(Criminal Procedure Rules, r27.2; APPENDIX 4

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

STATEMENT OF:	Keeley Louise Lac	llow				
Age if under 18:		Over 18	Occupation	Senior Licensing	Enforcement Office	er
and I make it know	nsisting of5 Paring that, if it is tende ing that, if it is tende g which I know to be	ered in evid	ence, I shall be	liable to prosecut	<del>-</del>	ief
Date the24th	day	ofNo	vember		2020	
I am the above named Riverside House the o Officer since 2015 and Carriage and Private H vehicles and Private H	ffices of Rotherham M d was previously a Poli Hire Drivers, investigat	letropolitan l ce Communi	Borough Counci ty Support Offic	I. I have been emplo er, my duties include	oyed as an Enforcemer e liaising with Hackne	У
On Saturday 4th July 2	020 I worked during tl	ne afternoon	with Alan Pogo	rzelec, Licensing Ma	nager visiting licensed	j

On Saturday 4<sup>th</sup> July 2020 I worked during the afternoon with Alan Pogorzelec, Licensing Manager visiting licensed premises across the Borough which were reopening following an easing of the first national lockdown. One of the premises visited was The Olive Lounge, 169 Bawtry Road, Wickersley, Rotherham. During this visit we met with Jonathon Clough, the Designated Premises Supervisor, Mr Clough stated he had a robust risk assessment in place and was fully aware of the requirement for both staff and customers to socially distance and for him to control his customers effectively.

The premises licence for The Olive Lounge is held by The Olive Lounge Itd, the director of this Itd company is Paul Trevor Clough.

On Monday 6<sup>th</sup> July I was made aware of concerns which had been reported by Adrian Williams, Environmental Health Officer following out of hours monitoring of The Olive Lounge later in the evening on Saturday 4<sup>th</sup> July 2020. Adrian had reported a lack of social distancing with large crowds of people and an apparent lack of control with the premises appearing to be seriously over occupied.

The premises were discussed between me and Community Protection Officers working within the Councils Community Protection Unit.

As a result of premises reopening on 4<sup>th</sup> July the Community Protection unit began a spreadsheet of premises visited and concerns raised. This spreadsheet was shared with me on a weekly basis following it being updated after weekend or out of hours visits. From this spreadsheet I have produced a screen print of 4<sup>th</sup> July 2020 updated by Adrian Williams after he observed the premises. The premises are described by Adrian Williams as carnage with huge crowds and no control at 22.33hrs on 4<sup>th</sup> July. I have exhibited the screen print as KLL/2.

Adrian Williams after he observed the premises. The premises are described by Adrian Williams as carnage with		
huge crowds and no control at 22.33hrs on 4 <sup>th</sup> July. I have exhibited the screen print as KLL/2.		
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**APPENDIX 4** 

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

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

Between 4<sup>th</sup> July and 21<sup>st</sup> September 2020, I was made aware of complaints made to the Council by members of the public relating to a lack of Covid – 19 safety measures at the premises. These complaints were being investigated by the Council's Community Protection Unit alongside Denise Fedyszyn, Covid Service Manager, and were discussed at a weekly meeting which I attended.

Complaints were also submitted to the licensing service from members of the public using the Councils web form system, upon receipt of these complaints I notified Denise Fedyszyn and the Community Protection Unit. Emails received by the licensing service are exhibited as KLL/1.

In addition to this during a weekly meeting I had with Helen Cooper, South Yorkshire Police Licensing Officer, she made me aware of concerns reported by Police Officers who had been working late into the evening and had reported a lack of social distancing outside of The Olive Lounge.

I am aware that Denise Fedyszyn spoke with Mr Clough week commencing 27<sup>th</sup> July 2020 regarding a lack of social distancing and track and trace details being taken. Denise confirmed this in an email sent to Alan and I on July 29h 2020, this email is contained within KLL1.

Further complaints were made to the Council by members of the public at the beginning of September relating to the inside of the premises, previously complaints had related to lack of control over the external area of the premises. These complaints were received by the Community Protection Unit and discussed in my presence at the weekly licensed premises meeting.

