

LICENSING SUB-COMMITTEE

**Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH**

Date: Monday, 12 February 2018

Time: 10.30 a.m.

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Licensing Act 2003 - Review of a Premises Licence - The Bungalow Community Centre, Tenter Street, Rotherham (Pages 1 - 22)

Application for the Review of a Premises' Licence – cover report (pages 1 and 2)

Details of the licence review application (pages 3 to 7)

The Premises' Current Licence (pages 8 to 12)

Premises' location plan (page 13)

Representation about the application – submitted by the South Yorkshire Police (pages 14 and 15)

Witness Statements (pages 16 to 19)

Representations about the application – submitted by residents (pages 20 and 21)

Representation about the application – submitted by RMBC Planning Service (page 22)

Licensing Act 2003

Case B 12/02/18

Application to review a premises licence under the Licensing Act 2003

Applicant:	Chris Burnett, Principal Licensing Officer
Premises subject to Review:	Bungalow Community Centre, Bungalow, Tenter Street, Rotherham, S60 1LB
Premises licence holder:	Tabeth Munetsi, 9 Albert Road, Wath Upon Dearne, Rotherham, S63 6QP

1. Purpose of Report

To consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to the premises known as the Bungalow Community Centre, Bungalow, Tenter Street, Rotherham, S60 1LB

2. The Application

The applicant is Chris Burnett, Principal Licensing Officer on behalf of Rotherham Metropolitan Borough Council.

The application is attached to this report at Appendix A.

The application to review relates to three objectives under the Licensing Act 2003 namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The grounds for review are that the Local Authority are not satisfied, having received a number of complaints, that the premises licence holder is promoting the four licensing objectives namely public safety, public nuisance, crime and disorder and protection of children from harm.

The response from Responsible Authorities and interested parties are attached at Appendix B.

3. Reasons for Referral

The Licensing Authority must refer any application for review to the Licensing Committee if they relate to one or more of the licensing objectives.

The applicant and the premises licence holder have been invited to attend the hearing.

4. Financial Implications

There are no specific financial implications arising from this application. However additional costs may be incurred should the matter go to appeal. In such a case it is not possible predict the outcome of any decision by the Courts in relation to costs.

5. The Legal Position

Section 4(1) of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives namely:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Act also requires that the Licensing Authority has regard to its own 'Statement of Licensing Policy' and any guidance issued by the Secretary of State in carrying out its functions.

Section 52(3) of the Licensing Act 2003 requires that the Licensing Authority must, having had regard to the application for a review and any relevant representations, take such steps as it considers necessary for the promotion of the four licensing objectives.

Under section 52(4) the steps are:

- to modify the conditions of the licence;
- to exclude the licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months; and
- to revoke the licence.

Once a determination has been made by Members of the Licensing Committee, section 52(11) of the Act states that the determination does not have effect until:

- the end of the period given for appealing against the decision; or
- if the decision is appealed, until the appeal is disposed of.

6. Hearing Regulations

Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State. The Licensing Authority has provided all parties with the information required in the Regulations.

7. Options available to the Licensing Committee

Members of the Licensing Committee authorise officers to:

- modify the conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence; or
- reject the application for review.

Contact Name: Alan Pogorzelec; alan.pogorzelec@rotherham.gov.uk

Rotherham Metropolitan Borough Council – Licensing Office

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 Chris Burnett

(Insert name of applicant)

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 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bungalow Community Centre, The Bungalow, Tenter Street, Rotherham, S60 1LB	
Post town Rotherham	Post code (if known) S60 1LB

Name of premises licence holder or club holding club premises certificate (if known) Tabeth Munetsi
--

Number of premises licence or club premises certificate (if known) PO919

Part 2 – Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates (please complete (A) below)

☐

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Chris Burnett Principal Licensing Officer, Rotherham Metropolitan Borough Council Community Safety & Street Scene Regeneration & Environment Rotherham Metropolitan Borough Council Riverside House, Main Street, Rotherham, S60 1AB
Telephone number (if any) 01709 823153
E-mail address (optional) chris.burnett@rotherham.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

☒ x
☒ x
☒ x
☒ x

Please state the ground(s) for review (please read guidance note 2)

The application is submitted under S51 Licensing Act 2003.

