

APPENDIX 6

WITNESS STATEMENT
(Criminal Justice Act 1967, s.9; Criminal Procedure Rules, r. 27.2)

STATEMENT OF Craig Cornwall

AGE OF WITNESS Over 18
(if over 18, enter "over 18"):

OCCUPATION OF WITNESS: Community Protection Manager

ADDRESS: Riverside House, Main Street, Rotherham,
S60 1AE

This statement consisting of 1 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 willfully stated in it anything which I know to be false or do not believe to be true.

SIGNED: 

DATED: 25th February 2021

1. My name is Craig Cornwall; I am a Community Protection Manager, employed by RMBC. I am duly authorised to make this statement on behalf of the Council.
2. I can confirm that in the case against The Waverley, Brinsworth Road, Brinsworth I did give authorization for officers to issue two fixed penalty notices for The Waverley with regards to breaches of under Regulation 6(1) of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 (the Regulations). The FPNs served outlined the particulars of the offences made. In total two Fixed Penalty Notices were issued, totalling £3000.
3. This decision was made on review of all case file notes, which included visits and observations by officers of the Council and in addition complaints received by members of the public.
4. Having full view of the allegations received, the copious visit notes on our database, I am satisfied that the action to serve Fixed Penalty Notices were reasonable and proportionate.
5. In addition, I can confirm that by 3rd January 2021 both Fixed Penalty Notices had been paid.

APPENDIX 6

(Criminal Justice Act 1967, s.9; Criminal Procedure Rules, r. 27.2)

STATEMENT OF Ms Kim Haughey
AGE OF WITNESS Over 18
(If over 18, enter "over 18"):
OCCUPATION OF WITNESS: Enforcement Officer
ADDRESS: Riverside House, Main Street, Rotherham,
S60 1AE

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 willfully stated in it anything which I know to be false or do not believe to be true.

SIGNED:

DATED:

1. My name is Kim Haughey, I am an Enforcement Officer, employed by Rotherham Metropolitan Borough Council. I am duly authorized to make this statement on behalf of the Council.
2. On 4th November 2020 at 16:17 I visited The Waverley, Brinsworth Road, Catcliffe, Rotherham S60 5RW following a report of Covid 19 breaches – serving drinks with out ordering a substantial meal.
3. Upon arrival in the Council vehicle with visible signage, I parked up with a clear unobstructed view of the main bar area. My Colleague Linda Hopkins – Enforcement Officer and I observed 5 males seated altogether with just drinks on the table. There was no sign of any of them having eaten nor going to eat. This was established as there was no condiments nor cutlery placed on table. At this point we decided to enter the premises.

APPENDIX 6

4. Upon entry there was large group of customers by the doorway having cigarettes none of which were social distanced. I proceeded to enter through the doorway straight into the main bar area which we had earlier observed from the council Vehicle. There were no visible QR codes nor social distancing posters.
5. I proceeded visually inspect the bar area. I observed Staff serving customers at the bar none of which requested food, the customer then walked back to table. At the table where at least 5 other customers also without food with a large amount of used empty glasses. It was also apparent that they were not from the same household. This practice took place several times from other tables within the same bar area. Within the bar area at the time of visit where 7 different tables in use.
6. I observed new customers entering the bar from the outside walking past the manual track and trace paperwork and sanitizing station without completing the sheet provided nor using the sanitizer provided. As I had a clear unobstructed view from inside the pub through doorway to outside, I could clearly see if they had used their own personal sanitizer before entering the premises. At no time did the staff member challenge the customer to complete track and Trace nor use sanitizer.
7. At this point I Identified myself by name, post and showing council photo ID card to the member of staff behind the bar. I asked "to speak to the Licensee " The member of staff went to the kitchen area to ask the two staff their " The female staff member stated "that he wasn't here " I then asked " who was acting on his behalf as he not on the premises " The female stated "no one " . The other male said "he would ring him "
8. I continued to monitor the bar area. At this point a male member of staff exited from behind the bar walked over to a tall round table with a large amount of dirty glasses on. He proceeds to sit down and pull out a pad from his pocket along with a pen. He then turns to a customer who has just walked in and seated at this table. He takes a drink order. At no time was the table cleared or cleaned before this gentleman had sat down. He was not from the party that was seated there before. All the party before had gone outside for a cigarette. After their cigarettes only two of the original five returned to the table. I could

APPENDIX 6

clearly observe this table from where I was standing. the view was not obstructed at any time.

9. When the male member of staff returned to the table with the drink, there were no condiment nor cutler given out to the customer to indicate that he had purchased a meal. At this point the customers where not challenged about social distancing whether they where from different households, Hand sanitizing, track and trace or ordering food. The male member of staff then cleared the table of about 10 empty glasses, but no plates or cutlery have been seen on this table. The table was still not wiped down nor seating that was not occupied. This table size would not have been able to have all 6 customers seated socially distanced let alone having a substantial meal. This would defiantly not been possible.
10. The female staff member came over to me and stated that “Alex was on his way back and wouldn’t be long “
11. Whilst still waiting in the main bar area we observed a female customer enter the premises and order a drink at the bar. At no time did the staff member challenge again about track and trace, sanitizing and instructing that it was table service. Once again there was no request for food nor challenged regarding not ordering food.
12. I noticed a set of double doors behind me, I proceeded to go through these doors, I found myself in the family area. There were two families in there seated together, the children were playing on the coin machines in this area. A member of staff entered this room with plates of food, this was the first time that I had seen any food served. But no social distancing was undertaken, no masks worn by staff when serving food.
13. I went back through to the main bar area observed a gentleman get up from his table without a mask walked over to the slot machine , proceed to play several games , still no mask nor clear visible identification to being exempt . He was at the machine for approximately 10 mins. He then walked back to his table still no mask and seated back at his table. At no point did any of the three members of staff clean the slot game. Even when another customer went to the same slot machine did, they get challenged to not use it before it was cleaned. The other customer also played the machine without it being cleaned. we left the property the machine had still not been cleaned.