Until this point complaints and monitoring had concentrated on the external area of the premises, as a result of the inside of the premises becoming an area of concern an approach was discussed at the weekly licensed premises meeting on 21<sup>st</sup> September 2020. I was in attendance alongside officers from Community Protection, Adrian Monkhouse, Helen Cooper and Lewis Coates, Enforcement and Regulatory Services Manager.

Due to continuing concerns being raised regarding The Olive Lounge and the inside not being easily monitored by proactive monitoring a decision was taken for Environmental Health Officers and Licensing Officers to jointly visit the premises to review CCTV footage assessing compliance with both Coronavirus legislation and the Licensing Act 2003.

On 22<sup>nd</sup> September 2020 at approximately 15.25hrs I attended The Olive Lounge where I met with Adrian Williams, Environmental Health Officer and Helen Eastwood, Environmental Health Officer. I knocked on the front door of the premises and was greeted by an employee who had been inside setting up ahead of opening, he introduced us to a male purporting to be the manager of the premises. It was stated that Mr Clough was not present, I asked if he could be contacted to attend, we were then invited to wait inside the premises.

As we walked inside, I noticed tape that had been put onto the floor to mark 2 metre distancing between customers and an outside bar area had been removed or worn away, adhesive marks were present but not the tape itself. I photographed this and exhibit the two images as KLL/7.

Inside the premises tables and chairs were located closely together and should customers be sitting at all tables they would not have been 2 metres apart.

Upon Mr Clough arriving he immediately stated he wanted to know why we were there and I explained to him that complaints had been made to the Council relating to a lack of measures for controlling the spread of coronavirus at

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### **APPENDIX 4**

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

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

the premises. Mr Clough shook his head at this, and I further explained that I required him to allow us access to the CCTV system so footage could be reviewed for the previous two weekends.

Mr Clough immediately refused this demanding to know under what authority I was requested to view the footage. I attempted to provide Mr Clough with an answer to his question however he became more agitated stating that he had a solicitor and there was no way anyone was viewing the footage without his solicitor stating that he had to allow access. I informed Mr Clough that we needed to view the footage the same day and if he refused to allow officers to view the footage the Police would be contacted to assist us.

Mr Clough asked again why we were requesting the view the premises CCTV and it was explained to him that a number of complaints had been made and viewing the footage would assist in determining whether the complaints were substantiated or not.

Mr Clough then said "LOOK KEELEY I'LL BE HONEST, IF I LET YOU WATCH THE FOOTAGE YOU WON'T LIKE WHAT YOU SEE AND I'LL BE CLOSED DOWN. IT'S EASIER TO MANAGE OUTSIDE, WHEN PEOPLE COME INSIDE, THEY DO WHAT THEY WANT."

I then said to Mr Clough that as he had said this it was important we viewed the footage to ascertain exactly what the inside of the premises had been like, I further stated that I would require a copy of the footage on disc. Mr Clough stated he had no facility to burn footage onto disc or download footage onto a portable storage device, he did however agree to the footage being viewed at this point.

Mr Clough began to walk to the upstairs of the premises where the CCTV hard drive is located within a cupboard at a high level on the wall. I stood with Adrian Williams and Helen Eastwood behind Mr Clough with sight of the cupboard and hard drive unit but at a safe social distance.

Mr Clough took his mobile phone out of his pocket and stated he views footage on his mobile phone and was attempting to bring up the relevant footage for us to view, I could not see the screen of his phone as I was too far away.

A short time later Mr Clough stated he was having difficulties retrieving the footage and there appeared to be a fault on the CCTV system. Mr Clough stood on a chair and began to pull at the wires at the back of the unit, before climbing off the chair and stating the footage could not be retrieved. I requested Mr Clough make enquiries with the installer of the CCTV as the premises licence has a condition for CCTV to be working.

