

## **LICENSING SUB-COMMITTEE**

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

**Date:** Friday 2 July 2021

**Time:** 1.30 p.m.

### **AGENDA**

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. Consideration of an application (made in accordance with s.51 of the Licensing Act 2003) to review the Premises Licence in place at The Haynook, Redscope Crescent, Kimberworth Park, Rotherham, S61 3LY (Pages 3 - 98)

# KEEP SAFE WHILE VISITING RIVERSIDE HOUSE AND THE TOWN HALL



## HOUSE KEEPING TIPS

- Meeting rooms and the Council Chamber will be sanitised before and after every meeting.
- Follow the one-way systems in place.
- Only one person (and their carer) should use a lift at a time.
- Get tested regularly, either at home or by booking a test at Riverside Lateral Flow Test Site.
- If you have any symptoms of COVID-19, stay at home and order a test.

Further information about COVID-19 can be found at  
[www.rotherham.gov.uk/coronavirus](http://www.rotherham.gov.uk/coronavirus)

[www.rotherham.gov.uk/coronavirus](http://www.rotherham.gov.uk/coronavirus)

**Hearing Procedure – Review of Premises Licence**

- 1 The Chair of the meeting will introduce the Committee and ask officers to introduce themselves.
- 2 The Chair will ask the other parties to the hearing to formally introduce themselves.
- 3 The Licensing Officer will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
  - i. The Licensing Officer will introduce the report.
  - ii. Questions concerning the report can be asked both by Members and the applicant.
  - iii. The Licensing Officer will introduce the applicant for the review (or the nominated representative) and invite them to detail the application and provide them with the opportunity to develop / clarify any of the matters raised as part of their application.
  - iv. The applicant for the review (or the nominated representative) may then be asked questions by members and, if agreed by the Chair, the licence holder and any other parties present.
  - v. The Licensing Officer will then introduce representatives for any Responsible Authorities that are a party to the hearing along with other Interested Parties in turn and each will be asked to detail their relevant representations. Following each submission, Committee members may ask questions of the Responsible Authority / Interested Party. If it is agreed by the Chair, the licence holder may also ask questions of those parties.
  - vi. The Premises Licence Holder (or their nominated representative) will then have the opportunity to make their submission in response to the matters raised by the other parties to the hearing. The licence holder may seek to provide further information / clarification to the Committee that will provide assurance that the licensing objectives are being adequately promoted, or may propose additional measures that will provide this assurance.
  - vii. Following this submission, Committee members may ask questions of the licence holder. If it is agreed by the Chair, the other parties to the hearing may also ask questions of the licence holder in relation to their submission.
  - viii. The applicant for the review will then be given the opportunity to sum up the application.

- ix. The licence holder will then be given the opportunity to sum up their submission in response to the review application.
  - x. The Licensing Officer will then detail the options.
  - xi. There will then be a private session for members to take legal advice and consider the application.
- 5 The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

**Notes:**

- At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
- The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

### **Committee Name and Date of Committee Meeting**

Licensing Sub-Committee – 2<sup>nd</sup> July 2021 (1:30 pm)

### **Report Title**

Consideration of an application (made in accordance with s.51 of the Licensing Act 2003) to review the Premises Licence in place at The Haynook, Redscope Crescent, Kimberworth Park, Rotherham, S61 3LY.

### **Report Author(s)**

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene  
01709 254955

### **Report Summary**

On the 27<sup>th</sup> April 2021, Rotherham MBC Licensing Service (acting in its role as a Responsible Authority under the Licensing Act 2003) made an application to review of the Premises Licence in place at The Haynook, Redscope Crescent, Kimberworth Park, Rotherham, S61 3LY. The premises is a public house licensed for the sale of alcohol for consumption on and off the premises.

The review application was submitted following an investigation into a complaint regarding disorder at the premises, and identification of poor management practices including a failure of the licence holder to comply with nationally imposed requirements introduced to control the spread of Coronavirus / Covid-19 within the UK (two fixed penalty notices were issued in relation to these breaches).

Following the submission of the review paperwork, two additional representations were received in relation to the review. Further detail on these is provided within the main body of the report.

In addition, to the above, further information has been provided by South Yorkshire Police in relation to their interaction with the premises – however a request has been made for this information to be considered in private session (due to its sensitive nature). Further information will be provided in relation to this at the hearing.

## Recommendations

1. That the Licensing Sub-Committee considers the information contained within this report (and associated appendices) along with any additional information presented at the hearing and subsequently determines the application that has been made.
2. The Licensing Sub-Committee should inform the Licensing Manager of the decision in accordance with the requirements of the Licensing Act 2003 and Regulations made thereunder.

## List of Appendices Included

- Appendix 1 Location details
- Appendix 2 Premises Licence P0280
- Appendix 3 Review application form
- Appendix 4 Additional information from Rotherham MBC Licensing Authority (acting in the role of a Responsible Authority under the Licensing Act 2003)
- Appendix 5 Additional information from RMBC Environmental Health
- Appendix 6 Representation from South Yorkshire Police
- Appendix 7 Representation from interested party

## Background Papers

Rotherham MBC Statement of Licensing Policy 2020 -2025  
(available at [www.rotherham.gov.uk/licensing](http://www.rotherham.gov.uk/licensing))

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)  
(available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

## Council Approval Required

No

## Exempt from the Press and Public

No

**Consideration of an application (made in accordance with s.51 of the Licensing Act 2003) to review the Premises Licence in place at The Haynook, Redscope Crescent, Kimberworth Park, Rotherham, S61 3LY.**

**1. Background**

- 1.1 The Haynook is located on Redscope Crescent in Kimberworth Park, Rotherham. The premises is a large public house licensed for the sale of alcohol for consumption on and off the premises. Further details on the location of the premises can be found at Appendix 1.
- 1.2 The premises currently has the benefit of a Premises Licence issued under the Licensing Act 2003 (licence number P0280). The licence permits the sale of alcohol for consumption on and off the premises, regulated entertainment and late night refreshment. A copy of the Premises Licence is attached to this report as Appendix 2.
- 1.3 On 27th April 2021, Rotherham MBC's Licensing Service (acting in its role as a Responsible Authority under the Licensing Act 2003) submitted an application to review the Premises Licence. This application was submitted because of concerns that the licensing objectives were being undermined as a result of activities taking place at the premises.
- 1.4 A copy of the review application form is attached as Appendix 3, additional information provided by the review applicant is attached as Appendix 4. A supporting statement from the Council's Environmental Health team is attached as Appendix 5.
- 1.5 There is a prescribed period of 28 days following the submission of a review application during which time interested parties / responsible authorities may submit representations in relation to the application.
- 1.6 At the end of the prescribed period, a total of 2 additional representations / comments had been received. Appropriately redacted copies of the representations / comments can be found at Appendices 6 and 7.
- 1.7 Additional information in relation to the premises had been provided by South Yorkshire Police. This information is sensitive and a request has been made for this information to be considered by the Sub-Committee in private session (i.e. with the public excluded from that part of the meeting).
- 1.8 Regulation made under the Licensing Act 2003 permit the exclusion of individuals from hearings, or conducting the hearing in private, if it is in the public interest to do so.
- 1.9 South Yorkshire Police will outline their reasons why they consider it to be in the public interest for the Committee to consider the information in private, and it will then be for the Committee to determine whether to do so or not. If the Committee decide that it is not in the public interest for the information to be

considered in private, then South Yorkshire Police have asked for the information to be withdrawn from today's proceedings.

- 1.10 Legal advice will be available during the hearing to assist in the public interest determination should this be required.

## **2. Key Issues**

### The application

- 2.1 The application submitted by Rotherham MBC Licensing Service outlines concerns regarding the following matters:
- 2.1.1 Violent disorder, drug dealing and drug use connected to the premises.
  - 2.1.2 A lack of effective management control in relation to the operation of the premises.
  - 2.1.3 A general failure of the licence holder to adhere to the conditions attached to the Premises Licence.
  - 2.1.4 An apparent obstructive / dismissive demeanour demonstrated by the Designated Premises Supervisor.
  - 2.1.5 Concerns regarding the licence holder's failure to adhere to legal requirements introduced to control the spread of Coronavirus within the UK.
- 2.2 Full details of the circumstances leading to the submission of the application to review the licence can be found at Appendices 3 and 4. In addition, the applicant will be in attendance at the hearing and will have the opportunity to further develop the above points and clarify any points or issues that may arise. A supporting statement has been provided by the Council's Environmental Health team – this is attached as Appendix 5.

### Representations received

- 2.3 Two additional representations / comments were received – full details of these representations can be found at Appendices 6 and 7, but are briefly summarised below:
- 2.3.1 South Yorkshire Police have made reference to the following:
    - A number of reports recorded on Police systems that make reference to The Haynook.

- Interactions between the Designated Premises Supervisor and Police Officers / Police Staff.

Further information is detailed in Appendix 6.

2.3.2 Mr P S (a local resident) has made reference to the following:

- Noise nuisance.
- Antisocial behaviour and disorder.

Further information is detailed in Appendix 7.

2.4 All parties that have submitted representations in relation to the application have been invited to attend the hearing today to provide further detail in relation to the above.

2.5 Members of the Sub-Committee should give full consideration of the issues raised the Responsible Authorities and Interested Parties when determining the application.

### **3. Options available to the Licensing Sub-Committee**

3.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:

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

3.2 In considering this matter, the Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

3.3 The Sub-Committee must take steps that it considers appropriate for the promotion of the licensing objectives.

3.4 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

- 3.5 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 3.6 However, where responsible authorities such as the Police or Environmental Health Officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 3.7 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption).
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
  - suspend the licence for a period not exceeding three months.
  - revoke the licence.
- 3.8 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 3.9 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be

sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

- 3.10 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 3.11 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.
- 3.12 All licensing determinations should be considered on the individual merits of the application. The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 3.13 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

#### **4. Consultation**

- 4.1 The application has been subject to the statutory consultation process involving the display of public notices in the vicinity of the site for 28 days.
- 4.2 Relevant ward members have been notified of the application and all statutory requirements in relation to notification requirements have been complied with.

## **5. Timetable and Accountability for Implementing this Decision**

5.1 Any decision made by the Licensing Sub-Committee 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.

5.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.

5.3 Parties to the hearing must be informed of the decision within 5 working days of the hearing (or within 5 working days from the last day of the hearing if it takes place over multiple days).

## **6. Financial Implications**

6.1 There are no specific financial implications arising from this application.

6.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

## **7. Legal Advice and Implications**

7.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.

