

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 7 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 28th January 2021

Signature A. Monkhouse

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.

The Olive Lounge, 169 Bawtry Road, Wickersley, Rotherham, S66 2BW first came to this Authority's attention on Saturday 4th July 2020 when Pubs were permitted to re-open as the first national lockdown was eased. Officers were undertaking Out of Hours Patrols of the district and it was noted by Adrian Williams, Environmental Health Officer at approximately 22:30 on 4th July 2020 that in and around the front forecourt of the Olive Lounge there were large crowds of people, no apparent controls whatsoever and the premises appeared to be seriously over-occupied. Mr Williams reported this issue back to the Manager on Duty of the Out of Hours Shift, Denise Fedyszyn, and Ms

SIGNATURE: A. Monkhouse

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Fedyszyn contacted the premises and spoke with Jonathan Clough, the Designated Premises Supervisor, about the situation. Mr Clough agreed that the premises was too busy outside and committed to speak to customers outside and advised that no one else was going to be allowed to enter the premises. Ms Fedyszyn requested that Mr Clough provide the Authority with the premises COVID Risk Assessment and this was subsequently provided via email on 7th July 2020.

In addition to the proactive monitoring undertaken by the Council, complaints were received by members of the public and concerns raised by the Police regarding several premises that had appeared not to comply with social distancing requirements over the weekend of 4th and 5th July 2020. The Olive Lounge was one of these premises. All businesses that had been identified as not complying with social distancing requirements over this weekend were allocated to an Environmental Health Officer to contact and speak to about how to prevent a reoccurrence. The Olive Lounge was passed to Helen Eastwood, Environmental Health Officer on 7th July 2020.

Mrs Eastwood made a telephone call to Mr Clough on 7th July 2020 to talk through the controls that they had in place and the issues that had occurred on Saturday evening. Mr Clough advised that the seated areas had generally been ok and it was the outdoor standing area that was the main problem. Advice was given regarding considering seating/table service for the outdoor area. Mr Clough said that the problems over the weekend were made worse as the surrounding pubs hadn't opened and there is normally a steady flow of people who come and go but as they had nowhere else to go customers stayed at his premises. Mr Clough advised that on Saturday 4th July he had already identified that things were getting out of control and therefore at around 10:30pm they started to turn the lights off to get people to leave and closed the

SIGNATURE: *A. Monkhouse*DATE: *28/01/21*

premises early. Mr Clough said that they allowed a third of the customers into the premises that they usually do but were intending to reduce it even further for the forthcoming weekend, possibly by another 25% and that this would be monitored throughout the night. Mrs Eastwood advised that the Council would be monitoring the situation.

Proactive monitoring on Friday 10th July 2020 by Jeremy Squires, Community Protection Officer again identified social distancing concerns at the Olive Lounge and following the weekend, concerns/complaints were also received by the Council about the premises.

I contacted Mr Clough on the morning of 14th July 2020 and advised him of the concerns being raised by members of the public and also Council Officers and the Police undertaking monitoring visits regarding a lack of social distancing at his premises. I arranged to meet Mr Clough at the premises at 14:00 that afternoon to discuss COVID 19 controls and the concerns being raised.

At the time of the visit it was confirmed that the Company had employed Health and Safety Consultants (HSHE Health and Safety Solutions Limited) to carry out a risk assessment, devise COVID policies and train staff and there was signage, marked one-way systems and hand sanitiser stations installed throughout the premises. Mr Clough advised that inside the premises it was easier to control customers as no one was allowed to stand inside the premises unless they were in a socially distanced queue for the bar or using the toilets. Therefore, unless customers were sat in a designated area/seat on the ground floor of the premises they couldn't stay and would have to leave. On the first floor of the premises is a restaurant and again this didn't appear to be a problem as it is a more controlled environment with all customers seated at tables.

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The focus therefore was on the external drinking area at the front of the premises and it is this area which the complaints focused on and which the proactive monitoring had identified as a problem.

I explained to Mr Clough that he needed to ensure that the problems of the last two weekends were not repeated and a Prohibition Notice could potentially be served to close the venue if there was a repeat. Mr Clough committed to reducing the capacity of the external area to alleviate problems. I advised that I would consider what we had discussed and what I had seen throughout the premises in conjunction with looking through the premises COVID 19 risk assessment which Mr Clough emailed to me at the time of my visit and then revert back to Mr Clough regarding issues requiring attention.

