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WITNESS STATEMENT OF
HELEN COOPER
1ST 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

OLIVE LOUNGE LTD

Premises Licence Holder

WITNESS STATEMENT OF HELEN COOPER

1. I am Helen Cooper, I am employed by South Yorkshire Police 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. **LEO Engagement - 3rd 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:

On 3rd July I visited the premise and met with Johnathan to discuss with him the covid measures that he had in place at Olive Lounge.

The previous day local PCSO's had visited to check the restrictions he had put in place and complete a Covid check list . Johnathan made their visit difficult by as they described not being very amenable with information they were requesting and the PCSO 's had called me with concern of how they had been spoken to rudely by Johnathan and the lack of measures they felt had been put in place.

I initially raised with Johnathan that I was disappointed with the manner in which he dealt with the PCSO's that visited on my behalf. I explained that due to the reopen and the

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increased work load , local PCSO's were tasks to visit license premises. I told him he should show more respect with speaking to members of the police force. He tried to tell me that they were sharp with him and I reminded him that no other local premises had raised any concern about their manner.

I asked Johnathan to talk me through his Covid risk assessment. He told me that they had had a professional company carry out a risk assessment on the premise so they know what they need to put in place.

Johnathan told me that they had the following Covid restrictions in place:

A one way system in place with tape on the floor and the stairs. Walky talkies for staff to improve the communication, Hand sanitisers in place.

I asked him if they were doing full table service and he told me no customers will be seated and one member will be allowed to go to the bar. I asked if they are having screens up at the bar and he told me no. I asked if staff will be wearing masks and he told me no. I asked him wear his mitigation is to reduce the risk of further spread of Covid. Johnathan just reverted me back to the risk assessment and told me they are doing just enough . I pointed out that I feel he could put more in place to remain Covid secure.

I asked him of the plans for the outside and he told me that he would seat up to 6 on the outside tables and allow customers to stand at the barrels. I highlighted to him that allowing them to stand could be further risk as they are not so big and customers could end up shoulder to shoulder. I pointed out to him he is the only premise I have visited that is going to allow vertical drinking. I raised that the risk of people stepping to other barrels could mix bubbles. He was adamant he was going to allow customers to stand.

Johnathan remained challenging throughout our meeting and I highlighted to him that I had a job to do. I raised that the impact is unknown and given that The Masons is not reopening just now could impact on his business so I encouraged him to run it robustly. I told me he had a business to run and costs to meet. I told him I could not consider business I need to consider customer safety.

I made it clear to him that I felt he could put more measures in place ie screens at the bar or staff to wear masks or visors.

Report to Police – 4th July 2020 @ 18:26

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:

Inc Number - 20200704-0822 – Possible Covid Breach

Caller states there are too many people in the beer garden area of the premise and that they are stood shoulder to shoulder. Caller also states there are persons drinking at the bar. Officers attended and spoke with the landlord. No issues reported and no further Police action.

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Report to Police – 19th July 2020 @ 23:33

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:

Inc Number - 20200719-1050 – Disturbance / Fighting

Caller state she is sat outside the premise and there are X2 persons fighting. She states the door staff do not appear to be doing anything and seem pre-occupied. Officers attended and persons were waiting outside for taxis, whilst a male had been ejected from the venue. They located X1 male who states he had been assaulted by door staff but they had no injuries consistent with this. CCTV viewed but does not show the male being restrained. Investigation for assault submitted. Crime ref:14/108099/20.

Report to Police – 20th July 2020 @ 04:27

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:

Inc Number - 20200720-0138 – Concern, Covid

Caller drove by the premise at around 17:00hrs and 19:00hrs and states that the area outside was full with some people standing on the pavement at the entrance to the patio area on the front of the venue. There is no social distancing and caller has taken photographs of this. The caller is concerned for the wellbeing of staff and nearby residents. She is unsure if they are operating a booking system or utilising a track/trace system. Officers had already visited and spoke to the landlord who had permission for persons to be stood outside

LEO Engagement – 20th July 2020 @ 10:35

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

On 20th July 2020 I called the DPS Jonathan Clough to discuss incident 1050 19/07/20. Which was a report of fighting.

I called Jonathan on his mobile. He told me that he was aware of the incident and it was a male who was getting handsy. He told me that he had been in from 5pm and he was having problems with his girlfriend and he told me that the CCTV showed he was getting aggressive with the door staff and took a swipe at them. Jonathan told me that he was there and there were no real problem and the male was retrained until he calmed down.