APPENDIX 6

14. At approximately 16:45 a gentleman and woman entered the building, they immediately approached the staff who pointed over to my direction. The male approached me and identified himself Mr Alex Nocton the licensee of The Waverley. He introduced the woman he was with as his mother. His arrival was about 20 minutes after we were told he was on his way. I once again identified myself by name, post and showing council photo ID. I advised Mr Nocton why we were conducting the visit and what we had found. I stated, "that with the breaches that we had found and that we would pass our findings onto management to discuss what action would be taken". I also advised if any action were to be taken that it would be in writing.
15. I left the premises at 17:25, I only noticed the food being served to the family section, in total there were approximately 16 male customers and 1 female customer in the main bar area. All male customers were seated three tables within the main bar area – no social distancing nor from the same household, no food provided to any of these tables during our visit. There was no challenging of Face masks when walking around premises, no track and trace nor sanitizing challenging. No signs of cleaning undertaken including tables and Slot games and large amount of dirty glasses on tables. Most of the service to customers was undertaken from the bar not table service. None of the Tier Three rules had been implemented nor any of the challenging of customers under the Tier three rules. No senior member of staff on site when we first challenged staff upon entry at 16:17.
16. I believe the content of this statement to be true and I understand that it may be placed before the court as evidence.

SIGNED:

A blacked-out signature, likely of the author, is present above the 'SIGNED:' label.

DATED:12th January 2021

APPENDIX 6

WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Criminal Procedure Rules, r. 27.2)

STATEMENT OF Linda Hopkins

AGE OF WITNESS

(if over 18, enter "over 18"): Over 18

OCCUPATION OF WITNESS: Enforcement Officer

ADDRESS: Riverside House, Main Street, Rotherham, S60 1AE

This statement consisting of 2 pages 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 12th day of January 2021

My name is Linda Hopkins and I am an Enforcement officer authorised by Rotherham Metropolitan Borough Council.

On Thursday 4th November 2020 at approximately 16:16hrs, I attended the Waverley Public House situated on Brinsworth Lane, Brinsworth, with my colleague Kim Fieldhouse. The visit made was in relation to Covid 19 Compliance checks during Tier 3 Restrictions, from a complaint made to our department.

Upon arrival my colleague parked up in full view of the main bar area, as i could clearly see through the large side window what activities were taking place inside, under my observations I could clearly see that no one in the premises were wearing protective masks , even when they got up from their seats.

I could see a group of males sitting directly on the backrest seats directly in front of the Large window I was looking through to observe, they were drinking alcohol But I could not see anyone eating food.

I saw a male get up from his seat and go to the slot machine, not wearing a mask. Upon entry into the Pub, I walked past a large group of males standing outside the entrance smoking, none of them were socially distancing, I observed approximately 18 people in the bar area, main room. A group of males were sitting at a small high round table, with approximately 12 empty glasses piled up on it, situated near to the bar and entrance to the pub with approximately 5 males seated and stood around the table.

My Colleague approached the bar and asked for the Licence Holder, one of the bar staff stated he was not in, my colleague asked who was in charge in his absence, the male bar staff went to a door to the side of the bar and entered, When the lady staff member came out of the kitchen and another male staff member, she said he was on his way back from hospital, has he had taken his mother for an appointment.

Whilst observing a male entered the pub and walked to the bar shouting to the bar staff usual please, he was not wearing a protective mask.

I also saw a male member of staff go over to a male at the small round table with A writing pad, at no point whilst he was their did he clear the glasses away from the table or sanitise the table.

APPENDIX 6

I witnessed a further male get up from his seat and go to the slot machine, no protective mask was being worn, and no bar staff went to sanitise the machine after use.

Whilst waiting I observed 3 adults and 3 children in another room to the rear of the bar area, the adults were drinking but no signs of meals at this point.

A young girl from the group was using the coin machine, at no point after she had finished using the machine did any of the bar staff go and sanitise it.

I saw different males leaving and entering the pub going to the small table

At this point I could only see people drinking and still no meals had been served to customers in the pub. Eventually I saw two meals being fetched out from the kitchen by bar staff, one of the meals was served to one of the adults in the back room.

I saw a lady walk into the pub and order a drink from the bar, but no meal was ordered. Males left and entered the pub and made there way to this table, definitely not from the same household, and at no point did I see anyone fill the track and trace paperwork in.

I believe the content of this statement to be true and I understand that it may be placed before the court as evidence.

Signed... ..

Witnessed.....