After considering the risk assessment I emailed Mr Clough on the evening of 14th July 2020 highlighting controls identified by the risk assessment that did not appear to have yet been implemented at the premises. The main issue with the risk assessment was that it appeared to have neglected the outside area, which was the area of most concern with regards to social distancing – the Tab RA14 to the risk assessment entitled 'external area' actually referred to the kitchen. Mr Clough was requested to contact his Health and Safety Consultants to obtain the risk assessment for the outside area and implement the control measures that were required. At the time of my visit Mr Clough had already committed to reducing the capacity of the external area further and he was advised that the risk assessment for this area of his premises should inform this process. I requested that the risk assessment for the external area of his premises was forwarded to me when available.

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On 15th July 2020 I received an email from Mark Harris, Councilor and Health and Safety Officer. The risk assessment for the external area of the premises was attached to the email and I was advised that this had already been undertaken but had been incorrectly labelled. Mr Harris also advised that he had spoken with Mr Clough to ensure that the controls identified in the risk assessment had been implemented.

On 16th July 2020 I spoke with Mr Harris about the risk assessment for the external area of the premises and then I followed this up with an email. I advised Mr Harris that the external area risk assessment needed to be more explicit in terms of the maximum capacity for seating and for standing in this area so that Mr Clough and his door staff were aware of the numbers that they were working towards. Mr Harris responded by stating that he agreed and that he had already started producing a document with pictures of the external area and how this needs to be managed. Once completed Mr Harris said that he would send this document to me. Later on 16th July 2020 Mr Harris emailed me a copy of the Olive Lounge social distancing plan and risk assessment for the external area at the front of the premises. I acknowledged receipt and advised that the external area would need to be strictly monitored to ensure compliance.

Monitoring showed there to be an initial apparent improvement in social distancing and controls to the external drinking area in front of the Olive Lounge but then complaints did start to come back into the Authority regarding the number of customers outside of the premises and a lack of social distancing. Proactive monitoring highlighted issues on Saturday 1st August 2020 and following the weekend complaints/concerns were also raised with the Council regarding a lack of social distancing outside the premises.

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On 4th August 2020 I made a telephone call to Mr Clough and discussed the concerns at length. I agreed to email Mr Clough photographs taken by the monitoring Officers from Saturday evening and then reconvene the following day when he'd had chance to speak to his Health and Safety Advisors.

In response to this, I was contacted by Mark Harris, Health and Safety Consultant and spoke with him on the evening of 5th August 2020 regarding the issues and the need for a resolution. This conversation and the actions agreed was confirmed in an email sent to Mr Harris on 6th August 2020. The principal actions agreed were to re-assess the external area to ensure that adequate social distancing could be achieved with the current occupancy numbers set and for Mr Harris to undertake his own audit of the premises for the forthcoming weekend to ensure that the required controls were being implemented.

It was stressed in my email that to negate the need for any further enforcement action it was essential that once the external social distancing plan and occupancy figures had been re-assessed that the required control measures were strictly adhered to. I also advised that if the external area was proving problematic to manage then they may need to consider other options such as ticketing, seating only, table service etc.

Again, after this intervention with the Olive Lounge the situation appeared to improve and proactive monitoring on Saturday 8th August 2020 showed general compliance.

Unfortunately, in early September 2020 concerns and complaints regarding social distancing at the Olive Lounge started to be received by the Council again and this indicated that there could also now be social distancing issues inside the premises. Up

SIGNATURE: *A. Monkhouse*

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until this point complaints and monitoring had concentrated on the external area in front of the premises and no proactive monitoring had been undertaken of the inside of the premises.

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Due to the continuing concerns being raised regarding the Olive Lounge and the fact that it now appeared that there may be issues inside the premises that could not be witnessed by routine proactive monitoring it was decided that a visit should be made to the premises to view the CCTV footage and assess compliance. This visit was undertaken by Officers from RMBC with support from the Police on 22nd September 2020. A. Monkhouse