Mr Clough then held his mobile phone up to his ear and had a short phone call relating to the CCTV system, he put the phone back down a short time later and said he had been on the phone to the camera installers who had stated the footage may not be recoverable adding that we should come back another day. Mr Clough then began to press the screen of his phone whilst on the CCTV system screen, I was concerned at this point that Mr Clough may be making attempts to delete footage from the system so I contacted Lewis Coates by phone.

Lewis advised me that Police Officers had been asked to assist and were on the way to us. At approximately 16.45hrs PC Matt Smith and PC Steve Robson arrived at the premises, I met with them downstairs and explained the situation. Mr Clough returned downstairs to where were standing and was met by PC Robson who asked to see the CCTV hard drive. Mr Clough was initially reluctant for this to happen but agreed for PC Robson to go with him to the hard drive.

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**APPENDIX 4** 

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

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

PC Robson requested we wait downstairs with PC Smith and approximately 15 minutes later he returned carrying a Hikvision CCTV hard drive which was placed into evidence bag R01437524 and signed by PC Robson.

Mr Clough was asked whether there was a password to access the footage on the hard drive and he stated "I DON'T THINK SO."

I then took possession of the hard drive off PC Robson as I was transporting it back to Riverside House, I signed the evidence bag accordingly.

Before leaving the premises, I informed Mr Clough that the premises licence conditions required a CCTV system to be installed and working. Mr Clough stated he had an old system that he could install, he then made a phone call and said someone would be arriving in 20 minutes to fit it for him.

As we were exiting the premises Mr Clough stated that if we had asked for the hard drive, he would have provided us with it. I do not believe this to be true as I had asked Mr Clough to show the footage on the unit to us on several occasions and he had said no ahead of him then stating there was a fault on the system making the footage irretrievable.

I returned the hard drive to Riverside House where it was taken by Denise Fedyszyn and secured in a locked area.

A licensed premises meeting was held on 5<sup>th</sup> October 2020 during which Adrian Monkhouse explained he had attempted to view the footage on the hard drive however a passcode or pattern was required and this had not been provided by Mr Clough. Adrian explained he would be requesting Helen Eastwood formally request the password to the unit under the Health and Safety at Work Act.

Following this I was made aware by Helen Eastwood that an anonymous caller had provided the correct password for the unit and she had been able to access it and view the CCTV footage on 29<sup>th</sup> October 2020. Helen stated she had provided a chronology of this to Denise Fedyszyn and the footage showed no social distancing or control measures inside the premises to assist in preventing the spread of coronavirus.

On 26<sup>th</sup> November 2020 I received an email from Jeremy Squires, Community Protection Officer, Jeremy made me aware that two Fixed Penalty Notices had been served on The Olive Lounge Ltd for 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.

A copy of the Fixed Penalty Notices was attached exhibited as JS/1; the first Fixed Penalty Notice was for a sum of £1000 with the second being for a sum of £2000.

On 1<sup>st</sup> December 2020 I attended Riverside House and downloaded CCTV footage from the hard drive for The Olive Lounge for the dates 19<sup>th</sup> September 2020 and 20<sup>th</sup> September 2020. I exhibit the footage as KLL/3.

I viewed footage relating to 19th September 2020 and from this produced several still images which I exhibit as KLL/4.

I further viewed footage relating to 20<sup>th</sup> September 2020 producing several still images exhibited as KLL/5.

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

I would describe the footage I saw as being akin to activity at licensed premises prior to the Coronavirus pandemic with full service at the bar taking place and a clear lack of social distancing, I could see no evidence on the footage of staff members or Mr Clough attempting to comply with regulations that were in force at the time.

KLL/6 is a still image produced from the CCTV system relating to 20<sup>th</sup> September 2020, I know the male wearing a black coloured coat with grey colour to be Jonathon Clough who is standing behind the bar with staff members whilst service at the bar was taking place.