I asked him how things were going and advised him that SYP have received a call in the early hours to say that the premise this evening was really overcrowded and they were concern that this was a Covid breach. He told me that they have had Environmental Health this weekend. He told me that all were good and EHO were pleased with the

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premise. He told me the EHO looked at his risk assessment again.

We discussed the re-opening of The Masons on 27th July and Jonathan expressed the impact this would have on the Olive Lounge. Jonathan told me that he is introducing a last entry time of 21:30 to accommodate The Masons closing at 10pm as he feels that he will get a backlash of customers leaving there. I told him that this was a responsible solution.

Report to Police – 25th July 2020 @ 04:04

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:

Inc Number - 20200725-0197 – Covid Concerns

Caller states the venue have not been doing track and trace. She is aware of someone who has tested positive after visiting the premise.

Report to Police – 26th July 2020 @ 01:03

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:

Inc Number - 20200726-0065 & 0064 – Disturbance / Fighting

Officers have come across a large fight outside the venue upon persons leaving the bar. This involved around X15-20 persons, many of whom dispersed when Officers alighted their vehicle. Gas was used to alleviate the masses and X2 were rolling around on the floor still embroiled in a fight, throwing punches at one another. The X2 males were detained for affray. Crime ref:14/111206/20.

Report to Police – 27th July 2020 @ 07:43

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:

Inc Number - 20200727-0167 - Assault

Male states he was arrested for affray on the 26th (previous incident) and was drunk at the time. He was advised to take a caution after he was viewed on CCTV being involved in the melee. He has since spoken to a friend who states it was not him involved but another male. Male was later spoken to and confirmed by Officers witness statements and CCTV he was involved in the fighting. He then proceeded to make a complaint of assault and he wished to rescind the caution. Male advised to seek legal advice before doing so as he could be prosecuted if the matter was taken to court.

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LEO Engagement – 27th July 2020 @ 14:26

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

On 27th July I checked my incidents on smart contact and called Johnathan to discuss with him 2 x incidents which have been reported over the weekend.

I spoke with him about Inc 0197 25/7/20 which was reported as concern around lack of Covid restrictions.

Johnathan told me that he was there both Friday and Saturday evenings. I advised him in the incident it detailed that there had been a positive case of Covid from a customer that had been in the premise that you had been made aware and that you have not taken any action. I explained to him that the incident also explained that there is not track and trace policy in the premise.

Johnathan told me that they have not had any Covid test results reported to him. He went on to say that they have been doing the track and trace since day one. Customers are encouraged to leave their name and number with door staff at the weekends and in the week they are asked at the bar. He told me that it is rare anyone refusing. He told me that he has not seen the social media post and it has been reported to environmental health. He told me that inside they are social distancing everyone . He spoke about the premise reaching capacity quickly and customers queuing I asked him to advised staff not to encourage a queue. Jonathan told me that he has been having in the Masons crowd which has been challenging. He told me that business is picking up and they will start to open Wednesdays. He said that trade is generally good.

I then asked him to talk me through the fight that occurred on the road outside - Inc 0065 26/07/20. Johnathan said that this fighting was reported as Olive Lounge but it was the Courtyard's customers that were involved. He told me that the Courtyard closed moved all their customers onto the street and locked the gates. He went on that there was a group of customers and then a fight broke out. I confirmed to Johnathan that yes the incident had been called in and it registered as the Olive Lounge.

I told him that a severe incident happened and it was clear no one was going to take any responsibility for this. I advised him I would get the version from the Courtyard.

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Report to Police – 1st August 2020 @ 01:30

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:

Inc Number - 20200801-0117

Caller was premise stated they have security on the premise and there are around X20 persons fighting. States whilst on the call, the males were walking away and X2 Police cars had shown up.

Report to Police – 1st August 2020 @ 02:20

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:

Inc Number - 20200801-0166 – Assaulted

Caller states her son was assaulted outside of the premise by X13 young teenagers and was very distressed. He did not know any of the youths involved and it is believed he possibly has a dislocated shoulder. Victims brother spoken to who states they were inside the venue when a group of males came shouting at another group who were inside the premise. States he got in the middle of the situation not knowing anyone involved and was assaulted. States a Police officer told him to stop getting in his face, he gave up on the situation and went home in a taxi.

Report to Police – 1st August 2020 @ 09:03

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:

Inc Number - 20200801-0341 – Reported Spiking Incident

Female was taken to A&E the previous evening by Officers. She has discharged herself before having any bloods taken but is concerned she was spiked as she does not remember anything. Female recalls drinking X2 bottles of wine and a bottle of prosecco between her and a friend. She has drunk more than that before and never had the kind of reaction she did the previous evening to the point she had no money. Premise have been made aware in hopes to stop any further incidents if this is what has happened. Crime ref:14/115022/20.