SIGNATURE: A. Monkhouse

DATE: 28/01/21

WITNESS STATEMENT

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


Statement of: ADRIAN WILLIAMS

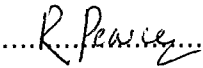
Age OVER 18

Occupation: Environmental Health Officer

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 24th day of November 2020

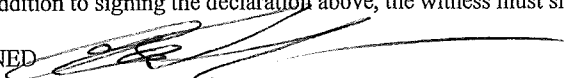
Signature 

Witness 


- 1) My name is Adrian Williams and I am employed as an Environmental Health Officer by Rotherham Metropolitan Borough Council, a role which I have carried out for 25 years.
- 2) I am registered with the Environmental Health Officers Registration Board and hold a BSc degree in Environmental Health.
- 3) I am authorised by the Authority to enforce a range of legislation including food safety, health and safety, consumer protection and trading standards related legislation.
- 4) On the afternoon of 22 September 2020 at around 15:15 I attended The Olive Lounge, a licensed premises located on Bawtry Road at Wickersley in Rotherham. I had been asked to attend the premises to meet with Keeley Ladlow, Senior Licensing Officer and Helen Eastwood, Environmental Health Officer to provide any assistance as may be required in obtaining footage from the premises' CCTV

(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED



WITNESSED



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Statement of: Adrian Williams

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

Age (if under 18): Over 18

Occupation: Environmental Health Officer

(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED

WITNESSED

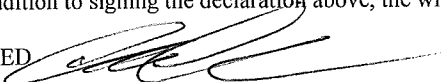
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system as part of an investigation to determine whether offences had been committed under Covid 19 related legislation.

- 5) On approaching the premises it was clear that it was closed, although a member of staff was visible, behind the bar, inside. A member of staff came outside and after a brief discussion, agreed to contact Jonathan Clough, the Designated Premises Supervisor. We were invited inside the premises to wait for him to arrive.
- 6) A short time later Mr Clough arrived and Keeley Ladlow explained the purpose of our visit and advised him that we required CCTV footage from his CCTV system, further explaining that this was in connection with the receipt of complaints which alleged that inadequate controls were in place within the premises to comply with Covid 19 requirements specific to the hospitality sector.
- 7) At this point, Mr Clough stated clearly that he was not prepared to allow us to see the CCTV footage explaining that he was not aware of the legal basis on which we could be entitled to it. He then went on to say that he was going to take legal advice before doing anything further.
- 8) Keeley Ladlow then explained that powers were available to allow the CCTV system to be removed but that it would be preferable simply to have access to it, there and then, to facilitate the downloading of data without physically removing the CCTV hard drive from the premises.
- 9) At this point Mr Clough said that he assumed that we only required sight of the CCTV footage covering the external seating area, outside the front of the premises. Keeley Ladlow clarified that access was required to all premises footage.
- 10) At this point Mr Clough stated that if we viewed the internal footage we would not like what we saw. When asked to explain this, he stated that he considered it fairly easy to control customers in the external area but felt that it was much more difficult

(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED



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R. Pearce

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to control customers inside the premises and we would see from the CCTV footage that control of customers inside the premises was very poor.

- 11) Mr Clough then stated that we were welcome to view the footage and to download it if we had the correct equipment in order to do so. He asked us to follow him up to the first floor dining area where he opened a cupboard where the hard drive was stored.
- 12) There was no display screen and he explained that the system could only be accessed through his mobile phone. He appeared to be attempting to access the system using his mobile phone, but very soon pulled a chair across to the cupboard which he stood on in order to access the CCTV hard drive, which was located in the top of the cupboard. I watched as he appeared to check each and every cable which was plugged into the back of the hard drive before referring again to his phone. He repeated this a number of times and periodically, he would appear to call someone on his phone before stepping into the kitchen area to make the phone call in private. He would then return to the cupboard and continue apparently checking the cables on the hard drive. He stated that there appeared to be a problem and he was having difficulty getting access to the hard drive.
- 13) After a while, he apologised for wasting our time, advised us that there was clearly a problem with the CCTV system and that he was going to call someone out to try and fix it and asked us if we could return at a later time at which point he would ensure that the footage was available.
- 14) Shortly after this point, we were advised that customers had arrived for a dinner booking and we were asked by Mr Clough if we would mind waiting downstairs so that the customers could take their seats in the dining area. We returned back to the ground floor bar area.