7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

7.4 The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

- 7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7 Departure from the guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

## **8. Risks and Mitigation**

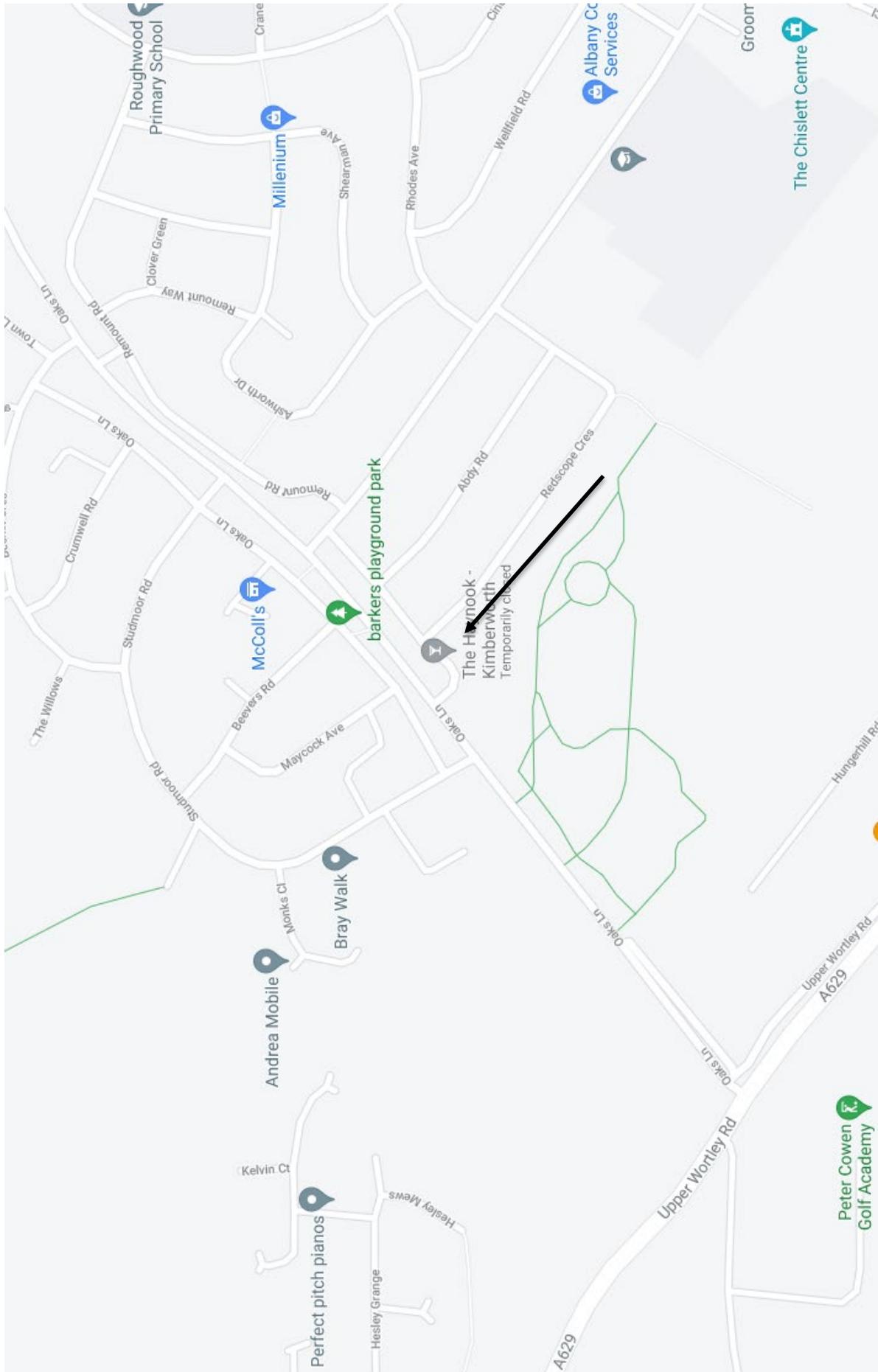
- 8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.
- 8.2 Failure to do this exposes the Council to significant risk of legal challenge, the consequences of which could result in financial and / or reputational damage to the Council.
- 8.3 Members are therefore urged to fully consider the information in this report when making a decision regarding this application, and to ensure that any decision made is justifiable, proportionate and based on the promotion of one or more of the Licensing Objectives.
- 8.4 Council officers are present at the meeting today and can provide additional advice to members of the Sub-Committee should this be required. In addition, a copy of the statutory guidance is available for members to review should they wish to do so.

## **9. Accountable Officer(s)**

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

This report is published on the Council's [website](#).

# APPENDIX 1



# APPENDIX 1



# APPENDIX 1



**APPENDIX 2**
**Licensing Act 2003**  
**Premises Licence**
**P0280**

## Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****The Haynook**

Redscope Crescent, Kimberworth Park, Rotherham, South Yorkshire, S61 3LY.

Telephone 01709 566 920

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- 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
Exhibition of films (Indoors)	Sunday to Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday and Saturday	10:00am	Midnight
	New Years Eve	10:00am	10:00am
	on the following morning.		
	Non Standard Timings:		
	An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		
Indoor sporting event	Sunday to Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday and Saturday	10:00am	Midnight
	New Years Eve	10:00am	10:00am
	on the following morning.		
	Non Standard Timings:		
	An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		
Performance of live music (Indoors)	Sunday to Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday and Saturday	10:00am	Midnight
	New Years Eve	10:00am	10:00am
	on the following morning.		
	Non Standard Timings:		



## APPENDIX 2

**Licensing Act 2003**  
**Premises Licence**

P0280

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
Performance of live music (Indoors) continued ...	An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		
Playing of recorded music (Indoors)	Sunday to Wednesday Thursday Friday and Saturday New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 10:00am 10:00am 10:00am	11:00pm Midnight Midnight 10:00am
Performance of dance (Indoors)	Sunday to Wednesday Thursday Friday and Saturday New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 10:00am 10:00am 10:00am	11:00pm Midnight Midnight 10:00am
Provision of facilities for making music (Indoors)	Sunday to Wednesday Thursday Friday and Saturday New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 10:00am 10:00am 10:00am	11:00pm Midnight Midnight 10:00am
Provision of facilities for dancing (Indoors)	Sunday to Wednesday Thursday Friday and Saturday New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 10:00am 10:00am 10:00am	11:00pm Midnight Midnight 10:00am
Late night refreshment (Indoors)	Sunday to Wednesday Thursday on the following morning. Friday and Saturday on the following morning. New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 11:00pm  11:00pm  11:00pm	11:30pm 12:30am  12:30am  5:00am



**APPENDIX 2**
**Licensing Act 2003**  
**Premises Licence**
**P0280****THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Wednesday	10:00am	11:30pm
	Thursday	10:00am	Midnight
	Friday and Saturday	10:00am	Midnight
	on the following morning.		
	New Years Eve	10:00am	10:00am
	on the following morning.		
	Non Standard Timings:		
	An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Sunday to Wednesday	10:00am	11:30pm
Friday and Saturday	10:00am	12:30am
on the following morning.		
New Years Eve	10:00am	10:00am
on the following morning.		
Non Standard Timings:		
An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		

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

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

## Part 2

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

Ei Group plc  
 3 Monkspath Hall Road, Shirley, Solihull, West Midlands, B90 4SJ.  
 Telephone 0121 2725000

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Ei Group plc  
 2562808

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Bernadette DUNN  


**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. PERL/003112/06  
 Issued by Leeds



## Licensing Act 2003 Premises Licence

## P0280

### ANNEXES

#### Mandatory Conditions

#### All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

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. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) 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.
    - 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 in a manner which carries a significant risk of undermining a licensing objective;
    - 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 in a manner which carries a significant risk of undermining a licensing objective;
    - d) 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



## Licensing Act 2003 Premises Licence

P0280

## ANNEXES continued ...

glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) 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 either:-
    - (a) a holographic mark or
    - (b) an ultraviolet feature.
6. 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the



## Licensing Act 2003

### Premises Licence

P0280

## ANNEXES continued ...

premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of



**Licensing Act 2003**  
**Premises Licence**
**P0280****ANNEXES continued ...**

alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Showing of films**

Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.

The admission of children to an exhibition of a film where the film classification body or this Council has determined the classification must be restricted in accordance with that classification. The film classification body is the British Board of Film Classification. In this condition children means persons under 18 years of age.

Films must be classified in the following way:

- U -** Universal. Suitable for audiences aged four years and over.
- PG -** Parental Guidance. Some scenes may be unsuitable for young children.
- 12A -** Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 -** Passed only for viewing by persons aged 15 years and over.
- 18 -** Passed only for viewing by persons aged 18 years and over.

**If the Premises Licence has conditions in respect of Door Supervision  
[except theatres, cinemas, bingo halls and casinos]**



**Licensing Act 2003**  
**Premises Licence**
**P0280****ANNEXES continued ...**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
  - (b) in respect of premises in relation to:
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
  - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

**Annex 2****Conditions consistent with operating schedule****Public Safety**

None.

**Prevention of Public Nuisance**

1. The licence holder shall ensure that a CCTV system will be installed and maintained at the premises. Images will be retained for a minimum period of 31 days and made available to officers of the responsible authorities on request.
2. The licence holder shall ensure that all staff whose duties involve the sale of alcohol will receive



**Licensing Act 2003**  
**Premises Licence**
**P0280****ANNEXES continued ...**

training with regard to age verification, under age sales and the serving of alcohol to persons under the influence of alcohol. Staff training records will be maintained on site and signed by both the DPS and the member of staff. The training records will be made available to officers of the responsible authorities on request.

3. The licence holder shall ensure that an incident register containing details of any incident of crime, disorder or public nuisance that occurred on the premises whilst the premises are open for licensable activities shall be in place at the premises. The register shall consist of consecutively numbered pages in a bound format. It shall be maintained at the premises at all times. The book shall be checked weekly and signed by the DPS / nominated supervisor.
4. The licence holder shall ensure that all external doors / windows must be kept closed other than for access and egress whenever events involving amplified music or speech are taking place.
5. The licence holder shall ensure that clear notices shall be placed at all exits advising customers that they are in a residential area and that they must leave quietly to avoid causing disturbance to residents.
6. The licence holder shall ensure that for the duration of any event including live or recorded music (or speech) noise from amplified sound shall not be audible inside any residential property. Perimeter walks shall be undertaken at regular intervals during any such event to monitor the volume of music and also noise from patrons using the premises with appropriate action taken accordingly where noise is deemed to be excessive. Any such action shall be recorded in the incident register.  
NOTE; Noise may be considered inaudible when it is at a low enough level that it is not recognisable as emanating from the source in question and/or it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.
7. The licence holder shall ensure that all commercial waste skips sited within the car park of the premises shall be fully operational and shall have lids which shall remain closed so contents including bottles cannot be readily accessed.

**Protection of Children from Harm**

None.

**Annex 3      Conditions attached after Hearing of Licensing Authority**

None.

**Annex 4      Plans**

See attached.



**APPENDIX 2**

## Licensing Act 2003

# Premises Licence Summary P0280

## Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****The Haynook**

Redscope Crescent, Kimberworth Park, Rotherham, South Yorkshire, S61 3LY.