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**APPENDIX 4** (Criminal Procedure Rules, r27.2;

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

SIGNED	WITNESSED



From:

To: Alan Pogorzelec; Keeley Ladlow

Subject: FW: South Yorkshire Police Incident 138 20/7/2020 - THE OLIVE LOUNGE, 169 Bawtry Road, Wickersley,

Rotherham, S66 2BW

**Date:** 20 July 2020 10:36:54

Hi Alan/Keeley,

Please see message received re The Olive Lounge.

**Thanks** 



**Sent:** 20 July 2020 09:50

**To:** Licensing < Licensing@rotherham.gov.uk>

**Subject:** South Yorkshire Police Incident 20/7/2020 - THE OLIVE LOUNGE, 169 Bawtry Road,

Wickersley, Rotherham, S66 2BW

Good Morning,

South Yorkshire Police Incident 20/7/2020 - THE OLIVE LOUNGE, 169 Bawtry Road, Wickersley, Rotherham, S66 2BW

Could I please make you aware of a report made by a member of the public to South Yorkshire Police today 20/7/2020 at 04:27am.

I passed (The Olive Lounge) by in the car around 17:30 and again around 19:00 (19/7/2020). The outside area was full with some people standing on the pavement at the entrance to the patio area at the front of the premises. No social distancing or mitigation measures were evident.

I have a photograph of the venue from around 19:00 - as the weather was cloudy at this time the photo shows the venue as less busy than I saw it at around 17:30.

I am concerned mostly for the welfare of the staff as a former pub employee and also for the local residents.

APPENDIX 4
I have no idea if this venue is operating a booking system or any data collection but I don't have any confidence in it having witnessed today's operations'.

For any further information/contact please use the following email address -	
Regards,	
South Yorkshire Police	
Atlas Court	

Please be aware this email account is not monitored 24hrs - please direct your queries to www.southyorkshire.police.uk

### APPENDIX 4

From: Denise Fedyszyn
To: Keeley Ladlow

Subject: RE: 2204133 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Report a

concern

**Date:** 06 July 2020 14:55:02

I will sort it

# Denise Fedyszyn

Principal Environmental Health Officer

Community Safety and Street Scene

Food, Health & Safety

Riverside House

Main Street, Rotherham, S60 1AE

Tel: (01709) 255054 Fax: (01709) 371149

Email: <a href="mailto:denise.fedyszyn@rotherham.gov.uk">denise.fedyszyn@rotherham.gov.uk</a>
Visit our website: <a href="mailto:http://www.rotherham.gov.uk">http://www.rotherham.gov.uk</a>
Before printing, think about the environment

From: Keeley Ladlow < Keeley. Ladlow@rotherham.gov.uk>

**Sent:** 06 July 2020 14:21

**To:** Denise Fedyszyn < Denise. Fedyszyn@rotherham.gov.uk >

Subject: FW: 2204133 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN

- Report a concern

Denise – this complaint we discussed this morning, are you wanting to pick this one up or shall I email to the F H&S inbox?

**Thanks** 

Keeley

Senior Licensing Enforcement Officer Community Safety and Street Scene Regeneration and Environment Services

Riverside House Wing A, Floor 3, Near Pod A33

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

Tel: 01709 822346

Email: keeley.ladlow@rotherham.gov.uk

Visit our website: <a href="http://www.rotherham.gov.uk">http://www.rotherham.gov.uk</a>

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**APPENDIX 4** 

**To:** Keeley Ladlow < <u>Keeley.Ladlow@rotherham.gov.uk</u>>

Subject: FW: 2204133 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN

- Report a concern

From: no-reply@rotherhamgov.uk <no-reply@rotherhamgov.uk>

**Sent:** 05 July 2020 20:07

**To:** Licensing <<u>Licensing@rotherham.gov.uk</u>>

Subject: Ref: 2204133 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN

- Report a concern

### Page: About you

• Title:

- First name:
- Surname:
- Address:
- Email addres:s

### Page: About your enquiry

- What is your enquiry about? Report a concern
- Please give us more details about your enquiry: Olive lounge at wickersley opened there doors on Saturday 4th July, I walked past at 6pm and there was no social distancing and it was packed solid!