(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED



WITNESSED

R. Pearce

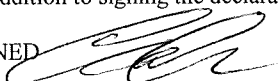
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- 15) I was aware that Keeley Ladlow had been on the phone in an attempt to secure police attendance at the premises to assist us and, at 16:43 police officers Matthew Smith and Steven Robson arrived. Keeley Ladlow explained the situation. PC Steve Robson explained to Mr Clough that powers were available to allow the CCTV hard drive to be removed from the premises but that it would clearly be preferable if the footage could be viewed and downloaded there and then. PC Steve Robson said that he knew quite a bit about CCTV systems and would have a look to see whether he could gain access to it. He accompanied Mr Clough back upstairs and after only a short while returned back to the ground floor carrying the hard drive. Mr Clough, at this point, said that there was no need to have called the police and indicated that if we had asked him for the hard drive, he would have handed it over. Mr Clough was asked whether the hard drive was password protected and he stated that it was not.
- 16) Keeley Ladlow explained to Mr Clough that the terms of his premises licence required a fully functioning and recording CCTV system to be in operation at all trading times and that he was not permitted to trade if the system was not functional. He immediately confirmed that a spare hard drive was available to him and that this would be installed within the hour.
- 17) The hard drive was placed in an evidence bag and taken by Keeley Ladlow.
- 18) I left the premises and continued with other work duties.



(In addition to signing the declaration above, the witness must sign the statement at the end of the script on each sheet)

SIGNED



WITNESSED

R. Pearce

WITNESS STATEMENT

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

Statement of: Helen Ruth Eastwood

Age (if under 18): Over 18

Occupation: Environmental Health Officer

This statement (consisting of 7 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 23rd February 2021

Signature H.R. Eastwood

1. I am Helen Ruth Eastwood and I am employed by Rotherham Metropolitan Borough Council as an Environmental Health Officer. I am based at Riverside House, Main Street, Rotherham, S60 1AE. I have been qualified as an Environmental Health Officer since July 1997. I have worked within the Food, Health and Safety Team since August 1998. I have been appointed by Rotherham Metropolitan Borough Council under Section 19(1) of the Health and Safety at Work etc. Act 1974 with authority to exercise the powers of an inspector specified in Sections 20, 21, 22 and 25 of the Health and Safety at Work etc. Act 1974.


2. On the 22/09/2020 at approximately 15:30 I arrived at The Olive Lounge, 169 Bawtry Road, Wickersley, Rotherham, S66 2BW where I met Adrian Williams, Environmental Health Officer and Keeley Ladlow, Senior Licensing Enforcement Officer.

SIGNATURE: H.R. Eastwood

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3. We introduced ourselves to an employee and then to the Manager who said that he would contact Jonathan Clough, the Designated Premises Supervisor (DPS).
4. When Mr Clough arrived Keeley Ladlow explained the Local Authority had received complaints relating to the lack of measures in place for controlling the spread Covid-19 and that the purpose of our visit was to attain a copy of the CCTV footage for the previous 2 weekends.
5. Initially Mr Clough said that he wanted to get legal advice before he would let us have the footage. Keeley Ladlow advised him that we wanted it that day and that if he didn't co-operate the Police would be contacted and they would seize it.
6. Mr Clough enquired why we wanted the footage and he was told that there had been numerous complaints and that the footage would assist in determining whether these complaints were justified or not. He said that he didn't want us to see the footage as we wouldn't like what we saw. Mr Clough said that he didn't have the facilities to provide us with a copy of the footage but agreed to show it to us on site.
7. We were then taken upstairs where the CCTV hard drive was located in a high-level cupboard. Mr Clough said that he was attempting to connect the CCTV to his mobile phone so that we could view it, but that it didn't appear to be working. We waited for approximately 20 minutes while Mr Clough claimed to be attempting to get the hard drive to work. Mr Clough did not appear to be making any progress and so Keeley Ladlow contacted the Police to ask for assistance.
8. At approximately 16:45 PC Matt Smith and PC Steve Robson arrived at the premises. PC

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Steve Robson asked to see the hard drive as he said that might be able to get it working.

Mr Clough took him upstairs to where the hard drive was located. After approximately 15 minutes they both came back downstairs. PC Steve Robson was carrying a Hikvision hard drive and lead which was placed in evidence bag R01437524. Mr Clough was asked whether there was a password for the hard drive to which he said that he did not think so.