There are serious concerns that the premises Licence holders are not promoting the four licensing objectives, namely the prevention of crime and disorder, public nuisance, public safety and prevention of children from harm.

There is little understanding or knowledge in respect of age verification at the premises. It appears that customers serve and help themselves to drinks from the kitchen area during trading hours. The premises have been the subject of noise nuisance complaints and incidents of disorder. There is also evidence of repeated licensed activity beyond the permitted hours. At a recent visit to the premises, open and half full bottles of spirits were found left in the rear insecure and accessible garden.

Although there is a requirement to have CCTV at the premises, it has taken over 18 months and repeated visits to ensure any sort of compliance. There is little knowledge or desire to ensure the CCTV is operating properly and little confidence that the operators fully understand the requirement of staff training.

Please provide as much information as possible to support the application (please read guidance note 3)

1 This application is made under S51 Licensing Act 2003 in respect of premises known as the Bungalow Community Centre, Tenter Street, Rotherham S60 1LB.

2. The premise is a detached bungalow situated within a predominantly industrial location, adjacent to a children's play centre known as Camelot. There are domestic residences a short distance away, but not in the immediate vicinity.

3. An application was made on 2nd September 2013 for the grant of a premises licence by Tabet Munetsi. No representations were made at this time, and the premises licence was subsequently issued on 7th October 2013. The licence permits the following licensable activities :

Opening hours of premises

Sunday to Thursday 1000-0000

Friday and Saturday 1000-0300

Sale of alcohol

Sunday to Thursday 1000-0000

Friday and Saturday 1000-0300

Conditions

The licence holder shall ensure that all disorderly visitors are removed from the premises.

The licence holder shall ensure that CCTV is installed at the premises and maintained in working order at all times. Images shall be made available to authorised officers and Police Officers upon request.

The licence holder shall ensure a fire risk assessment is in place at the premises and that all firefighting equipment is maintained and certified at all times.

The licence holder shall display notices asking visitors to leave the premises quietly.

The licence holder shall operate the Challenge 25 proof of age scheme and a refusals register.

4. In June 2016, as a result of concerns raised, the Police Licensing Officer attended at the premises and discovered that there was no CCTV fitted. A request was made for CCTV to be fitted in accordance with the licence conditions. This instruction was not carried out and as a result, in October 2016, a further meeting was held at the premises with a number of agencies to identify and address a number of issues which had been raised.

5. There was still no compliance with CCTV over the next few months.

6. In May 2017, the premises were visited by food hygiene officers at Rotherham Council. The premises had been closed for a period of a few weeks to allow some refurbishment to take place.

7. The premises were further visited in July 2017 by Police Licensing Officers and Council Licensing Officers. A number of breaches of the premises licence were discovered, including the lack of CCTV and a S19 Closure Notice was issued requiring compliance.

8. Complaints continued to be made in respect of noise and nuisance issues throughout the next few weeks, and despite numerous visits by Licensing Enforcement Officers, a great deal of resistance was encountered in respect of the fitting of CCTV. Evidence of noise complaints and complaints of disorder will be disclosed prior to the hearing, including video footage. During this

period of time, resistance was also experienced by Police Officers and Licensing Enforcement Officers in gaining entry to the premises whilst they were conducting licensable activity. Evidence will also be submitted in disclosure demonstrating this.

9. The cameras were finally installed at the premises in early September 2017, but within a few weeks, a burglary was reported at the premises, in which the hard drive located in the attic was reported stolen. After several weeks and many requests, the hard drive was finally replaced with a new hard drive and the cameras were reconnected. A great deal of time was spent examining the installation of the cameras and it remains very clear that the DPS and her staff are very unsure how to operate the system and despite numerous requests for copies of footage, none has ever been produced.