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Report to Police – 1st August 2020 @ 11:26

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:

Inc Number - 20200801-0440

Caller lives quite close to this premise and other venues and is concerned about the level of disturbance in the early hours with Police attendance. She understands there will be noise living nearby to a licensed venue but recently this has become excessive. States that there is no social distancing in place and that people are spilling out on to the streets.

Report to Police – 2nd August 2020 @ 13:20

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:

Inc Number - 20200802-0485 - Assault

Male was involved in some sort of disturbance outside the premise on the Saturday morning to which Police attended. He was assaulted by a named male and has suffered a broken nose, his eye was completely closed and his cheek is swollen but unsure if this is fractured at this stage. He is going for a further x-ray the following day to making the call. Crime ref: 14/115587/20.

LEO Engagement – 7th August 2020 @ 12:00

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

On 7th August 2020 I called Jonathan to discuss with him the above incident. No answer left a message for him to call me back.

LEO Engagement – 7th August 2020 – Email Sent

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

Following a full review of incidents since lockdown I have raised with Inspector Simmcock I felt we needed to pull a meeting together to discuss with each 4 premises the impact the incidents are having on the local residents .

I sent the email out to Olive Lounge, Three Horse Shoes, Courtyard and Masons.

Afternoon all

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Following a review of the incidents in Wickersley since lockdown was lifted it has become a concern for South Yorkshire Police.

To discuss our concerns further please can you be available on Monday 10th August at 10:30am at Masons . I expect each premise to be represented. Can you please confirm how many will be attending as soon as you can.

Regards

Helen E Cooper
Rotherham Licensing Enforcement Officer

After sending the email I immediately called each premise to advise them of the meeting apologising for the short notice but highlighting that I was fitting in with the local Inspector and my diary.

When I called Jonathan he made the comment ' it is short notice' I reiterated to him that I had apologised at the start of the telephone conversation and explained clearly the reasons why the meeting will be Monday 10th August which is short notice.

Meeting – 10th August 2020

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

Called a meeting to discuss with the 4 x main operators on the Wickersley strip the increased incidents related to the licensed premises. The location for the meeting was masons arms.

Present at the meeting :-

SYP
Inspector - Martin Simcock
Sgt - Rachael Berry
Helen Cooper - Licesning Enforcement Officer

The Masons - Jamie Hawksworth
Olive Lounge - Jonathan Cough
Courtyard - Nick Simpson-Lyon
Horse Shoes - John Slide

We started the meeting by doing introductions . Inspector Simcock advised them all the need for the meeting and focus that was required from the premises to drive down any further incidents of disorder.

I raised that the meeting came about from a number of incidents within a short period of time and an recent incident on the strip where no premise was accepting ownership of it. I pointed out to them all that this cannot happen if there customers play a part in disorder

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they need to accept this and put in robust measures to ensure there is not a repeat of this.

The general consensus was that the area has always attracted a younger customer of which they previously frequented The Mason. Jamie told the meeting they have done a full review of their operations and they now are very strict and want to change the concept of the pub to attract an older customer.

Jonathan said he has been getting the younger end. He told us that he has introduced a dress code , no football shirts.

John slide told the meeting that a problem which could be causing noise is a newly formed white taxi queue which now forms directly outside the horse shoes - he asked why is this and who has authorised it. Inspector Simcock told them that he would take this back to RMBC and check.

Nick from Courtyard said they were also getting the younger end after lockdown and before The Masons was re-opened so now they have introduced a strict rule of Friday and Saturday from 7pm no under 21's are allowed and id is checked strictly. He told us that they have put on an extra door staff member and the first weekend they turned away approx. 30 customers.

Jonathan agreed that his customer base has now changed.

Jamie said that The Masons will continue with being selective who is let in as they have changed the profile of customer they want.

A number of the licensees raised they miss a police presence in the area and also they have no conclusive radio link . I advised them all that Rotherham council are launching a new radio system and its in the early stages. I agreed to link in with the organizes to try and include Wickersley in this if possible.

Inspector Simcock closed the meeting agreeing to take back what has been raised. He asked for the commitment from all present to do all they can to reduce any further disorder.

LEO Engagement – 19th August 2020 @ 16:02

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

On 19th August 2020 Jonathan called me

He asked me if SYP had received an incident on 15th August of spiking as he has had an enquiry. I confirmed with john this was what I called you about on 7th August – Inc 0341 01/08/2020. He told me he had been away.