9. Keeley Ladlow informed Mr Clough that the licence conditions required that CCTV is installed in premises and explained that the premises would have to close if this was not possible. Mr Clough said that they had an old system that could be used. He made a phone call and advised that someone was coming in 10 minutes to install it. Keeley Ladlow advised Mr Clough that she would return the following day to check that this had been done. As we were leaving the premises Jonathan Clough said that if we had asked for the hard drive he would have given it to us.
10. Shortly after leaving The Olive Lounge I spoke to Adrian Monkhouse, Principal Environmental Health Officer. He advised me that a complaint had been received relating to an 'open mic' event that was being advertised on The Olive Lounge's website which was due to take place on the 23/09/2020. Mr Monkhouse asked if I could contact Mr Clough regarding the event.
11. After making some enquiries with our Legal Department I rang Mr Clough on the 23/09/2020. Mr Clough confirmed that the event would not be taking place and the reason why the event was still being advertised was due to the fact that he hadn't had chance to update the website.

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12. During the telephone call Mr Clough queried what was going to happen in respect of the CCTV footage. I advised him that there were various options such as the serving of Fixed Penalty Notices if it was warranted, but that we would have to view the footage before a decision could be made.
13. On the 05/10/2020 I was advised by Adrian Monkhouse that it had not been possible to access the footage on the CCTV hard drive as a passcode/pattern was required.
14. On the 07/10/2020 I sent a letter to The Olive Lounge Wickersley Limited, formally requesting the information required to access the hard drive under Section 20 of the Health and Safety at Work etc. Act 1974. The letter required the information to be provided within 7 days.
15. On the 12/10/2020 I received an email from Jonathan Clough stating that he was returning from Greece and would send a photograph via email of what he believed to be the correct code to access the CCTV system, that night.
16. On the 13/10/20 I received an email from Jonathan Clough with a picture of what he believed the password to be, he commented 'If I'm honest I didn't think there was one on it. The picture I have provided is the normal pattern password I use'.
17. On the 27/10/20, Denise Fedyszyn, Covid-19 Service Manager and I removed the hard drive from evidence bag reference R01437518 and attempted to use the password that Jonathan Clough had provided. We were denied access, receiving a message stating that it was the wrong pattern. The hard drive was then sealed in evidence bag reference R01437525.

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18. I attempted to contact Jonathan Clough by telephone but there was no response, so I sent him another email. I explained that the CCTV system was saying that the password was incorrect. I asked him to contact me as a matter of urgency with the information which I needed to access the CCTV footage and reminded him that failure to provide the requested information could result in legal proceedings for obstruction being taken against him.
19. On the 28/10/2020 an anonymous caller left a message with Louise Ward, Business Support Assistant providing a pattern which they claimed was the password for the CCTV hard drive.
20. As Denise Fedyszyn was based in Riverside House and could access the CCTV hard drive, she tried the password provided and confirmed that it did allow access to be gained to the footage.
21. On the 29/10/2020 I attended Riverside House and removed the hard drive from evidence bag reference R01437526 I viewed the CCTV footage of The Olive Lounge on the 11th September 2020 to 13th September 2020 and 18th September 2020 to 20th September 2020. As the cameras were not labelled and there were no times on the footage (other than what appears to be the length of time the cameras have been recording for) I therefore recorded a summary of what I saw on the footage.
22. On Friday 11th September 2020, the premises were very quiet both inside and outside and no matters of concern were noted.
23. On Saturday 12th September 2020 there were several incidents of people dancing


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indoors and there was a group of 3 people stood at the bar drinking. In general people were allowed to stand around drinking. One customer appeared to be so inebriated that he was falling on the floor and required assistance to leave the premises. There were instances where customers were sat at tables and there did not appear to be much space between different groups. There was also a group of 5 people stood at bar who were dancing around, taking their tops off.

24. Outside was also quite busy, but most of the customers were sat down in distinct groups and staff appeared to be controlling the number of people entering. However 7 people could clearly be seen sat around one table. In addition, one of the groups which were stood around a barrel comprised of more than 6 people, and different people kept leaving and joining the group.
25. On Sunday 13th September 2020 there did not appear to be any social distancing inside the premises. Customers were lined up at the bar, several deep. Outside the footage shows 6 people in a booth with another 6 people stood close by. Other groups could also be seen stood close together and intermingling.
26. On Friday 18th September 2020, a few people can be seen outside, but generally the premises were quiet and no matters of concern were noted.
27. On Saturday 19th September a few people were present outside but the area was generally controlled with staff present at the entrance. Inside the premises, different groups of customers could be seen mixing, dancing at the bar and standing close together. In addition, it appeared that chairs had been moved about and therefore customers were having to squeeze by other customers to gain access to their seats at the

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- SIGNATURE: *H. R. Eptonwood*

DATE: 23 February 2021

WITNESS STATEMENT

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

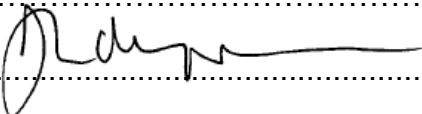
Statement of: Denise Fedyszyn

Age (if under 18): Over 18

Occupation: Environmental Health Officer

This statement (consisting of 2 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 the2nd June 2021.....