10. The premises were recently visited on 24th November 2017 to check whether the CCTV had been installed. Initially there was no understanding as to how the system worked, but after making a few phone calls, the DPS was able to demonstrate that the system appeared to be in working order but we were only able to view the previous 5 days.

11. During the visit two half empty bottles of gin were located in the rear garden, accessible to any passing child. The DPS was unable to account for this.

12. As a result, the premises were revisited on Tuesday 21st November 2017, where the DPS was interviewed under caution in respect of the premises and the way they were conducting their business. Contemporaneous interview notes were made during the interview and they will be disclosed and referred to at the hearing. Footage from previous weekend showing customers in the kitchen area of the premises apparently serving other customers was recorded on a hand held device by enforcement officers and will be disclosed and presented at the hearing.

13. It is clear from events which span over a period in excess of 18 months that there is little confidence that the DPS Tabet Munetsi is properly promoting all four of the Licensing Objectives. She is very rarely at the premises after 2100hrs to control licensable activity, there are no real measures in place to ensure the premises are managed properly, and there is a clear reluctance to co-operate with the enforcement agencies.

14. The application is for the revocation of the premises licence, however there are also other options available to the Licensing Committee, including removal of the DPS, reduction in operating hours, and also the inclusion of additional conditions at Annex 3 of the premises Licence which the committee may feel will address the problems.

Chris Burnett
Principal Licensing Officer.
Rotherham Metropolitan Borough Council.

y/n

Please tick ✓

- 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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

19/12/2017

Capacity Principal Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Chris Burnett

Principal Licensing Officer

Community Safety & Street Scene

Regeneration & Environment

Rotherham Metropolitan Borough Council

Riverside House, Main Street, Rotherham, S60 1AE

Tel: 01709 823153

Post town

Rotherham

Post Code

S60 1AE

Telephone number (if any) 07880 043804

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) chris.burnett1964@gmail.com

Licensing Act 2003 Premises Licence

P0919

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**Bungalow Community Centre**

The Bungalow, Tenter Street, Rotherham, South Yorkshire, S60 1LB.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
The sale by retail of alcohol for consumption ON the premises only	Sunday to Thursday	10:00am	Midnight
	Friday and Saturday	10:00am	3:00am
	the following morning		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00am	Midnight
Friday and Saturday	10:00am	3:00am
the following morning		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- The sale by retail of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Tabeth Munetsi

9 Albert Road, Wath Upon Dearne, Rotherham, South Yorkshire, S63 6QP.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Tabeth MUNETSI

9 Albert Road, Wath Upon Dearne, Rotherham, South Yorkshire, S63 6QP.



Licensing Act 2003
Premises Licence

P0919

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. RM1606

Issued by Rotherham



Licensing Act 2003 Premises Licence

P0919

ANNEXES

Annex 1 Mandatory Conditions**Mandatory conditions where licence authorises supply of alcohol**

- 1** No supply of alcohol may be made under the premises licence:-
 - a** at a time when there is no designated premises supervisor in respect of the premises licence,
or
 - b** at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2** Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3** The responsible person will take all reasonable steps to ensure that that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.



Licensing Act 2003 Premises Licence

P0919**ANNEXES continued ...**

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

7. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 Conditions consistent with operating schedule

Prevention of Crime and Disorder

1. The licence holder shall ensure that disorderly visitors are removed from the premise.
2. The licence holder shall ensure CCTV is installed at the premises and maintained in working order at all times. Images shall be made available to authorised officers and Police Officers upon request.

Public Safety

3. The licence holder shall ensure that a fire risk assessment is in place at the premise and that all fire fighting equipment is maintained and certified at all times.

Prevention of Public Nuisance



**Licensing Act 2003
Premises Licence**

ANNEXES continued ...