Telephone 01709 566 920

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- 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
Exhibition of films (Indoors)	Sunday to Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday and Saturday	10:00am	Midnight
	New Years Eve	10:00am	10:00am
	on the following morning.		
	Non Standard Timings:		
	An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		
Indoor sporting event	Sunday to Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday and Saturday	10:00am	Midnight
	New Years Eve	10:00am	10:00am
	on the following morning.		
	Non Standard Timings:		
	An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		
Performance of live music (Indoors)	Sunday to Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday and Saturday	10:00am	Midnight
	New Years Eve	10:00am	10:00am
	on the following morning.		
	Non Standard Timings:		



## APPENDIX 2

## Licensing Act 2003

### Premises Licence Summary P0280

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
Performance of live music (Indoors) continued ...	An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		
Playing of recorded music (Indoors)	Sunday to Wednesday Thursday Friday and Saturday New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 10:00am 10:00am 10:00am	11:00pm Midnight Midnight 10:00am
Performance of dance (Indoors)	Sunday to Wednesday Thursday Friday and Saturday New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 10:00am 10:00am 10:00am	11:00pm Midnight Midnight 10:00am
Provision of facilities for making music (Indoors)	Sunday to Wednesday Thursday Friday and Saturday New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 10:00am 10:00am 10:00am	11:00pm Midnight Midnight 10:00am
Provision of facilities for dancing (Indoors)	Sunday to Wednesday Thursday Friday and Saturday New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 10:00am 10:00am 10:00am	11:00pm Midnight Midnight 10:00am
Late night refreshment (Indoors)	Sunday to Wednesday Thursday on the following morning. Friday and Saturday on the following morning. New Years Eve on the following morning. Non Standard Timings: An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December	10:00am 11:00pm  11:00pm  11:00pm	11:30pm 12:30am  12:30am  5:00am



**APPENDIX 2**

## Licensing Act 2003

# Premises Licence Summary P0280

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Wednesday	10:00am	11:30pm
	Thursday	10:00am	Midnight
	Friday and Saturday	10:00am	Midnight
	on the following morning.		
	New Years Eve	10:00am	10:00am
	on the following morning.		
	Non Standard Timings:		
	An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Sunday to Wednesday	10:00am	11:30pm
Friday and Saturday	10:00am	12:30am
on the following morning.		
New Years Eve	10:00am	10:00am
on the following morning.		
Non Standard Timings:		
An additional hour on Bank Holiday Monday's and preceeding Friday's, Saturday's and Sunday's, Christmas Eve, Boxing Day and 27th December		

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

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

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Ei Group plc 3 Monkspath Hall Road, Shirley, Solihull, West Midlands, B90 4SJ.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Ei Group plc 2562808

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Bernadette DUNN

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

None



**APPENDIX 3***Rotherham Metropolitan Borough Council***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 Keeley Ladlow, Principal Licensing Officer, Rotherham MBC***(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Haynook Redscope Crescent Kimberworth Park	
<b>Post town</b> Rotherham	<b>Post code (if known)</b> S61 3LY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> EI Group PLC
---

<b>Number of premises licence or club premises certificate (if known)</b> PO280
--

**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)

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

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

# APPENDIX 3

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

## (B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

**APPENDIX 3****(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Keeley Ladlow Principal Licensing Officer Rotherham Metropolitan Borough Council Main Street Rotherham S60 1AE
Telephone number (if any) <b>01709 822346</b>
E-mail address (optional) <a href="mailto:Keeley.ladlow@rotherham.gov.uk">Keeley.ladlow@rotherham.gov.uk</a>

**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 ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

**APPENDIX 3**

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

Application is made under Section 51 of the Licensing Act 2003 for a full review of the premises licence in relation to a premises known as The Haynook. Redscope Crescent, Kimberworth Park, Rotherham, S61 3LY

The application seeks a revocation of the premises licence on the grounds that the premises licence holder is failing to properly promote three of the licensing objectives, namely public safety, the prevention of crime and disorder and public nuisance.

The grounds for the application are as follows:-

The premises are a large sized premise consisting of two main bar areas licensed for the sale of alcohol for consumption on and off the premises. The licence has been in place since September 2005.

The current Designated Premises Supervisor of the premises is Bernadette Dunn – a position that she has held since November 2019.

On 8<sup>th</sup> October 2020 the licensing service received a complaint from a member of the public. The member of public advised that he had witnessed disorder outside of the premises on the evening of the 7<sup>th</sup> October which had resulted in Police Officers attending. The complainant described the disorder as violent in nature and the shouting could be heard from inside his home address. The complaint further stated he had witnessed incidents of a similar nature previously and had further witnessed drug dealing and drug use within the carpark of the premises.

On 15<sup>th</sup> October 2020 Council officers from the licensing service and food, health & safety attended the premises. One member of staff was present at the commencement of the visit who gave his name as Mark Williams. It was stated to officers that the DPS was not present as she is the DPS of another premises in Hull.

Mr Williams when questioned stated Ms Dunn is rarely at the premises and only visits if she has a pre booked meeting to attend.

When asked who was in charge of the premises Mr Williams stated a Ms Vanessa Holbrook was the manager put in place by Ms Dunn to manage the premises in her absence and he was employed as a member of bar staff who also did odd jobs around the premises as and when required.

A licensing compliance check was then undertaken, Mr Williams was asked to produce the premises incident register and challenge/refusals register. Mr Williams stated the premises had an incident book which was a notepad and completed as and when staff can. He further stated an incident which had taken place on 7<sup>th</sup> October had not been recorded as he had not yet had the chance and did not know the location of the book.

Mr Williams could not produce the incident register nor the refusals register stating they must have been misplaced as he had no knowledge of where they were. Mr Williams was asked to contact Ms Holbrook and Ms Dunn to ascertain the location of both registers – following a phone call to both it was clear the location of the registers was unknown by all parties.

The requirement to have an incident register at the premises is an Annex 2 condition of the premises licence.

Whilst present at the premises a second member of staff arrived for work – when questioned she stated she had been employed to work at the premises for approximately 3 weeks and is employed as a member of bar staff.

This member of staff was asked what training she had received upon becoming employed to work

**APPENDIX 3**

at the premises. In response to this she stated “none”. Officers asked whether she had been trained in age verification, underage sales and the serving of alcohol to persons under the influence of alcohol – she responded no to this.

Officers requested to see the staff training records and again these could not be provided to officers as none of the parties knew the location of any staff training records. Officers asked Ms Dunn by telephone whether staff training records were at the premises – she stated training records were taken by the previous DPS resulting in her not having any. When asked if the new employee had been trained Ms Dunn stated she had but could not recall what in, or who by and could not evidence this by way of a training record.

During the call Ms Dunn was obstructive, dismissive of the concerns raised by Council Officers and swore whilst shouting during the call. She stated she has another premises in Hull which she resides at so leaves the running of the business to Ms Holbrook. Ms Dunn later accepted that the new member of staff had only been trained in working behind a bar and had not received training in the responsible sale of alcohol.

The requirement to train all staff whose duties involve the sale of alcohol regarding age verification, underage sales and the serving of alcohol to persons under the influence of alcohol is an Annex 2 condition of the premises licence. Additionally, staff training records being made available to officers of responsible authorities upon request is an Annex 2 condition.

Licensing Officers used cocaine identification wipes in both the male and female toilets. The wipes are designed to turn blue to indicate positive contact with cocaine residue. The male toilets tested positive for cocaine on the tops of urinals – the result was a strong positive with not only the wipe turning blue but also the tops of the urinals indicating significant cocaine residue.

Upon making Mr Williams aware of this he stated that he wasn't surprised.

The premises are in a dirty condition with poor maintenance, a rear fire door at the premises was wedged closed by a bar stool throughout the visit. Mr Williams explained this was due to the fire door being broken several months ago resulting in it not staying closed and had not yet been repaired.

The premise has 16 CCTV cameras recording footage for a period of 31 days, officers identified camera blind spots inside and outside the premises with poor camera positioning of some of the installed cameras. The CCTV time stamped onto the cameras is 8 minutes behind real time.

Council Officers requested to view CCTV footage for 7<sup>th</sup> October for times between 21.30 and 22.30hrs. CCTV footage evidenced disorder between 4 individuals – the disorder began inside the premises before continuing outside.

The incident began as a verbal altercation between all four individuals which escalated to pushing, shoving and wrestling one another to the floor outside in the car park of the premises. A member of staff is seen to intervene attempting to separate the individuals, this resulted in the staff member being pushed to the floor. Council officers have spoken to this member of staff who reports an injury to his knee as a result of being pushed.

The incident commenced at 21.40hrs continuing past the 22.00hrs closure time under Coronavirus regulations.

Council Officers requested to view CCTV footage for 9<sup>th</sup> October between times of 21.30 and 22.30hrs. CCTV footage evidenced customers walking up to the bar to order drinks - upon ordering the drink customers waited at the bar for the drink to be poured and given to them.

Bar service was not permitted on 9<sup>th</sup> October under Coronavirus regulations.

# APPENDIX 3

Footage viewed between 21.58 and 22.01 evidences Ms Holbrook working behind the bar without wearing a face covering. A second member of staff is wearing a face covering however pulls this down around his neck when speaking to customers and other staff members.

Council Officers requested to view CCTV footage for 10<sup>th</sup> October between times of 21.00 and 22.30hrs. CCTV footage evidences a live amplified band was playing within the premises during the evening of 10<sup>th</sup> October.

Between 21.08hrs by the time on the cameras (21.17hrs real time) and 21.09 full service at the bar is taking place – customers are seen to be ordering, paying and receiving drinks at the bar.

At 21.15hrs (21.23hrs) several customers are at the bar and are seen to order, pay and receive drinks.

At 21.55hrs (22.03hrs) the band can be seen packing away whilst customers remain within the premises seated at tables consuming drinks.

At 21.56hrs (22.04hrs) three members of staff are seen working behind the bar – none are wearing face coverings.

At 22.07hrs (22.15hrs) three customers can be seen on the footage standing side by side at the bar drinking alcoholic beverages, there is no social distancing between them.

At 22.08hrs (22.16hrs) a male approaches the bar, orders a drink and is seen to hand over cash in payment. Whilst standing at the bar change is then given to the male by the same staff member followed by a bottle.

Whilst viewing the CCTV footage with Council Officers Mr Williams accepted that although he wasn't working on 10<sup>th</sup> October customers do approach the bar whilst he is working, and full table service is not undertaken.

Council Officers having viewed the CCTV footage are of the opinion that the activities taking place on the 9<sup>th</sup> and 10<sup>th</sup> of October are commonplace at the premises and are not an isolated occasion or instance.

The footage shows a serious lack of Coronavirus safe measures at the premises and staff members are not seen on any occasion to challenge customers at the bar or request social distancing be maintained.

The lack of safe measures at the premises directly risks the safety of the public and undermines the public safety licensing objective.

On 22<sup>nd</sup> October 2020 Rotherham MBC served two fixed penalty notices for breach of The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 on the premises licence holder – EI Group PLC.

Both fixed penalty notices relate to breaches of the legislation on Saturday 10<sup>th</sup> October 2020, specifically remaining open past 22.00hrs and permitting customers to order and consume drinks at the bar areas.

# APPENDIX 3

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

Detailed as above.

# APPENDIX 3

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

# APPENDIX 3

Please tick ✓ yes

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**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 **27<sup>th</sup> April 2021** .....

Capacity **Principal Licensing Officer, Rotherham MBC** .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Witness Statement**

(Criminal Procedure Rules, r27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: ...Keeley Louise Ladlow.....

Age if under 18: ..... Over 18 Occupation.....Senior Licensing Enforcement Officer....

This statement, consisting of...4..... Page(s) 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.



Date the...10th..... day of.....November.....2020

I am the above named person and currently employed as Senior Licensing Enforcement Officer operating from Riverside House the offices of Rotherham Metropolitan Borough Council. I have been employed as an Enforcement Officer since 2015 and was previously a Police Community Support Officer, my duties include liaising with Hackney Carriage and Private Hire Drivers, investigating matters concerning Private Hire and Hackney Carriage Drivers and vehicles and Private Hire Operators.

On the morning of Thursday 15<sup>th</sup> October 2020, I met with Adrian Monkhouse, Rotherham MBC Principal Environmental Health Officer, and Rachel Williams Rotherham MBC Licensing Enforcement Officer outside of The Haynook public house, Redscope Crescent, Rotherham, S61 3LY.

The visit to the premises was in response to a complaint I had received by telephone from a member of the public residing near to the premises. The complainant stated there was regarding disorder at the premises, the complainant had witnessed drug use and dealing within the customer car park and further stated there was a lack of compliance with the requirements to prevent the spread of Coronavirus. The complainant advised me that on 7<sup>th</sup> October at approximately 21.45hrs there had been a fight outside of the premises involving a group of males.

Upon arrival at the premises at approximately 10.30hrs it was closed, and we were met at the door by a member of staff who gave his name as Mark Williams. Mr Williams stated that he lived at the premises residing in the flat above as well as working at the premises, advising that his official job title was head barman but stated he was more of a 'dogsbody'.

I asked Mr Williams whether Bernadette Dunn, the DPS of the premises was available, he stated that she is the DPS of another premises in Hull and lives above those premises. I asked how often she attended The Haynook and it was stated she is very rarely there only visiting if she has a pre-booked meeting to attend.

