

APPENDIX 3

Rotherham Metropolitan Borough Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I **Keeley Ladlow, Principal Licensing Officer, Rotherham MBC**

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) EI Group PLC |
|---|

| |
|--|
| Number of premises licence or club premises certificate (if known) PO280 |
|--|

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

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

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

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Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

| |
|---------------------------|
| Name and address |
| Telephone number (if any) |
| E-mail address (optional) |

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Keeley Ladlow Principal Licensing Officer Rotherham Metropolitan Borough Council Main Street Rotherham S60 1AE |
| Telephone number (if any) 01709 822346 |
| E-mail address (optional) Keeley.ladlow@rotherham.gov.uk |

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

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

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

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

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

The grounds for the application are as follows:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bar service was not permitted on 9th October under Coronavirus regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Detailed as above.

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Please tick ✓ yes

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

If yes please state the date of that application

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

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

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Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 
.....

Date **27th April 2021**
.....

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

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

Notes for Guidance

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