4. The licence holder shall display notices asking visitors to leave the premises quietly.

Protection of Children from Harm

5. The licence holder shall operate the 'Challenge 25' proof of age scheme and a refusals register.

Annex 3 Conditions attached after a Hearing of Licensing Authority

None.

Annex 4 Plans

See attached.



31/01/2018

Tenter St - Google Maps

Google Maps Tenter St





South Yorkshire

POLICE

Licensing Manager
Rotherham Metropolitan Borough Council
Riverside House
Main Street
Rotherham
S60 1AE

8th January 2018

Licensing Act 2003

Formal Representation in support of Review

The Bungalow – Tenter Street

On behalf of the Chief Constable of South Yorkshire, I wish to submit a Formal Representation in support of the Review of the Licence submitted by Rotherham Council community Protection Unit.

The grounds of Formal Representation are based on **Prevention of Crime and Disorder**.

I am Helen Cooper – Licensing Enforcement Officer. I can confirm that in this capacity I have had dealing with The Bungalow on Tenter Street since 27th April 2016.

We have concerns regarding the management and general control of this premise, the DPS Tabeth Munetsi is acting more as a paper DPS than active DPS due to her having a young family she is not very often taking Licensing control at the premise. Over the last 12 months there has been 6 Incidents reported in total to South Yorkshire Police 2x Burglary's 2 x Disturbance / Fighting, 1 x Assault, 1x Noise Complaint 1 x Report of drinking after hours.

From my dealing with the premise since 2016 they came back on South Yorkshire Police radar in July 2017, following an incident reported to the police on 21st July 2017 @ 23:14. The caller advised SYP that there was about 20 people being threatening on his driveway. They were shouting and swearing and reported to be smoking cannabis by the caller. They reported them having bottles in their hands, SYP responded and a female was arrested.



I attended a meeting with RMBC on 28/07/2017 with Licensing Enforcement Officer Chris Burnett, we met with the DPS Tabet and her partner Francis. I raised with them the incident reported to the police from the weekend where a female was arrested from the premises. Francis told me he was aware of this incident they had 3 white girls in and it one of these which was arrested later that evening, they were outside when this happened he told me as he had closed up. I reminded him he still needed to ensure his customers were not making a nuisance of their selves when leaving your premises. RMBC had also received a noise complaint as late as 5am which Chris raised with them, which Francis denied.

Myself and Chris carried out a premise walked and found a number of beds located in the bungalow, one in a back bedroom, a mattress in the loft and a camp bed in the out building which were all a cause for concern.

The premise on 28th July 2017 still did not have any CCTV fitted despite the premise being conditioned for CCTV on the premises licence.

Following this visit I had a number of concerns of how the premise was operating and discussed it with my command team.

On this date I was aware that RMBC issued a Sec 19 Closure notice for a number of breaches of premise licence.

On 27th August another caller reported drinking after hours at 06:49. Police responded at 08:00 and they found 6 males drinking from cans in the rear of the premise. They said they waiting for taxi's.

On 8th September I visited the Bungalow with RMBC LEO's Chris Burnett and Trevor McDonald. We went to check the CCTV was working and recording. Francis could not operate the system when asked to and when checked the CCTV was not recording.

On 8th December Police Officer visited the premise to carry out a Licensing Check. They reported Landlord allowed them in to look around and all was in order.

For and on behalf of

Chief constable, South Yorkshire Police.

"This emailed representation is made in accordance with the agreement with the Licensing Authority on 1st November 2006 to accept representations by email"

RESTRICTED (when complete)

MG 11

WITNESS STATEMENT*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

Statement of

Age if under 18 Over 18.... (if over 18 insert "over 18")

Occupation: Special Police Inspector

This statement (consisting of ... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

(witness)

Date

19/10/17

Tick if witness evidence is visually recorded

☐

(supply witness details on rear)

I am the above named person and I am a Special Police Inspector currently based at Main Street Police Station.