I asked who was in charge of the premises, Mr Williams stated a Ms Vanessa Holbrook was the manager put in place by Ms Dunn to manage the premises in her absence and he was employed as a member of bar staff who also did odd jobs around the premises as and when required.



SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

I made Mr Williams aware that I needed to view the premises CCTV following a complaint of disorder and breach of Coronavirus regulations. Mr Williams stated the CCTV unit was located within his bedroom in the living accommodation but agreed to the footage being viewed.

Ahead of the footage being viewed a licensing compliance check was undertaken, Mr Williams was asked to produce the premises incident register and challenge/refusals register. Mr Williams stated the premises had an incident book which was simply a notepad and completed as and when staff can. He further stated an incident which had taken place on 7th October had not been recorded as he had not yet had the chance and did not know the location of the book.

Mr Williams could not produce the incident register, nor the refusals register to Licensing Officers stating they must have been misplaced as he had no knowledge of where they were. I asked Mr Williams to contact Ms Holbrook and Ms Dunn to ascertain the location of both registers – following a phone call to both it was clear the location of the registers was unknown by all parties.

The requirement to have an incident register at the premises is an Annex 2 condition of the premises licence.

Whilst I was at the premises a second member of staff arrived for work, I asked her how long she had worked at the premises for. It was stated she had been employed to work at the premises for approximately 3 weeks and is employed as a member of bar staff.

I asked her what training she had received upon becoming employed to work at the premises. In response to this she stated "none". I asked whether she had been trained in age verification, underage sales and the serving of alcohol to persons under the influence of alcohol – she responded no to this.

I asked to see the staff training records and again these could not be provided as none of the parties knew the location of any staff training records. I spoke to Bernadette Dunn by telephone and asked whether staff training records were at the premises – she stated training records were taken by the previous DPS resulting in her not having any. When asked if the new employee had been trained Ms Dunn stated she had but could not recall what in, or who by and could not evidence this by way of a training record.

During the call Ms Dunn was obstructive, dismissive of the concerns I raised and swore whilst shouting during the call. She stated she has another premises in Hull which she resides at so leaves the running of the business to Ms Holbrook. Ms Dunn later accepted that the new member of staff had only been trained in working behind a bar including how to pull a pint but had not received training in the responsible sale of alcohol.

The requirement to train all staff whose duties involve the sale of alcohol regarding age verification, underage sales and the serving of alcohol to persons under the influence of alcohol is an Annex 2 condition of the premises licence.

Additionally, staff training records being made available to officers of responsible authorities upon request is an Annex 2 condition.

Rachel Williams and I used cocaine identification wipes in both the male and female toilets. The wipes are designed to turn blue to indicate positive contact with cocaine residue. The male toilets tested positive for cocaine on the tops of urinals – the result was a strong positive with not only the wipe turning blue but also the tops of the urinals



SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

indicating significant cocaine residue. Upon making Mr Williams aware of this he stated that he wasn't surprised adding that he was aware of drug use within the premises.

The premises are in a dirty condition with poor maintenance, a rear fire door at the premises was wedged closed by a bar stool throughout the visit. Mr Williams explained this was due to the fire door being broken several months ago resulting in it not staying closed and had not yet been repaired.

The premise has 16 CCTV cameras recording footage for a period of 31 days, Rachel and I identified camera blind spots inside and outside the premises with poor camera positioning of some of the installed cameras. Upon viewing the CCTV cameras, I also noted the CCTV time stamped onto the cameras is 8 minutes behind real time.

I requested to view CCTV footage for 7<sup>th</sup> October for times between 21.30 and 22.30hrs. This was viewed by Rachel Williams, Adrian Monkhouse and me, it evidenced disorder between 4 individuals – the disorder began inside the premises before continuing outside.

The incident began as a verbal altercation between all four individuals which escalated to pushing, shoving and wrestling one another to the floor outside in the car park of the premises. Mr Williams is seen to intervene attempting to separate the individuals, this resulted in him being pushed to the floor by one member of the group. I spoke to him about this and he stated he was the only member of staff working that evening and intervened attempting to break up the disorder but gave up as he was overpowered. Mr Williams stated he has suffered a knee injury as a result of being pushed to the floor and now struggles to kneel.

The incident commenced at 21.40hrs continuing past the 22.00hrs closure time under Coronavirus regulations.

Adrian Monkhouse requested to view CCTV footage for 9<sup>th</sup> October between times of 21.30 and 22.30hrs. CCTV footage evidenced customers walking up to the bar to order drinks - upon ordering the drink customers waited at the bar for the drink to be poured and given to them.

Bar service was not permitted on 9<sup>th</sup> October under Coronavirus regulations.

I viewed footage between 21.58 and 22.01 which evidences Ms Holbrook working behind the bar without wearing a face covering. A second member of staff is wearing a face covering however pulls this down around his neck when speaking to customers and other staff members.

Adrian Monkhouse and I requested to view CCTV footage for 10<sup>th</sup> October between times of 21.00 and 22.30hrs. CCTV footage evidences a live amplified band was playing within the premises during the evening of 10<sup>th</sup> October.

Between 21.08hrs by the time on the cameras (21.17hrs real time) and 21.09 full service at the bar is taking place – customers are seen to be ordering, paying and receiving drinks at the bar.

At 21.15hrs (21.23hrs) several customers are at the bar and are seen to order, pay and receive drinks.

At 21.55hrs (22.03hrs) the band can be seen packing away whilst customers remain within the premises seated at tables consuming drinks.

At 21.56hrs (22.04hrs) three members are staff are seen working behind the bar – none are wearing face coverings.



SIGNED..... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

At 22.07hrs (22.15hrs) three customers can be seen on the footage standing side by side at the bar drinking alcoholic beverages, there is no social distancing between them.

At 22.08hrs (22.16hrs) a male approaches the bar, orders a drink and is seen to hand over cash in payment. Whilst standing at the bar change is then given to the male by the same staff member followed by a bottle.

Whilst viewing the CCTV footage Mr Williams accepted that although he wasn't working on 10<sup>th</sup> October customers do approach the bar whilst he is working, and full table service is not undertaken. Mr Williams can be seen on the footage for 10<sup>th</sup> October walking around the customer area of the premises, despite not working as a member of staff there is an expectation he would ensure the regulations were being adhered to but there is no evidence of this on the viewed footage.

Mr Williams was asked why the regulations were not being adhered to and he shrugged his shoulders and said Ms Dunn was never at the premise and didn't care about what occurred there.

I asked Mr Williams to burn the relevant footage onto a disc however he stated he did not know how to do this and there was no facility for burning to footage off. Due to this I recorded the relevant sections of the footage onto my mobile phone. I exhibit the clips recorded as KLL1 a-f, additionally to this I took several still images of the CCTV during the visit which I exhibit as KLL/2.



SIGNED.......... WITNESSED.....

**Witness Statement**

(Criminal Procedure Rules, r27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

SIGNED.......... WITNESSED.....



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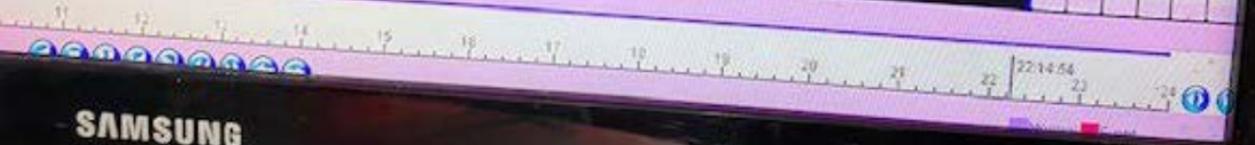
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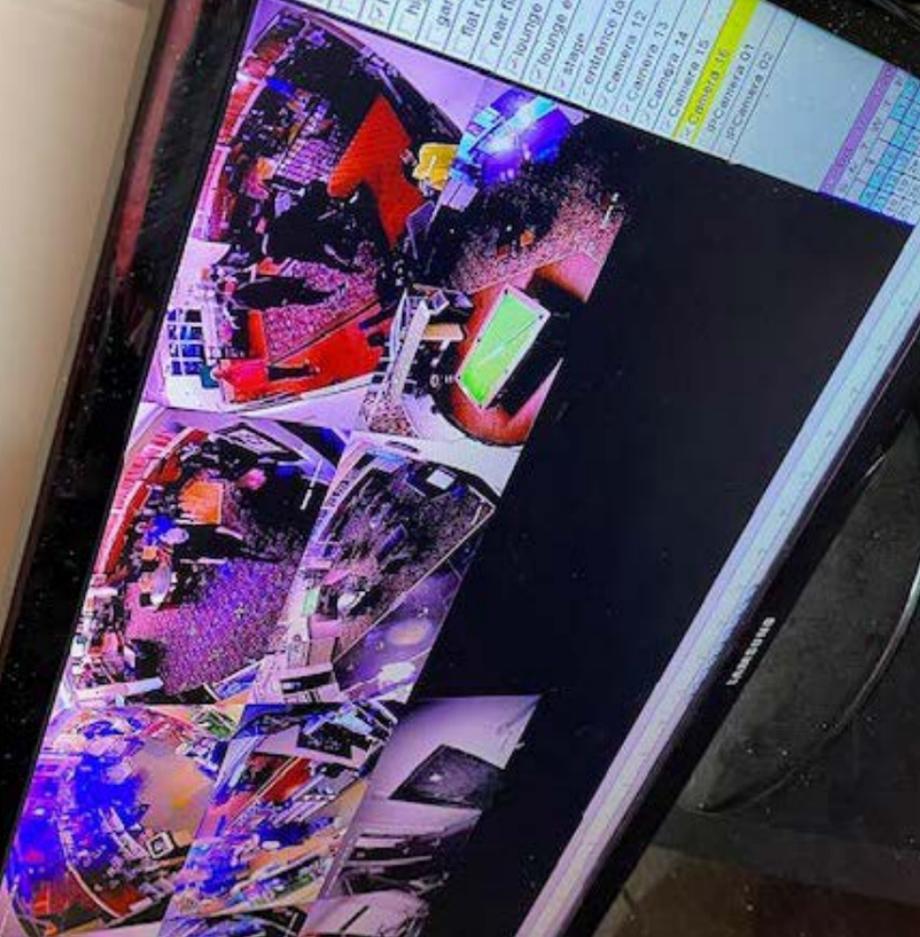
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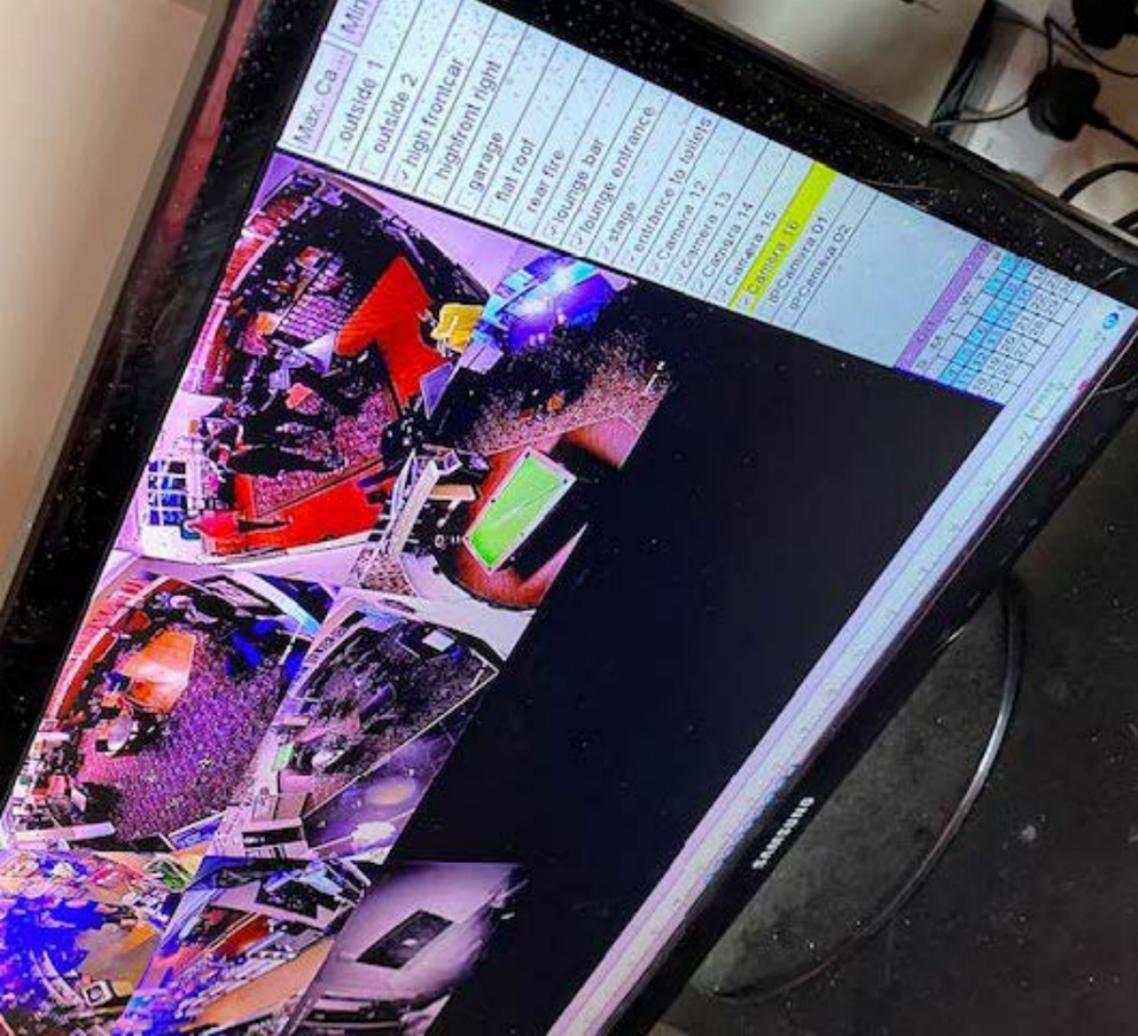
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Page 59

