

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 Bungalow Community Centre The Bungalow Tenter Street	
Post town Rotherham	Post code (if known) S60 1LB

Name of premises licence holder or club holding club premises certificate (if known) Tabeth Munetsi

Number of premises licence or club premises certificate (if known) PO919
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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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(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 Bungalow Community Centre, Tenter Street, Rotherham, S60 1LB.

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 medium sized bungalow consisting of several separate rooms on one level and a converted kitchen with serving hatch to form a bar area. The premise is licensed for the sale of alcohol for consumption on the premises only. The licence has been in place since October 2013.

The current Designated Premises Supervisor of the premises is the premises licence holder Tabeth Munetsi.

On 30th October 2020 the licensing service were contacted by an officer from the Council's Environmental Health department regarding the Bungalow Community Centre. The officer notified the licensing service of a fixed penalty notice which had been served on Tabeth Munetsi as the premises licence holder of the premises for breach of Regulation 6(1) of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020. Specifically, that on 23rd October 2020 the premises were observed by an Environmental Health Officer to still be open at 22.17hrs. The regulations in force at the time required licensed premises to close at 22.00hrs.

The Fixed Penalty Notice was issued following a written warning given to Ms Munetsi on 15th October 2020. A written warning was given after two visits to the premises were undertaken during the evening of 13th and 14th October in which officers observed practices at the premises that were in breach of the Coronavirus regulations which were in force.

Prior to October, the licensing service were made aware of an incident at the premises which occurred on 5th July 2020. The incident was reported to South Yorkshire Police by a member of the public, it was stated a large fight was ongoing with weapons being used and vehicles were being driven at other involved persons who were on foot.

Council Officers from the licensing service and food, health & safety visited the premises alongside a licensing officer from South Yorkshire Police. The visit was undertaken on 9th July 2020 as a result of the incident and Police Officers raising concerns regarding compliance with the premises licence and adherence to Coronavirus regulations.

Present during the visit was Ms Munetsi and her partner Mr Frances Lunga. A licensing compliance check was undertaken, Ms Munetsi was asked to provide a copy of premises licence conditions agreed as part of a consent order following a previous licensing review in February 2018.

Ms Munetsi could not locate a copy of these conditions, however agreed to discuss each one using documentation provided at the time by licensing officers.

Ms Munetsi stated the premises CCTV system had been stolen during a break in on 30th May 2020 and had not been replaced until 7th July 2020. The premises licence contains a condition which states a CCTV system must be installed and in operation at the premises at all times. Licensing Officers asked why Ms Munetsi had opened the premises on 5th July 2020 without installing a replacement CCTV system prior to opening.

Ms Munetsi stated the event on 5th July was a private party she was holding for a member of the community who regularly frequents the premises. She had held a list of persons attending,

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however a DJ that had been hired to play at the event had advertised the party on social media. This resulted in persons arriving who had not been invited to the party who then gained access. As it was a private party she had not believed a CCTV system to be essential.

Licensing Officers requested to view the premises incident register and refusals register; Ms Munetsi produced a ring bound book in which there were no consecutively numbered pages. The incident book did not contain a record of the incident on 5th July.

The premises licence has an Annex 2 condition to have an incident book with consecutively numbered pages in which all incidents involving anti-social behaviour, injury and ejections must be recorded. The condition further requests the date, time and location of the incident be recorded along with full details of the nature of the incident and details regarding Police attendance.

Ms Munetsi could not produce the refusals register stating she had taken it home. The requirement to have a refusal register on site at all times is an Annex 2 condition of the premises licence.

The premises licence has an Annex 2 condition to have the Designated Premises Supervisor or a suitably trained manager who has been nominated in writing at the premises at all times whilst licensable activity is being conducted. Ms Munetsi stated she could not produce this written document as it was at her home address alongside the refusal register.

Ms Munetsi was asked to produce records of staff training, an annex 2 condition of the premises licence. It was stated that refresher training had been undertaken however the training record was at her home address.

Officers advised Ms Munetsi that the visit had been pre-arranged at a time agreeable for her and therefore there is a reasonable expectation for all documents to be at the premises.

Officers asked Ms Munetsi whether the premises were operating an age verification policy, it was stated that the premises are operating challenge 25. As officers had noted the premises were displaying challenge 21 signage Ms Munetsi was asked to provide further clarification. She stated she was aware of the annex 2 condition to operate challenge 25, however between 2018 and the visit had not gotten around to changing the displayed challenge scheme posters from 21 to 25.