At approximately 23:08hrs on Friday 18th August 2017 I was on duty in full police uniform, in company with Special Police Sergeant [REDACTED] Special Police Constable [REDACTED] and Special Constable [REDACTED] when I had cause to attend The Bungalow, Tenter Street, Rotherham, to conduct a licensing check at that premise. Upon arrival, there was a group of black males and females stood outside the premise. I, SPS [REDACTED] and SC [REDACTED] approached the front door of the premise and, after a brief chat with the patrons outside; I asked to speak to the Designated Premise Supervisor (DPS). A male then exited the premise and identified himself as the owner. I asked him if I could enter the premise to conduct a licensing check, to which the male refused. He then started to become aggressive and argumentative with myself saying words to the effect of "the police come here all the time, why are you bothering me?" It also appeared that the male was intoxicated as he was slurring his words. A number of the males also started to become argumentative towards myself and as this was happening, more intoxicated males exited the premise.

At this point, I saw SC [REDACTED] speaking to a male in the adjacent premise so SPS [REDACTED] walked round to meet her. The male was the owner of the garage adjacent to The Bungalow. SC [REDACTED] and I then went to meet SC [REDACTED] and SPS [REDACTED] and we all walked back down to our marked police vehicle and left the scene.

Signature

Signature Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)

MG 11

Continuation of Statement of: [REDACTED]

Page 2

Throughout the encounter I felt intimidated and felt that the situation could escalate if we did not leave the premise when we did.

Signature: [REDACTED] Signature Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)

MG 1

WITNESS STATEMENT*(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

Statement of [REDACTED]

Age if under 18 Over 18.... (If over 18 insert "over 18")

Occupation: Special Police Sergeant.....

This statement (consisting of ... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature [REDACTED]

(witness)

Date: 18/9/17

Tick if witness evidence is visually recorded

☐

(supply witness details on rear)

I am the above named person and I am a Special Police Sergeant currently based at Maltby Police Station.

At approximately 23:08hrs on Friday 18th August 2017 I was on duty in full police uniform, in company with Special Police Inspector [REDACTED] Special Police Constable [REDACTED] and Special Police Constable [REDACTED] when I had cause to attend The Bungalow, Tenter Street, Rotherham, to conduct a licensing check at that premise. Upon arrival, there was a group of black males and females stood outside the premise. Myself, SI [REDACTED] and SC [REDACTED] approached the front door of the premise and, after a brief chat with the patrons outside, [REDACTED] asked to speak to the Designated Premise Supervisor (DPS). A male then exited the premise and identified himself as the owner. SI [REDACTED] asked him if he could enter the premise to conduct a licensing check, to which the male refused. He then started to become aggressive and argumentative with SI [REDACTED] saying words to the effect of "the police come here all the time, why are you bothering me?" It also appeared that the male was intoxicated as he was slurring his words. A number of the patrons also started to become argumentative towards SI [REDACTED] and as this was happening, more patrons exited the premise.

At this point, I saw SC [REDACTED] speaking to a male in the adjacent premise so I walked round to meet her. The male was the owner of the garage adjacent to The Bungalow and stated that "they are usually alright" but he sometimes has problems with them being noisy and throwing glass bottles. SI [REDACTED] and SC [REDACTED] then came to meet SC [REDACTED] and myself and we all walked back down to our marked police vehicle and left the scene.

Signature [REDACTED]

Signature Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)

MG 11

Continuation of Statement of: Toby James Masters

Page 2

Throughout the encounter I felt intimidated and felt that the situation could escalate if we did not leave the premise when we did.

Signature: [redacted] Signature Witnessed by:

RESTRICTED (when complete)

Underwood-Parkin, Lisa

From: ANDY HOWARTH <howarthengraving@yahoo.co.uk>
Sent: 09 January 2018 13:14
To: Licensing
Subject: The Bungalow Tenter Street S60 1LB

Dear Sir/Madam

I am writing to you to express my objections to renewing the license at The Bungalow Community Centre Tenter Street, Rotherham, S60 1LB.