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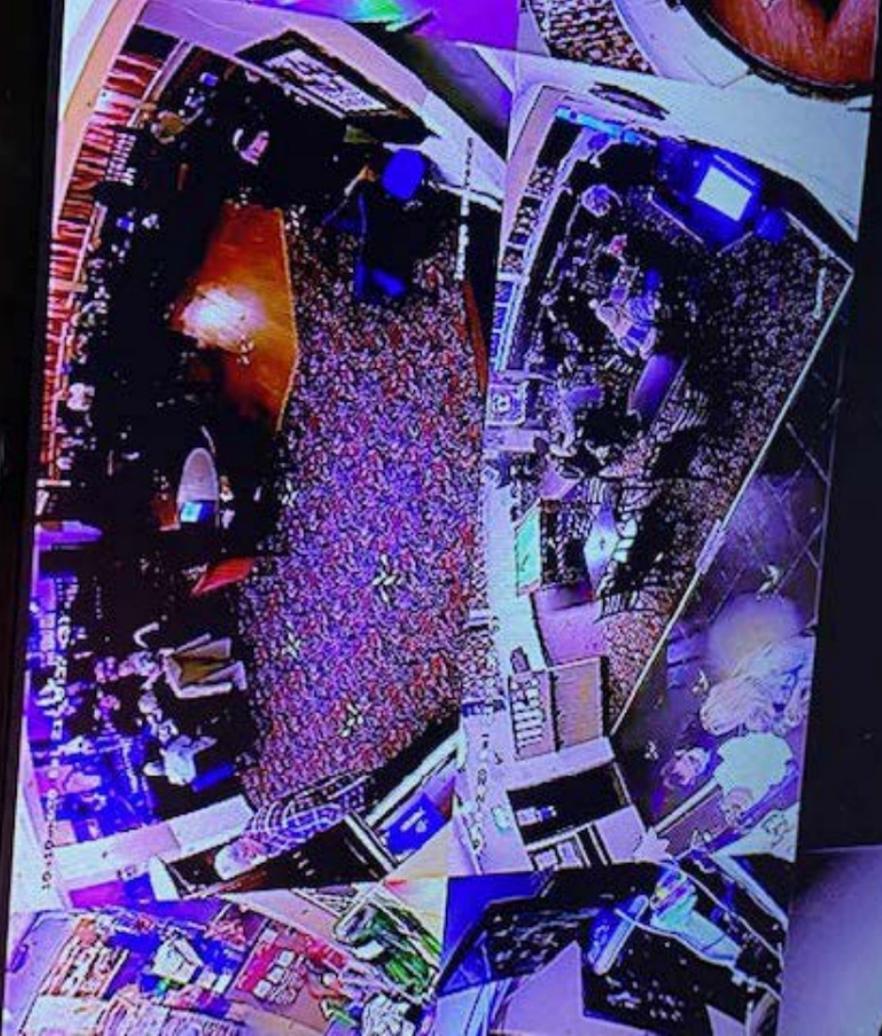
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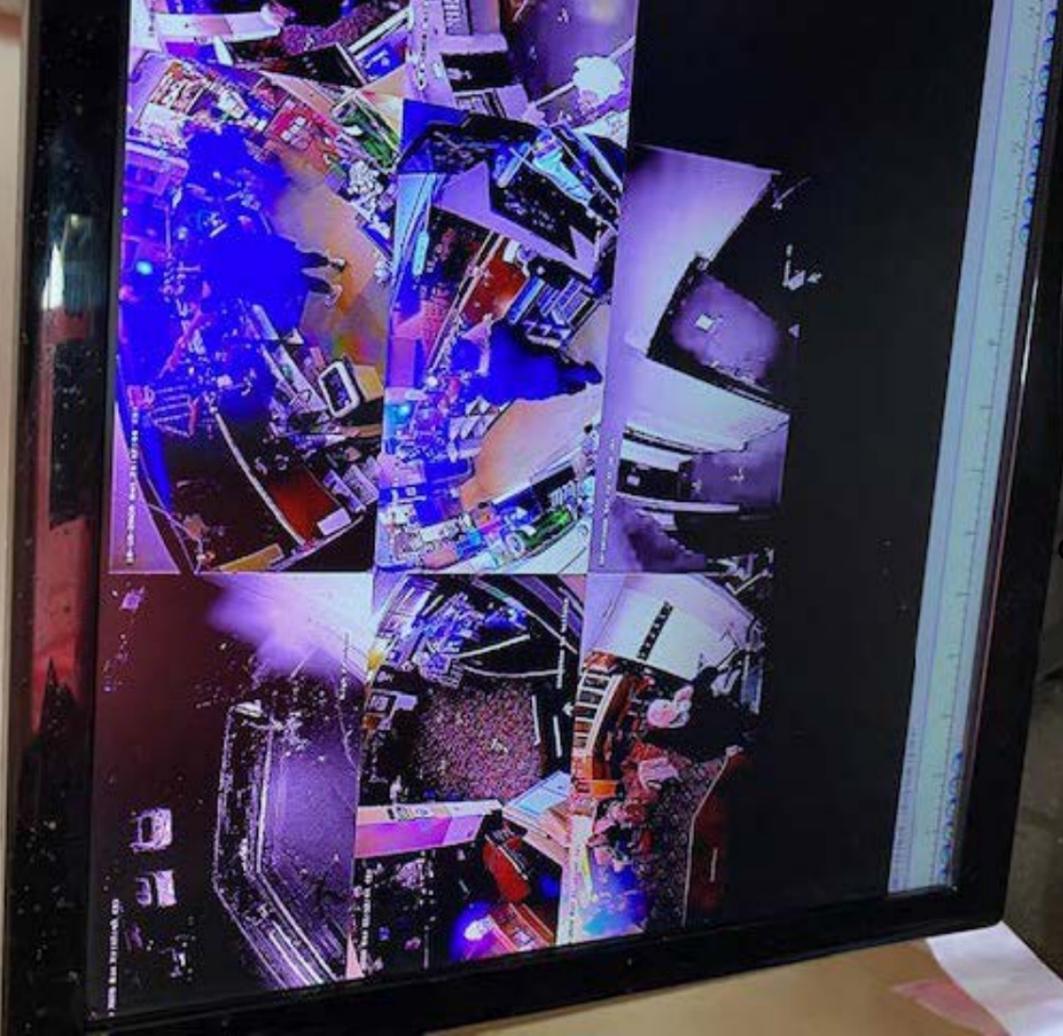
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**ROTHERHAM METROPOLITAN BOROUGH COUNCIL** **APPENDIX 5**

**WITNESS STATEMENT**

(Criminal Justice Act 1967 Section 9, Magistrates Court Act 1980, Section 5B and Criminal Procedure Rules, Rule 27.2)

Statement of: Adrian Robert Monkhouse  
Age (if under 18): Over 18  
Occupation: Principal Environmental Health Officer

-----  
This statement (consisting of 3 pages 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.

Dated the 10<sup>th</sup> November 2020

Signature 

-----  
I am Adrian Robert Monkhouse and I am employed by Rotherham Metropolitan Borough Council as a Principal Environmental Health Officer. I have been qualified as an Environmental Health Officer since October 1999 and I have worked within the Food and Health and Safety Team at Rotherham Metropolitan Borough Council since this time specialising in the enforcement of health and safety legislation.

On the morning of Thursday 15<sup>th</sup> October 2020 I met with Keely Ladlow, Senior Licensing Enforcement Officer, RMBC and Rachel Williams, Licensing Enforcement Officer, RMBC outside the Haynook Public House, Oaks Lane, Kimberworth, Rotherham, S61 3NB. The visit was undertaken in response to complaints received by the Licensing Department regarding a lack of control/compliance with requirements to prevent the spread of Coronavirus in addition to allegations of disorder and drug use at the premises.

SIGNATURE: 

DATE: 10/11/20

The Haynook was closed when we initially arrived to carry out the visit which was at approximately 10:30am. On knocking on the door of the premises we were met by a Mr Mark Williams. Mr Williams advised that he lived on site and also worked at the premises. Keeley Ladlow asked if we could view CCTV footage that had been recorded at the premises. Mr Williams was agreeable to this and advised that the hard drive to the CCTV system was located in his living accommodation. Mr Williams showed us CCTV footage from Wednesday 7<sup>th</sup> October 2020 which showed a fight between four adults which spilled out onto the car park and continued after 10pm. Mr Williams was asked to show us CCTV footage from the weekend of Friday 9<sup>th</sup> October and Saturday 10<sup>th</sup> October 2020. The footage from the evening of Saturday 10<sup>th</sup> October 2020 shows that a band was playing in the pub and customers were approaching the bar to order drinks and then being served drinks whilst remaining at the bar. Customer were walking around the premises, including walking up to the bar whilst consuming drink. The CCTV footage also showed the operation of the business, including the service of drinks, after 22:00. Additionally, the CCTV footage showed both staff and customers not wearing face coverings, this included whilst staff were in close proximity to customers whilst serving them drinks at the bar. Mr Williams was asked if he could burn CCTV footage from 10<sup>th</sup> October 2020 onto a disc but he didn't know how to do this. Therefore, Keeley Ladlow recorded sections of the CCTV from the evening of 10<sup>th</sup> October 2020 from the screen connected to the hard drive onto her mobile phone.