### **APPENDIX 4**

From: <u>Denise Fedyszyn</u>

To: <u>Alan Pogorzelec</u>; <u>Lewis Coates</u>; <u>Adrian Monkhouse</u>

Cc: Keeley Ladlow

Subject: RE: Coronavirus concern

Date: 29 July 2020 12:09:25

Think that's sensible - I have spoken to them this week - with regard to social distancing and contact tracing.

Denise Fedyszyn Principal Environmental Health Officer Community Safety and Street Scene Food, Health & Safety Riverside House

Main Street, Rotherham, S60 1AE

Tel: (01709) 255054 Fax: (01709) 371149

Email: denise.fedyszyn@rotherham.gov.uk Visit our website: <a href="http://www.rotherham.gov.uk">http://www.rotherham.gov.uk</a> Before printing, think about the environment

----Original Message-----

From: Alan Pogorzelec <Alan.Pogorzelec@rotherham.gov.uk>

Sent: 28 July 2020 14:37

To: Lewis Coates <Lewis.Coates@rotherham.gov.uk>; Adrian Monkhouse

<Adrian.Monkhouse@rotherham.gov.uk>; Denise Fedyszyn <Denise.Fedyszyn@rotherham.gov.uk>

Cc: Keeley Ladlow < Keeley.Ladlow@rotherham.gov.uk>

Subject: RE: Coronavirus concern

Hi all - we seem to be receiving regular reports regarding the Olive Lounge - is there any value in getting our heads together to decide whether any action needs to be taken in relation to the licence?

#### Thanks

#### Alan

Alan Pogorzelec Licensing Manager Community Safety and Street Scene Regeneration and Environment Services Riverside House Wing A, Floor 3, Near Pod A33 Rotherham Metropolitan Borough Council , Riverside House, Main Street, Rotherham, S60 1AE

Tel: 01709 254955 Mob: 07919 304174 Internal: 54955

Email: alan.pogorzelec@rotherham.gov.uk Visit our website: http://www.rotherham.gov.uk

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----Original Message----

From: Keeley Ladlow < Keeley.Ladlow@rotherham.gov.uk>

Sent: 28 July 2020 14:05

To: Lewis Coates <a href="Coates@rotherham.gov.uk">Lewis Coates@rotherham.gov.uk</a>; Adrian Monkhouse

<Adrian.Monkhouse@rotherham.gov.uk>

Cc: Alan Pogorzelec <Alan.Pogorzelec@rotherham.gov.uk>

Subject: FW: Coronavirus concern

Hi Lewis/Adrian - we have received the below email from regarding the Olive Lounge in Wickersley - she has been contacted by a member of the public citing social distancing concerns.

Thanks

### Keeley

### **APPENDIX 4**

Senior Licensing Enforcement Officer

Community Safety and Street Scene

Regeneration and Environment Services

Riverside House Wing A, Floor 3, Near Pod A33 Rotherham Metropolitan Borough Council , Riverside House, Main Street, Rotherham, S60 1AE

Tel: 01709 822346

Email: keeley.ladlow@rotherham.gov.uk Visit our website: http://www.rotherham.gov.uk

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----Original Message-----

From: Carol White < Carol. White @rotherham.gov.uk>

Sent: 28 July 2020 12:29

To: Keeley Ladlow < Keeley.Ladlow@rotherham.gov.uk>; Alan Pogorzelec

<Alan.Pogorzelec@rotherham.gov.uk> Subject: FW: Coronavirus concern

For your info

----Original Message-----

From:

Sent: 27 July 2020 10:59

To: Licensing <Licensing@rotherham.gov.uk>;

Subject: FW: Coronavirus concern

Dear All

Please Action

Just want to make you aware olive lounge at Wickersley are not conducting track and trace. They are allowing any amount of numbers on Friday's and Saturday evenings.

I know someone who has now tested positive from visiting Olive Lounge but as they are not conducting the correct procedures no one will know of this

Community Safety Unit

Regeneration & Environment Services.