My name is Andrew Howarth and I am the owner of the residential property and business adjacent to the Bungalow, namely The Old Church and Camelot Play Castle.

My objections are as follows:

1. The business Camelot Play Castle is a children's indoor play and party venue established in 2006, since the Bungalow received its license there has been an instance of fighting in the street involving customers of the Bungalow on a Saturday afternoon which was witnessed by children attending a party at Camelot and by parents and staff. No one should have to witness that especially young children.
2. The residents of the Old Church have complained to me on numerous occasions about the exceedingly loud music emanating from the Bungalow until the very early hours of the morning, 7am on one occasion.
3. The residents have also complained about access to the Old Church being blocked by cars parked by customers of the Bungalow.
4. There are empty drinks bottles and cans left on my properties boundary walls and grounds on a regular occurrence. Also the front garden of the Bungalow is regularly strewn with empty drinks vessels and waste.
5. Groups of people congregate outside the front entrance and garden of the Bungalow drinking, which can be intimidating to my customers and predominantly female staff especially when they are locking up the premises.
6. Finally, I do not think having a licensed premises next to a well established children's play centre is apt. Children should not have to witness drinking and smoking whilst going to play and attend parties.

When the original license was originally granted I had no idea that one had been applied for. If the relevant parties had had the good grace to notify me, or indeed the council had contacted me then I would have voiced my concerns and formally opposed the application. I am glad that the license is being reviewed and I urge you to decline it, as I believe it is a detriment to the area, residents of The Old Church and my business.

Kind regards

Andrew Howarth

Sent from my iPhone

Underwood-Parkin, Lisa

From: Sykes, Lesley
Sent: 16 January 2018 16:11
To: Underwood-Parkin, Lisa
Subject: FW: The Bungalow, Tenter Street

From: hannah howarth [<mailto:hannah.howarth@hotmail.co.uk>]
Sent: 10 January 2018 19:24
To: Licensing
Subject: The Bungalow, Tenter Street

Hello,

My name is Hannah Howarth and I live in the residential part of The Old Church which is next door to The Bungalow on Tenter Street.

I am writing to object to the plans to renew the licensing of The Bungalow on Tenter Street for the following reasons:

The noise is disturbing us as they play loud music until the early hours of the morning and there have been people shouting outside.

Patrons of The Bungalow park in front of our main gate which is our only entrance and exit so we wouldn't be able to get out in an emergency and as people are drinking there then they wouldn't even be able to move it as they'd then be drink driving.

They are outside drinking and leave empty and smashed glass bottles on the walls and gates.

I have had to call the police on two occasions to complain about the noise and because there were people shouting and arguing outside these were both in the early hours of the morning and I felt very unsafe.

Thankyou,

Hannah Howarth.

Underwood-Parkin, Lisa

From: Morrell, Robert
Sent: 20 December 2017 11:06
To: Underwood-Parkin, Lisa
Subject: RE: Application to review Bungalow Community Centre. Under S51 Licensing Act 2003

Hi Lisa

Planning received a complaint about this property in July 2017. Jon Wragg, the Enforcement Officer visited the site and sent a letter asking that the sale of alcohol cease.

The sale of alcohol ceased and Jon closed the case. However, Jon received a call about 2 weeks ago from the owner to say she wanted to start selling again and asked for advice in submitting an application. There has been no further contact and no application submitted to date.

If you require any further information please contact me or Jon Wragg.

Thanks

Rob Morrell BA (Hons) MSc
Senior Planner
Planning, Regeneration & Transport
Regeneration and Environment Services
Rotherham Metropolitan Borough Council

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Email building.control@rotherham.gov.uk



From: Hudson, Louise **On Behalf Of** DevelopmentControl
Sent: 20 December 2017 09:46
To: Morrell, Robert
Subject: FW: Application to review Bungalow Community Centre. Under S51 Licensing Act 2003