On 22<sup>nd</sup> October 2020 a letter was sent by first class post to the Company Secretary EI Group Limited, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ – this letter explained the breaches of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (SI. 2020: No. 684), as amended, that had been witnessed on 10<sup>th</sup> October 2020 (Exhibit ARM.1). Enclosed with the letter were two fixed penalty

SIGNATURE: 

DATE:

10/11/20

notices. The first fixed penalty notice reference: 69007654 related to allowing customers to order and be served drinks at the bar (Exhibit ARM.2). The second fixed penalty notice reference: 69007655 related to carrying on a restricted business of a Public House after 22:00 (Exhibit ARM.3). A copy of all the above documents were also sent to the Haynook Public House by first class post on 22<sup>nd</sup> October 2020 for the attention of the Designated Premises Supervisor (DPS). A compliments slip was included with the documents to explain to the DPS that the documents were for their information only and that the original Fixed Penalty Notices had been sent to the EI Group Limited for payment by them as premises licence holder. [REDACTED]

SIGNATURE: [REDACTED]

DATE: 10/11/20

**Regeneration & Environment Services**

Community Safety & Street Scene  
Food, Health & Safety  
Riverside House, Main Street, Rotherham, S60 1AE  
Tel: (01709) 823161  
Email: [food.health&safety@rotherham.gov.uk](mailto:food.health&safety@rotherham.gov.uk)



EXHIBIT No. ARM.1  
REFERRED TO IN MY STATEMENT

My Reference: ARM      Please ask for: Adrian Monkhouse      Date: 22 October 2020

The Company Secretary  
EI Group Limited  
3 Monkspath Hall Road  
Solihull  
West Midlands  
B90 4SJ

Dear Sir/Madam,

**The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (SI. 2020: No. 684), as amended**

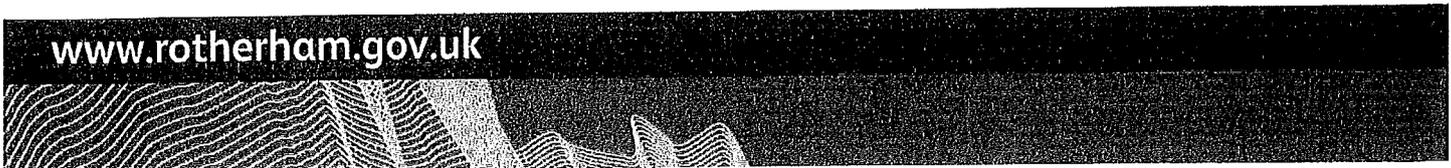
**re: The Haynook, Oaks Lane, Kimberworth, Rotherham, South Yorkshire, England, S61 3NB**

Please find enclosed two fixed penalty notices served in relation to breaches of the above legislation at the Haynook on the evening of Saturday 10<sup>th</sup> October 2020.

Viewing CCTV footage of the evening of Saturday 10<sup>th</sup> October 2020 shows customers approaching the bar to order drinks and then being served drinks whilst remaining at the bar and customers walking around the premises, including walking up to the bar whilst consuming drink. The CCTV footage also shows the operation of the business, including the service of drinks, after 22:00. It is these issues for which the two fixed penalty notices have been served.

Additionally, the CCTV footage shows both staff and customers not wearing face coverings, this includes whilst staff are in close proximity to customers whilst serving them drinks at the bar. By law, staff and customers of venues that provide food and drink are required to wear a face covering, unless they have an exemption. This requirement includes pubs, bars, restaurants, cafés and takeaways. Face coverings may be removed when seated to eat or drink in a pub, bar, restaurant or café but the face covering should be put back on once you finish eating or drinking. You must ensure that the issue of face coverings is addressed to negate the need for any further enforcement action with regards to this specific issue.

Cont,d....



Please note that from 00:01 on Saturday 24th October 2020 South Yorkshire will move into the "Tier 3 Very High COVID Alert level". This means **APPENDIX 5** have to close unless they are serving 'substantial' meals like a main lunchtime or evening meal and customers can only be served alcohol whilst eating.

Yours faithfully,

A large black rectangular redaction box covering the signature of the Principal Environmental Health Officer.

Adrian Monkhouse  
Principal Environmental Health Officer

Reference Number: 6 9 007654

## Rotherham Metropolitan Borough Council

The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (SI. 2020: No. 684),  
 as amended<sup>3</sup>

## FIXED PENALTY NOTICE

EXHIBIT No. <u>ARM. 2</u>
REFERRED TO IN MY STATEMENT

22<sup>nd</sup> October 2020**Part A****To: El Group Limited****At: The Haynook, Oaks Lane, Kimberworth, Rotherham, South Yorkshire, England, S61 3NB****Of: 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ**

This Fixed Penalty Notice is served under regulation 9(1) of The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, as amended (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Adrian Monkhouse, designated as an authorised person for the purposes of the Regulations by Rotherham Metropolitan Borough Council, have reasonable grounds for believing that you have committed a criminal offence under the Regulations, detailed in Part C below. I am issuing this Notice to offer you the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

Rotherham Metropolitan Borough Council may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

**Part B. Amount of Penalty and period to pay**

The monetary penalty you must pay is: **£1,000**

I have determined the level of penalty based on your having been served previously with no fixed penalty notices under the Regulations or the related regulations.

For these purposes, the "related regulations" are those set out in regulation 9(9) of the Regulations in relation to a fixed penalty issued in relation to an offence under regulation 4; and regulation 9(6A) of the Regulations in relation to offences under regulations 4A and 4B.

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to Rotherham Metropolitan Borough Council

Riverside House  
 Main Street  
 Rotherham  
 S60 1AE

Payment can be made by the following means:

**Credit or Debit Card - by phone or online:** Call 0300 456 2723 enter the whole 8 digit reference number on the front of this Notice when prompted; or go to [www.rotherham.gov.uk](http://www.rotherham.gov.uk) and click on

# APPENDIX 5

"Make a Payment" then "Online Payments" Select "Env Fixed Penalty" as the fund type and enter the above number in the reference field.

**In Person:** You can pay at any Rotherham Council payment office (not currently available)

**By Post:** Payment can be made by cheque or postal order payable to RMBC. Do not send cash by post.

Please return a copy of this documentation with your payment and post to:

Community Protection Unit

Riverside House,

Main Street,

Rotherham S60 1AE

Please make cheques payable to Rotherham Metropolitan Borough Council.

## Part C. Grounds for imposing the Penalty

Regulation contravened: Regulation 4B(1)

Particulars of the offence:

- *Sold food or drink for consumption on the premises, without reasonable excuse, that was not ordered by and served to a customer seated on the premises, and*
- *Having sold food or drink for consumption on the premises, without reasonable excuse, failed to take all reasonable steps to ensure that the customer remained seated whilst consuming the food or drink on the premises.*

With regards to the above offences on the evening of Saturday 10<sup>th</sup> October 2020 at the Haynook, Oaks Lane, Rotherham, S61 3LY customers were observed approaching the bar to order drinks and then being served drinks whilst remaining at the bar. Customers were observed walking around the premises, including walking up to the bar whilst consuming drink.

## Part D. Challenging this Fixed Penalty Notice

If you consider that the Notice should not have been issued, you can make representations to Rotherham Metropolitan Borough Council in writing outlining your reasons for challenging the Notice, within 14 days of the date on this Notice.

Your challenge will be processed in accordance with Rotherham Metropolitan Borough Council's Complaint Procedure: <https://www.rotherham.gov.uk/council/complain-council-services/2>

**This Notice remains in force even if you have raised a challenge.**

**Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.**

## Part E. Consequences of non-payment/ continued non-compliance

If you fail to pay the fixed penalty within 28 days, you lose the opportunity to discharge liability to conviction, and criminal proceedings may be commenced against you in respect of the offence set out in Part C of this Notice.

## APPENDIX 5

Contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court. In the event of continued contravention, a further Fixed Penalty Notice may be issued for a higher fine, in accordance with regulation 9 of the Regulations, or you may be prosecuted under regulation 8 of the Regulations.

Signed: 

Date: 22/10/20

Name in Capitals: ADRIAN MONKHOUSE

Name and Address of Local Authority: Riverside House, Main Street, Rotherham S60 1AE

Telephone: 01709 255058

Email: [food.health&safety@rotherham.gov.uk](mailto:food.health&safety@rotherham.gov.uk)

**If you are not sure of your rights or the implications of this notice, you should seek independent legal advice**

Reference Number: 6 9 007655

**APPENDIX 5**  
Rotherham  
Borough Council

## Rotherham Metropolitan Borough Council

The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (SI. 2020: No. 684),  
as amended<sup>3</sup>

## FIXED PENALTY NOTICE

EXHIBIT No. ARM-3  
REFERRED TO IN MY STATEMENT

22<sup>nd</sup> October 2020

## Part A

To: El Group Limited

At: The Haynook, Oaks Lane, Kimberworth, Rotherham, South Yorkshire, England, S61 3NB

Of: 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ

This Fixed Penalty Notice is served under regulation 9(1) of The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, as amended (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Adrian Monkhouse, designated as an authorised person for the purposes of the Regulations by Rotherham Metropolitan Borough Council, have reasonable grounds for believing that you have committed a criminal offence under the Regulations, detailed in Part C below. I am issuing this Notice to offer you the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

Rotherham Metropolitan Borough Council may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

**Part B. Amount of Penalty and period to pay**The monetary penalty you must pay is: **£2,000**

I have determined the level of penalty based on your having been served previously with one fixed penalty notice under the Regulations or the related regulations.

For these purposes, the "related regulations" are those set out in regulation 9(9) of the Regulations in relation to a fixed penalty issued in relation to an offence under regulation 4; and regulation 9(6A) of the Regulations in relation to offences under regulations 4A and 4B.

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to Rotherham Metropolitan Borough Council

Riverside House  
Main Street  
Rotherham  
S60 1AE

Payment can be made by the following means:

**Credit or Debit Card - by phone or online:** Call 0300 456 2723 enter the whole 8 digit reference number on the front of this Notice when prompted; or go to [www.rotherham.gov.uk](http://www.rotherham.gov.uk) and click on

# APPENDIX 5

"Make a Payment" then "Online Payments" Select "Env Fixed Penalty" as the fund type and enter the above number in the reference field.

**In Person:** You can pay at any Rotherham Council payment office (not currently available)

**By Post:** Payment can be made by cheque or postal order payable to RMBC. Do not send cash by post.

Please return a copy of this documentation with your payment and post to:

Community Protection Unit

Riverside House,

Main Street,

Rotherham S60 1AE

Please make cheques payable to Rotherham Metropolitan Borough Council.

## **Part C. Grounds for imposing the Penalty**

Regulation contravened: Regulation 4A(1)

Particulars of the offence:

*Between the hours of 22.00 and 05.00 carried on a restricted business of a Public House, as listed in Part 1 of Schedule 3 to the Regulations, during the emergency period, without reasonable excuse.*

On the evening of Saturday 10<sup>th</sup> October 2020 at the Haynook, Oaks Lane, Rotherham, S61 3LY customers were observed ordering and then being served drinks at the bar. Customers were still sat in the premises consuming drink after 22:00.

## **Part D. Challenging this Fixed Penalty Notice**

If you consider that the Notice should not have been issued, you can make representations to Rotherham Metropolitan Borough Council in writing outlining your reasons for challenging the Notice, within 14 days of the date on this Notice.

Your challenge will be processed in accordance with Rotherham Metropolitan Borough Council's Complaint Procedure: <https://www.rotherham.gov.uk/council/complain-council-services/2>

**This Notice remains in force even if you have raised a challenge.**

**Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.**

## **Part E. Consequences of non-payment/ continued non-compliance**

If you fail to pay the fixed penalty within 28 days, you lose the opportunity to discharge liability to conviction, and criminal proceedings may be commenced against you in respect of the offence set out in Part C of this Notice.

Contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court. In the event of continued

## APPENDIX 5

contravention, a further Fixed Penalty Notice may be issued for a higher fine, in accordance with regulation 9 of the Regulations, or you may be prosecuted under regulation 8 of the Regulations.

Signed:



Date: 22/10/20

Name in Capitals: ADRIAN MONKHOUSE

Name and Address of Local Authority: Riverside House, Main Street, Rotherham S60 1AE

Telephone: 01709 255058

Email: [food.health&safety@rotherham.gov.uk](mailto:food.health&safety@rotherham.gov.uk)

**If you are not sure of your rights or the implications of this notice, you should seek independent legal advice**

# APPENDIX 6

WITNESS STATEMENT OF  
HELEN COOPER  
1<sup>ST</sup> STATEMENT  
ON BEHALF OF THE APPLICANT

BEFORE THE LICENSING COMMITTEE  
OF ROTHERHAM METROPOLITAN BOROUGH COUNCIL

IN THE MATTER OF A REVIEW OF  
PREMISES LICENCE UNDER  
SECTION 51 OF THE LICENSING  
ACT 2003

**CHIEF CONSTABLE OF SOUTH YORKSHIRE POLICE**

Applicant

**AND**

**EI GROUP PLC – HAYNOOK, REDSCOPE CRESCENT**

Premises Licence Holder

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**WITNESS STATEMENT OF HELEN COOPER**

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1. I am I am Helen Cooper, I am employed by South Yorkshire Police (“SYP”) as a Licensing Enforcement Officer.
2. I make this statement in support of an Application for Review of Premises Licence relating to the above premises.
3. **Licensing Enforcement Officer Engagement / SYP Incidents :**
  - a. Licensing Enforcement Officer Call to Area Manager – 9<sup>th</sup> January 2020

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP’s Licensing Team) relating to the above:

*I called Area Manager and advised him of the complaints SYP have received for the premise this week x 2.*

*He advised me they Enterprise currently hold the premise licence however they are due to sign up to have it transferred into the tenants name.*

*I told him that myself and SYP Officers plan to visit the premise on Friday 17th January to discuss these incidents with DPS, which the first available time both LEO and*

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*Neighbourhood Police can get. I asked if he could also be at this meeting and he agreed he could be. I sent him over the meeting invite.*

### b. Premise Visit – Meeting – 17<sup>th</sup> January 2020 – Notes made at Meeting – Inn Keeper

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the meeting :

On 17<sup>th</sup> January 2020, I met at the premise and the PC Singleton and PCSO Newman local officers came along with me.

Also at the meeting:-

██████ ██████ Enterprise - Area Manager

Marcus Parton - T & R Pubs Tennacy

Bernadette ██████ - DPS

Bernadette told me about the Police, they came on 20th Dec on the operation.

PCSO Newman raised his concern regarding the incidents that were coming in, Bernadette confirmed there was 2 recent incidents that came in separately. Bernadette told us that ██████ got it in for her and ██████ was sticking up for her. She knows it is her who has reported it. She went on to say that ██████ caused problems for ██████ one Sunday about 8 weeks ago.

I raised reports of a drug problem at the premise and Bernadette told me that since boxing day she has been carrying out constant checks in the male toilets.

I raised Inc 0902 13/1/20 - Bernadette told us this involved the ██████ brothers. She said that ██████ her business partner was on duty and one of the brothers damaged the lights. She said they are normally very well behaved and they have agreed to pay for the broken lights.

Bernadette expressed that she is suffering problems with ██████ ██████ she threw a glass so she is barred.

I asked about the CCTV coverage at the premise and Bernadette informed that they have coverage inside and outside of the premise.

I checked the premise licence I and the conditions on this. I checked the incident log , the last entry was dated 13th Jan.

██████ told me that there has been some neighbour complaints so he has been to see the female who has complained about the pub and she is not working with him, she said that she will not stop until the pub is closed. He said saying all this she did say for the past 8 weeks the pub noise has been much better.

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## c. Licensing Enforcement Officer Phone Call to Designated Premises Supervisor – 31<sup>st</sup> January 2020 – re concern for demand.

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the above:

On 31<sup>st</sup> January I LEO called the premise and spoke with Bernadette [REDACTED] - DPS .

I advised her that The Kimberworth Park Pub is currently closed which may impact on her getting in some new customers. I told her I could not confirm the type , age of customers she may get .

Bernadette told me that this is all she has heard for the last 2 days . She told me that she has seen a few new faces however they have been older people. She thanked me for my call.

## d. Premise Visit – Meeting – 3<sup>rd</sup> February 2020

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the meeting:

On 3<sup>rd</sup> February I (LEO) visited the premise as the Designated Premises Supervisor called me asked me to meet her.

Bernadette told me on Saturday , [REDACTED] and a male called [REDACTED] (surname unknown) came to the premise in the same vehicle , [REDACTED] opened the door and [REDACTED] threw a smoke bomb inside the pub.

Bernadette told me that she had a number of older customers inside at the time also her children when this happened. She told me that it was a really scary situation with customers in and a customer got hold of it and threw it back out onto the car park. He told me customers were shaken up.

She told me that later that day a customer came in and said ' had a smoke bomb haven't you' and Bernadette said what do you know about that and he said nothing it was my grandparents. Later in the weekend she got the password for the CCTV she signed on and got CCTV footage she saw 2 males getting out of the car and doing this. One has been identified as [REDACTED] and the other [REDACTED] ?? I agreed to pass this onto PC Singleton to investigate further if necessary.

She discussed with me that they have 18th birthday party booked on Fri 28th Feb, she has obtained a request list as advised, she has agreed to stamp the hand of the 18 year olds. I advised not to serve multi drinks to anyone and to monitor that the parents or over 18 years are not buying drink for the underage.

I emailed the above to the local office PC Singleton.

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### e. Incidents Reported to SYP – 15<sup>th</sup> March 2020 – Licensing Officer Andy Steele Incident summary notes.

Below are notes taken from Inn Keeper (Inn Keeper is the system used by SYP's made by Licensing Officer – Andy Steele relating to the incidents detailed below:

Police Reference: 14/49360/20 – S39 Common Assault

Police Reference: 14/49713/20 - S47 Assault

Suspect has been visiting The Haynook with his partner as partner's mother is the pub landlady. They have all been drinking and an argument has started during which victim has gone to grab suspects phone. She alleges he swung his elbow at victim this has not connected.

Victim's partner and her daughter have then allegedly got in some form of scuffle with the suspect during which caller's partner has sustained reddening to her chest and victim's partner has allegedly sustained some form of facial injury but no more details as he had gone to bed and would not speak to officers. No visible injuries seen by officers on caller's partner.

Officers have conducted an area search for suspect as he is a West Yorkshire Police nominal who is No Fixed Abode. All parties in drink so arrangements to be made for statements.

Police Reference: 14/49723/20 - S39 Common Assault

Victim has been at her mother's pub, The Haynook. During the night there has been an argument between herself and her partner. This has escalated to the point where her partner attempted to assault her mother (14/49360/20) and has then assaulted mother's partner by punching him to the face causing a small cut (14/49713/20).

After he has assaulted the partner victim has pulled him away from mum's partner. They have then proceeded to grab each other on the sofa before they were separated. This has then to bruising to victim's arm and leg unknown exactly how these injuries caused. When police contacted suspect has left on a bike.

### f. LEO – Andy Steele – Phone call to DPS – 18<sup>th</sup> March 2020 – Re incidents Reported

Below are the summary notes from Licensing Officer Andy Steel following phone call to Designated Premises Supervisor.

I have contacted Bernadette [REDACTED] the DPS of The Haynook re the below incident numbers.

14/49713/20

14/49723/20

14/49360/20

#### Investigation Summary

S47 - assault investigation suspect has been visiting The Haynook with his partner [REDACTED] as [REDACTED] mother is the pub landlady. They have all been drinking and an argument has started

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during which Bernadette has gone to grab suspects phone. She alleges he swung his elbow at Bernadette this has not connected. Bernadette's partner and her daughter have then allegedly got in some form of scuffle with the suspect during which [REDACTED] has sustained reddening to her chest and Bernadette's partner [REDACTED] has allegedly sustained some form of facial injury but no more details as he had gone to bed and would not speak to officers. No visible injuries seen by officers on Brittany. Officers have conducted an area search for suspect as he is a West Yorkshire nominal who is NFA. All parties in drink so arrangements to be made for statements.

Bernadette informed me that the incident was upstairs in the flat as the pub was closed at the time (03:20) it involved her daughters "evil boyfriend".

I told her I would update you that I have spoken to her and as it was in the living accommodation it was of no interest to us.

### f. Licensing Officer Phone Call to DPS – 23<sup>rd</sup> March 2020 – Covid 19 Breach reported

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the above:

Covid 19 concern – On 23<sup>rd</sup> March I (LEO) called the DPS Bernadette regarding Inc 0345, 0355 & 0524 - 22/03/20.

I spoke with Bernadette on her mobile phone. I advised her that I had seen the incident she called regarding family being in the pub and concern from someone calling in that the premise was still open. Inc 524. Bernadette told me that she had family over and that's all done now. She told me that there was only her, Mark (business partner), kids and Grandad there now. I asked her if she was still living upstairs and she told me yes, she said the kids have been coming down into the pub to watch the TV as there is no TV working and told me that the flat is still really damp so she does not want them in that environment for too long.

Bernadette told me that they have been allocated a house now in Wincobank.

I brought her back to the incident that had been reported and she told me that on Saturday it was her Daughters birthday so there were 5 people come and 3 kids. She reminded me that she has Foster Children. She went on to say that on Sunday they were approx. 10 people and they all left by 8pm. I reminded her of the government guidance around groups gathering and the legislation about social distancing this all given I told her the government had closed all licenced premise so they were breaching this by having people over. I pointed out to Bernadette how this looks to the members of the public. Bernadette told me that she does understand the legislation set out by the government.

She told me they are currently using the back door to move furniture out of the premise to the house so if SYP get any calls this is what is happening.

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### **Incidents Reported to SYP – 22<sup>nd</sup> March 2020**

Below are incident details taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the incidents detailed below:

SYP-20200322-0355 – Covid Concern

SYP-20200322-0345 – Covid Concern

Caller reporting that there have been a number of persons going through the back door of the above pub. Caller advised that at this time there is no law in place for officers to take action against pubs that remain open. rwd close - incident created and linked to master due to licensing.

### **Further Incident reported to SYP – 22<sup>nd</sup> March 2020**

Below are incident details taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the incidents detailed below:

SYP-20200322-0524

Caller owner of a pub she is using to have her family members round. The risk is low and the pub not open to the public, up to themselves if they want to be there and not isolate, taken advice from t/l. Incident logged and closed due to this people a family gathering and not selling alcohol or allow mop in, no vulnerabilities.

### **Licensing Officer Phone Call From DPS – 1<sup>st</sup> May 2020**

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the above:

Bernadette [REDACTED] called me to ask a question regarding her personal licence.

She told me that Mark who is managing here on behalf of Enterprise has taken a premise in Hull and he has approached her to take Mark from Haynook to manage the Red Lion in Hull. He has asked if she can put her personal licence on this premise.

I reminded Bernadette that DPS function is day to day running of the premise and I needed to be sure that on key shifts Bernadette was managing The Haynook as for me has to be a priority. She told me that it would not affect The Haynook. I asked her to consider the feelings of the licensing enforcement officer in Hull and to consider what I have said and then what their expectations are for their premise. I advised Bernadette that I would keep a close monitor on The Haynook incidents. I asked who she would be authorising to sell on her behalf when she is in Hull. She told me one of her bar staff who is strong.