RMBC, Currently working from home

Email

Visit the Safer Rotherham Partnership Website: www.rotherham.gov.uk/srp

----Original Message-----

From:

Sent: 24 July 2020 19:59

To: Community.Safety < Community.Safety@rotherham.gov.uk >

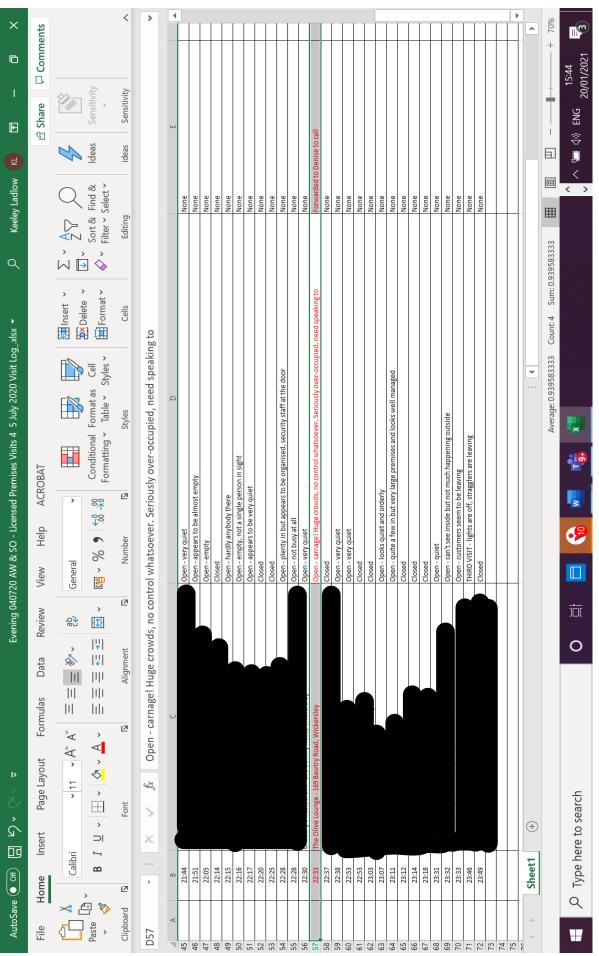
Subject: Coronavirus concern

Hi

Just want to make you aware olive lounge at wickersley are not conducting track and trace. They are allowing any amount of numbers on Friday's and Saturday evenings.

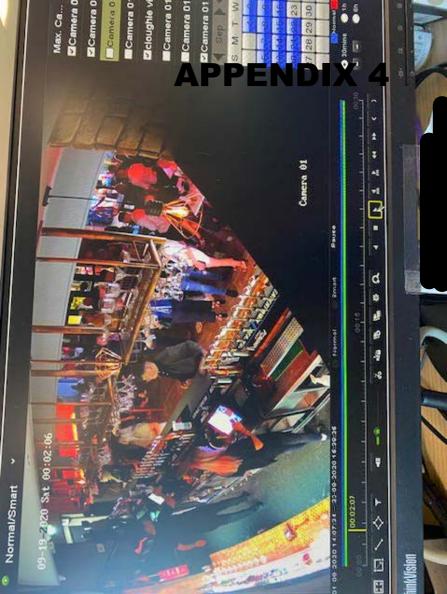
I know someone who has now tested positive from visiting Olive Lounge but as they are not conducting the correct procedures no one will know of this.