Signature

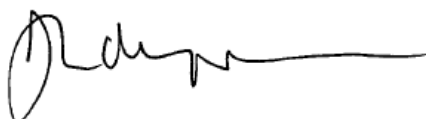
1. I am Denise Helen Fedyszyn and I am employed by Rotherham Metropolitan Borough Council as an Environmental Health Officer. I am based at Riverside House, Main Street, Rotherham, S60 1AE. I have been qualified as an Environmental Health Officer since July 1999. I have worked within the Food, Health and Safety Team since August 2001.
2. On the 27/10/20, Helen Eastwood, Environmental Health Officer and I removed the hard drive from evidence bag reference R01437518 and attempted to use the password that Jonathan Clough had provided to Helen Eastwood. We were denied access, receiving a message stating that it was the wrong pattern. The hard drive was then sealed in evidence bag reference R01437525.
3. On the 28/10/2020 an anonymous caller left a message with Louise Ward, Business Support Assistant providing a pattern which they claimed was the password for the

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DATE: 2nd June 2021

4. I removed the hard drive from sealed evidence bag reference R01437525 I attempted to access the CCTV hard drive, with new password provided and confirmed that it did allow access to the footage. I did not watch the footage at this time, I switched the CCTV off, and contacted Helen Eastwood to confirm that access was possible. The hard drive was then sealed in evidence bag reference R01437526.
5. On the 29/10/2020 Helen Eastwood attended the office and removed the hard drive from evidence bag reference R01437526. She managed to access the hard drive with the code provided.
6. Helen advised me that the CCTV showed several matters of concern. I advised her to put her concerns in an email and we would attain legal advice as to how to proceed.
7. Helen Eastwood provided an overview in an email and she sealed the hard drive in evidence bag reference R01437527. At this time I passed the evidence and case to Legal services so a decision could be made of future enforcement actions.

SIGNATURE:



DATE: 2nd June 2021

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(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: 26th January 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 Olive Lounge, Bawtry Road I did give authorisation for Jeremy Squires, Community Protection Officer, to issue two fixed penalty notices for The Olive Lounge with regards to breaches of Regulation 2 (1) (c) and (d) and Regulation 3 (1) of the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020.
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. Examples of concerns raised by members of the public by telephone and by email are exhibited as attachment CC01.
4. Having full view of the allegations received, the copious visit notes on our database and an overview of the CCTV footage reviewed by Environmental Health Officer Helen Eastwood, I am satisfied that the action to serve Fixed Penalty Notices were reasonable and proportionate.
5. In addition, I can confirm that by 23rd December 2020 both Fixed Penalty Notices had been paid.

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Jeremy Squires

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

OCCUPATION OF WITNESS:

Community Protection Officer

Riverside House, Main Street, Rotherham,
S60 1AE

Jim C.

DATED: 26th November, 2020

On 26th November 2020 following a review of CCTV footage obtained from The Olive Lounge, 169 Bawtry Road, Wickersley, Rotherham it became apparent that the management of the above premises, had committed breaches of Regulation 2 (1) (c) and (d) and Regulation 3 (1) of the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020.



Dated 26th November, 2020

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020 (SI. 2020/1008), as amended

FIXED PENALTY NOTICE

Date: 26th November 2020

Part A

To: Olive Lounge Limited

Of:

169 Bawtry Road, Wickersley, Rotherham. S66 2BW

Trading as: The Olive Lounge

This Fixed Penalty Notice is served under Regulation 4(1) of The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 (the Regulations), as amended.

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, Jeremy Squires, 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. I am issuing this Notice to offer 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

If payment is made within 14 days of the date of this notice, then the monetary value will be £500.