**APPENDIX 6****Incident reported to SYP – 21<sup>st</sup> July 2020**

Below are incident details taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the incidents detailed below:

SYP-20200721-0927

Caller reporting a disturbance outside the premise with people arguing and 'chasing after one another' Males and females, aged in their 30s They all appear to have had too much to drink.

This appears to be an ongoing issue with anti-social behaviour at the venue. No reports of any physical fighting. No other calls appear to have been made - numerous properties, residential area.

**FURTHER CONTACT:.**

Call Handler re-contacted the caller to confirm details in case it is connected, however callers wife who actually saw them states a white female called [REDACTED] (further details unknown but lives nearby). She was having a go at someone called them a "thieving bastard" she doesn't know who this was aimed at but as this happened a black/dark coloured estate car came speeding down the road. She believes the driver knows someone there because it came speeding down and they were in the road but her husband's van blocked the view further., they are now all back in the pub. Caller described [REDACTED] as white female with black hair wearing a short black dress and she has 2 kids with her. now back in the pub.

**Licensing Officer Phone Call to DPS – 22<sup>nd</sup> July 2020**

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the above:

I called DPS - Bernadette [REDACTED] to discuss incident 0927 21/07/20. Details were that there was a group arguing in the car park, chasing each other around.

They reported that the group had had too much to drink.

She told me that Mark [REDACTED] her manager was aware of this, she told me that Vanessa was on duty at the weekend.

Mark (staff) was on the bar and he told me there was no problems inside at the time of the incident. Bernadette is aware that [REDACTED] one of the customers caused issues on that night . They have made a decision to bar her for one a couple of months. She said that she is a loud mouth when she has had a drink..

Bernadette told me that Vanessa only lives down the road and she has advised mark (staff) if any problems to give her a call.

I advised Bernaette clearly that I feel she needs to be at the Haynook and not the Red Lion in Hull.

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## **Incident Reported to SYP – 23<sup>rd</sup> July 2020**

Below are incident details taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the incidents detailed below:

SYP-20200723-0807 – Concern for safety

Landlady of the pub found an elderly confused male wandering around the car park of the pub just wearing his underwear. She kept him at the pub until officers attended. Landlady was also threatened by the partner of one of the carers for the vulnerable elderly male. There are concerns regarding neglect of the male.

## **Incident Reported to SYP – 24<sup>th</sup> July 2020**

Below are incident details taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the incidents detailed below:

SYP-20200724-0945

Caller reporting a group of approx 25 persons, male and female, outside in the beer garden and looking tense. Caller is concerned something may kick off as they looked to be jumping about. Officers attended and all in order on arrival, around 40 persons present and owner told officers they will keep an eye on them. They didn't have any worries and concerns.

## **Text Message received from DPS – 27<sup>th</sup> July 2020**

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the text message see below:

See text message from Bernadett done in relation to recent incidents which have occurred at the premise.

*These problems have nothing to do with our customers and if the Police and Council had done there job right in lock down the dirty smack heads wouldn't still be on the street. Only stating the truth. The Police have seen how well both suites are working and are very well controlled keeping people in there bubbles and no noise complaints. Well we have no choice but to change until tomorrow but I am not happy brought tickets on way sorted kids. Organised for Vanessa to be there. One issue you have associated with pub the second started only cause Vanessa and Mark made the decision to contact the Police and Ambulance for the welfare off the old man. There has been no fighting no carrying on with any of the locals they are working with is to keep the pub open. See you tomorrow at 1.*

**APPENDIX 6****Multi-Agency Meeting at Premise – 28<sup>th</sup> July 2020**

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the meeting:

Today we had a multi-agency meeting at the premise due to multiple reports to both RMBC E/Health and SYP. The meeting was arranged and held in the premise. Present was Bernadette [REDACTED], Vanessa [REDACTED], PCSO [REDACTED] and [REDACTED] CPU Officer and [REDACTED] SYP LEO.

I started by explaining we were here as we have all received a number of complaints across the authorities this was why we have come together for the meeting. Bernadette and Vanessa did come across initially on the offensive until we explained we were carrying out our jobs. CPU Officer explained that they have received 2 x complaints and they are both keeping diaries. I explained that we have received 3 incidents within days of each other (4 days )

Bernadette expressed their concern about the ongoing complaints from residents they think they will not be happy until the pub is closed.

We asked them to explain the outside drinking policy that is in place at the premise and Vanessa said that the beer garden is used mainly for families. The car park Vanessa explained and that last orders are called at 22:10 and they close by 22:30. She said that The Kimberworth Park has been closing at 20:30 and they are getting all the K/Park younger end then walking up to the Haynook. Vanessa said they are all id checked. Bernadette said that Vanessa is strong with the bar and she gave examples. Vanessa added that customers had loud music playing in the car park and she went over and asked them to turn it down.

I pointed out that The Kimberworth Park younger end if known to be problematic , they do not need to let them in, as you know what time they close you could impose a last entry time around the same time or simply refuse them. I put to them do they want incidents from customers that have been drinking all night elsewhere.

Covid - I asked them if they were aware of the covid capacities and they told us 32 - tap side - 64 best side .

**Email received by Licensing Officer from PCSO Newman – 6<sup>th</sup> August 2020**

Below is the text of an email I / someone else received from PCSO...

On Thursday 6<sup>th</sup> August around 9pm while on patrol we responded to a call from a member of the public reporting a 20 person fight at The Haynook.

On arrival , everything was quiet. I spoke to the son of licensee who said that there had been a disagreement between two customers who had both left.

As I was leaving a female customer approached me and said that there had been a fight between two blokes who she had seen outside in the car park sniffing "coke" this caused a disagreement and a subsequent fight. Further observations will be carried out.

I advised them of the details of the incidents that SYP have received Inc 21/7/20 inc 0927 - noise/threats - Bernadette said this was a female customer ( [REDACTED] ) which they have had a

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number of problems with her and she has been barred. Then on 23/07/20 Inc 0807 -a confused male and Vanessa told us that she witnessed a male and female walking a vulnerable old man down street. The old man then broke away from the female and was bear hugged away. She told us that they are both smack heads and she was concerned for the vulnerable male. She said they have caused problems for the Haynook before. She went on to tell us the vulnerable male then wandered back up to the Haynook. The drug male then came back up Vanessa then told him to leave he then pulled some shearers out then he ran off with the shearers. Vanessa told us that she has given a statement to PC [REDACTED] about all this.

I carried on and explained on 24/7/20 Inc 0945 groups gathering concerns. They told us this would have been The Kimberworth Park lot up as previously discussed, Vanessa said this was them. PCSO said that they visited on 24th July 2020 they did not see any issues, he felt they were looking covid secure, track trace was in place, one way system.

CPU Officer asked them to keep an incident register. They agreed to keep them. They confirmed that the CCTV covers inside and outside and Vanessa always monitors both inside and outside. We looked at the outside area and suggested moving the tables to the top of the car park to reduce the risk of further noise complaints.

I asked who the Area Manager was for Enterprise and she told me Mark [REDACTED] is the new area manager. I told Bernadette I knew him I asked her to make him aware we have had this meeting. Bernadette agreed.

### **Email from PCSO – 6<sup>th</sup> August 2020**

Below is the copy of an email from PCSO Newman taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the premise :

On Thursday 6th August around 9pm while on patrol we responded to a call from a member of the public reporting a 20 person fight at The Haynook.

On arrival , everything was quiet. I spoke to the son of licensee who said that there had been a disagreement between two customers who had both left.

As I was leaving a female customer approached me and said that there had been a fight between two blokes who she had seen outside in the car park sniffing "coke" this caused a disagreement and a subsequent fight. Further observations will be carried out.

### **Incident Reported to SYP – 13<sup>th</sup> August 2020**

Below are incident details taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the incidents detailed below:

SYP-20200813-1027

Caller states the premise is having ongoing issues with anti-social behaviour. He also states a few evenings ago persons were seen to be what appeared drug dealing and the landlady approached them and ushered them inside. Caller is sick of this and is considering moving due



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response - this is to be brought up at the pubwatch meeting next week to raise the general awareness regarding the risk of groups gathering under the Covid restrictions. The incident was closed.

### **Licensing Officer Phone Call to DPS – 24<sup>th</sup> September 2020**

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the above:

Following seeing incident 0968 21/09/20 reporting a group of 10 youths gathering outside the premise aged between 15/18 who were reported as being loud screaming and shouting .

I called Bernedtte [REDACTED] DPS there was no answer and I left a voicemail to call me back .

Bernedette called me back straight away. I explained to her the details of the incident that a group has been reported at 20:46 gathering outside of the premise aged between 15/18 who were reported as being loud screaming and shouting . She told me that she has not been aware of a problem on Monday evening.

I advised Bernadette to check the CCTV and see if anyone can be seen congregating outside and if they can be identified. Bernadette agreed and said she would come back to me if there was anything to report.

### **Incident Report to SYP – 7<sup>th</sup> October 2020**

Below are incident details taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the incidents detailed below:

SYP-20201007-0889

Caller states her boyfriend went outside for a cigarette and had an argument with his friend. She states the friend dragged her across the floor and shoved her. This male is now outside and he is refusing to give the caller her keys back and this is why he dragged her on the floor. Officers attended, the female is said to have been assaulted but confirms this has not happened and it was an attempt to hit the caller's boyfriend.

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### Text Message Tread with DPS – 12<sup>th</sup> November 2020

Below are my notes taken from Inn Keeper (Inn Keeper is the system used by SYP's Licensing Team) relating to the text message thread see below:

See below reply to text message received on 08/11/20 at 12:26 to Bernadette [REDACTED]

*Just to let you know on way to Haynook. with avn to get some stuff meeting Vanessa as Mark leaving so putting someone in well shut so if you get a report its us lot xx.*

At 11:04 on 12/11/20 I sent the following message:-

*Bernadette just to confirm with you SYP did not receive any calls on Sunday. Thanks for letting me know, Helen*

At 11:09 I sent the following message to Bernadette:-

*Also can you let me know who you are getting in to replace Mark . Thank you. H*

At 11:31 Bernadette [REDACTED] replied the following :-

*ok great and Kirrean doing it.*

At 11:34 I sent the following text:-

*Bernadette what is Kirrean surname?? Is Vanessa still in post.*

At 11:36 Bernadette replied:-

*Surname [REDACTED]*

At 11:38 Bernadette called me.

She explained that Keirran is Vanessa's son. Mark has gone as she could not trust him he was up to something he was an '\*\*\*\*hole'.

I asked who was living on and she told me Keirran staying while we are in covid.

Bernadette told me that the Enterprise Area Manager have been made redundant since Stonegate took over Enterprise.

She said Mark [REDACTED] is still the holding Manager.

She told when she know what is happening she will let me know.

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Bernadette said that she has varied her as DPS I advised her to check the progress of this as I have not seen anything come through.

### **Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

**Signed:** *Helen Cooper*

**Name:** Helen Cooper

**Date:** 10<sup>th</sup> May 2021

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### **Representation from Mr P S**

Haynook pub, I have great concerns about the pub reopening this pub as made people's lives hell for years since it was closed last year it has been heaven no trouble.

Loud music it as had many managers in there not one considered residential area. We even had to buy triple glazing too many things to note absolute disgrace if it opens can someone build a 20 feet fence round it to keep all the trouble and noise inside first Xmas since 1999 where it was quite unreal believe it or not, wish I could be more positive when you see trouble year on year, every manager who as been there all promises to control the pub all we want is a quiet life is that too much to ask for, would the owner of the property be willing to live here, I don't think so i understand someone wants to go to pub socialising would they want it outside there house thanks