summary of some main events shown on the CCTV as NH02.

Relevant Legislation

Schedule 2, Paragraph 9(4) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 requires a person responsible for carrying on a restricted business which serves alcohol on the premises to only sell food or drink if the food or drink is ordered by and served to a person seated outdoors and to take all reasonable steps to ensure the customer remains seated whilst consuming that food or drink. Regulation 11 of the same regulations provides that a contravention of a Step 2 restriction without reasonable excuse is an offence.

Regulation 7 of The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 requires the relevant person who operates the premises to request Track and Trace details from a person who seeks to enter the premises, unless the person has already scanned the QR code made available. Regulation 17 of the same regulations provides that a contravention of Regulation 7 without reasonable excuse is an offence.

Regulation 1A(1) of The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 requires the manager of a premises to take all reasonable steps to ensure no person in a group of 6 (or other permitted group) joins another group. Regulation 3 of the same regulations provides that a contravention of Regulation 1A without reasonable excuse is an offence.