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

APPENDIX 6

NOTES on Part B: Amount of Penalty

The penalty must be paid to Rotherham Metropolitan Borough Council:

Riverside House
Main Street
Rotherham
S60 1AE

How to Pay this Fixed Penalty

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 and click on "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 Metropolitan Borough Council payment office.

By Post: Payment can be made to the address on the back of this notice by cheque or postal order payable to RMBC. Do not send cash by post.

By Post

Please complete the following form and post to:

Community Protection Unit
Rotherham Metropolitan Borough Council
Riverside House,
Main Street,
Rotherham S60 1AE

Please make cheques payable to Rotherham Metropolitan Borough Council.

There is no appeal against this fixed penalty notice, as it has been issued because the Council has evidence you have committed an offence and would otherwise prosecute you for that offence. This notice is a way of you discharging your liability for the offence.

Signature.....

Name in Capitals.....

Date.....

Part C. Grounds for Imposing the Penalty

APPENDIX 6

Regulation Contravened:

On 19th September 2020, the person responsible for the premises was in contravention of Regulation 2 (1) (c) and (d) and Regulation 3 (1) of the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020, as amended.

Particulars of the Offence:

On the 19th September 2020, the person responsible for the premises failed to take all reasonable measures to ensure that no persons in one qualifying group mingles with any person in another qualifying group where this is not permitted under the Principal Regulations and failed to take all reasonable measures to ensure that an appropriate distance is maintained between tables occupied by different qualifying groups.

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>

Email: complaints@rotherham.gov.uk

Tel: 01709 382121

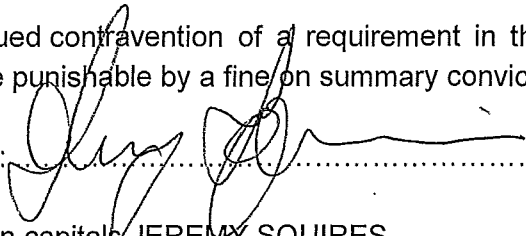
This Notice remains in force even if you have raised a challenge.

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.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Signed:  Date: 26th November 2020

Name in capitals JEREMY SQUIRES

Telephone (01709) 255037 Email env.health@rotherham.gov.uk

If you are not sure of your rights or the implications of this notice, you may want to seek independent legal advice

Reference Number: 6 9 007720

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020 (SI. 2020/1008), amended

FIXED PENALTY NOTICE

Date: 26th November 2020

Part A

To: Olive Lounge Limited

Of:

169 Bawtry Road, Wickersley, Rotherham S66 2BW

Trading as: The Olive Lounge, 169 Bawtry Road, Wickersley, Rotherham

This Fixed Penalty Notice is served under Regulation 4(1) of The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 (the Regulations), as amended.

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, Jeremy Squires, 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. I am issuing this Notice to offer 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

There is no discount available in relation to the monetary value for early payment of this penalty.

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

NOTES on Part B: Amount of Penalty

APPENDIX 6

The penalty must be paid to Rotherham Metropolitan Borough Council:

Riverside House
Main Street
Rotherham
S60 1AE

How to Pay this Fixed Penalty

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By Post

Please complete the following form and post to:

Community Protection Unit
Rotherham Metropolitan Borough Council
Riverside House,
Main Street,
Rotherham S60 1AE

Please make cheques payable to Rotherham Metropolitan Borough Council.

There is no appeal against this fixed penalty notice, as it has been issued because the Council has evidence you have committed an offence and would otherwise prosecute you for that offence. This notice is a way of you discharging your liability for the offence.

Signature.....

Name in Capitals.....

Date.....

Part C. Grounds for Imposing the Penalty

APPENDIX 6

Regulation Contravened:

On 20th September 2020, the person responsible for the premises was in contravention of Regulation 2 (1) (c) and (d) and Regulation 3 (1) of the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020, as amended.

Particulars of the Offence:

On the 20th September 2020, the person responsible for the premises failed to take all reasonable measures to ensure that no persons in one qualifying group mingles with any person in another qualifying group where this is not permitted under the Principal Regulations and failed to take all reasonable measures to ensure that an appropriate distance is maintained between tables occupied by different qualifying groups

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>

Email: complaints@rotherham.gov.uk

Tel: 01709 382121

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.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Signed:  Date: 26th November 2020

Name in capitals JEREMY SQUIRES

Telephone (01709) 255037. Email env.health@rotherham.gov.uk.

If you are not sure of your rights or the implications of this notice, you may want to seek independent legal advice