The premises licence has an annex 2 condition for clear signage at the entrance/exit doors reminding customers to leave the premises quietly and have consideration for neighbouring residential properties. During the visit one sign was located, this was adjacent to a door leading to an area which customers have no access. There was no evident signage in the vicinity of customer entrance/exits.

Photographs of the premises were taken by licensing officers and are exhibited as part of the report.

On 21st July Licensing Officers contacted Ms Munetsi by telephone to further discuss the incident on 5th July. Ms Munetsi stated the event held at the premises was a private birthday party for a regular customer. The event was arranged to have 20 people in attendance, and she held the list of persons permitted entry.

The customer who had arranged the party had also arranged a DJ which was agreed to by Ms Munetsi and he attended the event playing recorded music throughout.

It was stated that due to coronavirus restrictions the customer could not host the party at their home address so had requested the party be held at the premises. No cash exchanged hands and the event was held at the venue for free with attendees bringing their own alcohol.

Ms Munetsi stated a fight broke out amongst a group of individuals outside the premises which she had not been aware of until Police Officers arrived, the individuals were not invited to the

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event and had attempted to gain entry. It was further stated that no disorder took place inside the premises.

Mr Lunga also spoke to Licensing Officers during the call stating that the premises were permitted to reopen on 4th July following a change in Coronavirus regulations and they had agreed to host the party due to restrictions on people congregating inside residential properties. The host of the party had supplied all alcohol and a DJ for the event.

Mr Lunga accepted a fight had taken place outside of the premises but stated the individuals involved were not customers from inside the premises or attendees at the party. Mr Lunga added that the individuals who had not been invited had travelled to the event by car and upon the Police arriving at approximately midnight he made the decision to close the premises.

Mr Lunga described the premises as a community establishment with a chairman and regular meetings. It was stated the community deal with things together and the chairman sorts issues within the community. It was stated that on occasion customers might not have any money to make payment, so alcohol is given to them for free adding that customers are also permitted to bring their own alcohol to consume inside the premises.

Mr Lunga was reminded that an Annex 2 condition of the premises licence prohibits customers from entering the premises with vessels containing alcoholic products.

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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
1	9	1 2 2 0 1 7

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

The licensing service submitted an application to review the premises licence on 19th December 2017 as the Local Authority were not satisfied, having received a number of complaints, that the premises licence holder was promoting the four licensing objectives namely public safety, public nuisance, crime and disorder and protection of children from harm.

The premises licence was granted on 7th October 2013 with a condition stating CCTV must be installed at the premises and maintained in working order at all times.

In June 2016, as a result of concerns raised, a Police Licensing Officer attended the premises and discovered that no CCTV system was fitted. A request was made for CCTV to be fitted in accordance with the licence conditions. This instruction was not carried out and as a result, in October 2016, a further meeting was held at the premises with a number of agencies to identify and address a number of issues which had been raised.

The premises licence holder failed to install a CCTV system and comply with the premises licence conditions for several more months.

The premises were further visited in July 2017 by Council and Police Licensing Officers, during the visit a number of breaches were identified including a lack of CCTV. As a result of this a Section 19 closure notice was issued requiring the premises to become compliant.

The licensing service continued to receive complaints made in respect of noise and nuisance, and despite numerous visits by licensing officers a great deal of resistance was encountered in respect of fitting CCTV.

Licensing Officers received further resistance when requesting entry to the premises whilst they were conducting licensable activity.

CCTV cameras were installed at the premises in September 2017, however a matter of weeks later a burglary was reported at the premises in which the CCTV hard drive located in the attic was reported as stolen.

Licensing Officers carried out several visits to the property meeting with the premises licence holder and it was clear she nor her staff knew how to operate the system when it was installed. Requests for footage had been made by officers and none was produced.

Licensing Officers visited the premises on 24th November 2017 to establish whether a replacement CCTV system had been installed at the premises. The premises licence holder Ms Munetsi evidenced a system was installed, however was unable to work it. Ms Munetsi made a call in the presence of officers which enabled her to work the system and show officers recorded footage, during playback it was identified only 5 days of footage was available.

During the visit licensing officers found two half empty bottles of gin in the rear garden accessible to any passing child. Ms Munetsi unable to account for this.

As a result, the premises were revisited on 21st November 2017, where Ms Munetsi was interviewed under caution in respect of the premises and the way business was being conducted.

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CCTV footage viewed during the visit evidenced customers within the kitchen area of the premises serving other customers.

Ms Munetsi accepted that she is rarely at the premises after 21.00hrs to control licensable activity and there were no clear control measures in place to ensure the premises were managed properly.

It was clear to licensing officers from events spanning over 18 months that Ms Munetsi was failing to promote all four of the licensing objectives.

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)

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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.