## KLL/2 **APPENDIX 4**









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- Contract

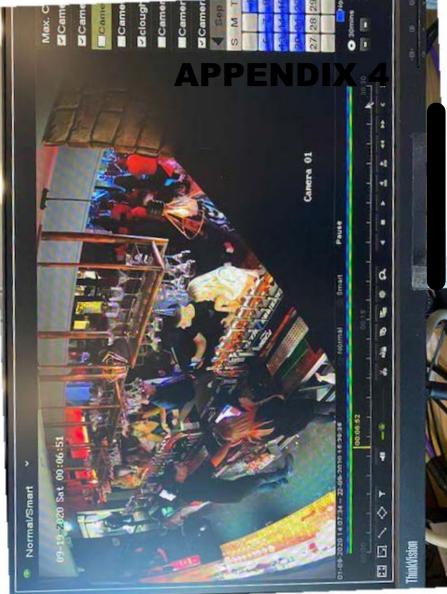


















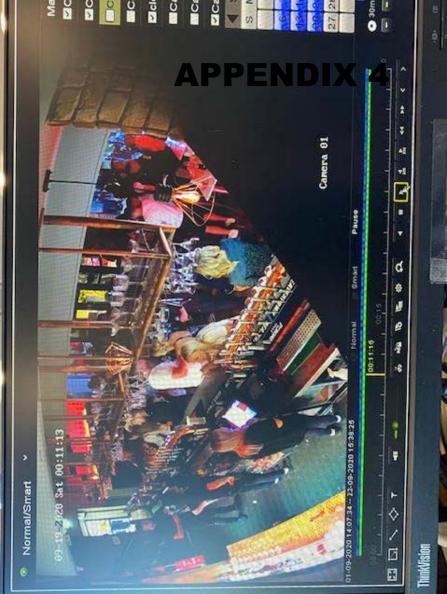












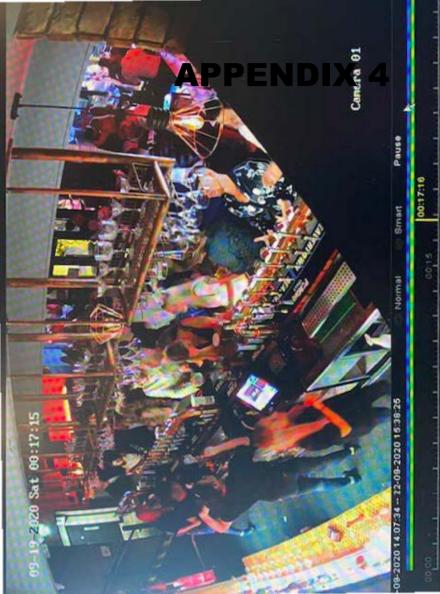


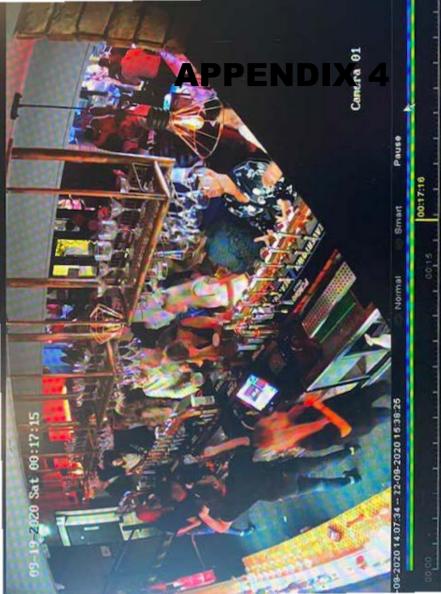












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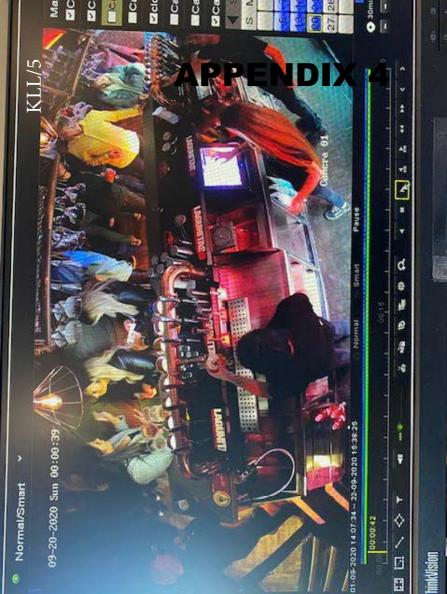
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