I advised him to check the CCTV and complete a timeline of the female, time she came in

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what intoxicated level she was and her activity of sales and manner while she was in to understand if there is any truth / risk in the report. Jonathan agreed to check.

Report to Police – 30th August 2020 @ 20:49

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:

Inc Number - 20200830-0922 – Covid Concern

Caller states patrons are spilling out on to the pavement and there is no social distancing. She is also concerned about vehicles clipping people possibly. Officers drove past and everything was in order.

Report to Police – 5th September 2020 @ 23:46

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:

Inc Number - 20200905-1121 – Covid Concern

Caller states there is complete lack of social distancing with people dancing close to one another and the venue are letting too many people inside.

Report to Police – 13th September 2020 @ 10:31

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:

Inc Number - 20200913-0347 – Covid Concern

Caller is concerned the premise is breaching Covid regulations and that people are spilling out on to the pavement. The venue has been previously reported to authorities

LEO Engagement – 17th September 2020 @ 14:35

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

On 17th September 2020 I called Jonathan at the Olive Lounge.

I advised him that the rule 6 is a strict rule now. He told me all going well he told me it had been relaxed over the last couple of weeks to be honest. He told me that the outside capacity would be up to 55 following his updated risk assessment. Jonathan said that he has to look at it from all sides and admitted he would do the minimum he has to, to the

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guidance as he has a business to run.

He told me honestly that he has been doing the bare minimum he had to . He told me he was staying within the law bending some things sometimes as he has 20 + people employed .

He told me that he is working closely with Environmental Health and speaks to them about twice per week. He assured me that he is working within the realms of risk assessment which has been signed off by Environmental Health.

He told me that he is not looking forward to this weekend and hopes the public do gooders stay home . Jonathan told me that he did push the boundaries last week however it will be zero tolerance this weekend. He told me he knows that Environmental Health film him most weekends. He expressed that he hopes other venues are checked and treated the same way as he has been.

Streetsafe Update – 19th September 2020

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

See streetsafe update below from PC [REDACTED] for visit Saturday 19th September @ 23:00

Olive Lounge

Checked the Olive Lounge. No social distancing observed outside. At closing time, groups congregated outside the olive lounge waiting to get a taxi home.

LEO Engagement – 5th October 2020 @ 13:38

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

P/Call to DPS - Brunch

On 5th October 2020 I was informed that the premise has a post on Facebook I and is advertising a bottomless brunch on Saturdays during October 13:00 - 15:00.

I called Johnathan and spoke through the offer with him . I started by asking him how the weekend had been and he told me good they are now used to the table service and this has reduced the capacities by half. He told me there is no standing and customers are all wearing masks.

I asked him how the 'Bottomless Brunch' went and he told me really good. He told me that the alcohol drinks on offer are Prosecco Beer and Wine with 20 tapas dishes for each person which is £30 each.

I advised him that I needed to check through the offer to ensure that it is being run responsibly and does not breach any mandatory licensing conditions.

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Johnathan told me it is very much food led, and he only used 23 bottles of prosecco for Saturdays Brunch and he expected to use more. I asked him to ensure all are also eating the food and not just drinking the alcohol. He told me that everyone was fine who attended and nobody was drunk. He told me that it was mainly females who attended the promotion. He told me that it went really well and they are nearly fully booked for this weekend.

LEO Engagement – 13th September 2020 @ 19:09

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

On 13th September 2020 Jonathan called me and asked me a question re his plans to run the premise under the Tier 2 (Covid).

He told me they are putting together a disclaimer for customers to sign to say they are living in the same household when sitting inside the premise and he said it would then take the own-ness off them and show they are doing all they can to meet the new restrictions. He said to me that he feels like EHO department are targeting the premise. Jonathan told me that he has reduced his opening times to:-

Tues & Wed 4pm - 10pm

Fri, Sat and Sun - 2pm - 10pm

Jonathan told me that the door lads are now working for him and not M & D Security.

LEO Engagement – 15th October 2020 @ 13:40

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

On 15th October 2020 I called Jonathan after attending the Wickersley Pub Watch meeting and Jonathan did not attend .

I asked Jonathan why he was not at the Pub Watch at such a crucial time with Covid restrictions. He told me that he has too many meetings planned in with staff as he currently having to lay some off with the trade being severely affected with Covid 19.

I advised him that it was raised to me at the meeting that a male who is on Pub Watch Rogues Gallery has been seen drinking and being served in the Olive Lounge. Jonathan told me he was not aware of this and agreed to speak to all his staff.

I explained that the Pub Watch will only be effective if the Licence Watch Ban List is adhered to and from memory it was the Olive Lounge who nominated the said male .

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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: 05/05/2021