

**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

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This statement (consisting of 3 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 10<sup>th</sup> November 2020.....

Signature .....

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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.

On the morning of Thursday 15<sup>th</sup> October 2020 I met with Keely Ladlow, Senior Licensing Enforcement Officer, RMBC and Rachel Williams, Licensing Enforcement Officer, RMBC outside the Haynook Public House, Oaks Lane, Kimberworth, Rotherham, S61 3NB. The visit was undertaken in response to complaints received by the Licensing Department regarding a lack of control/compliance with requirements to prevent the spread of Coronavirus in addition to allegations of disorder and drug use at the premises.

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The Haynook was closed when we initially arrived to carry out the visit which was at approximately 10:30am. On knocking on the door of the premises we were met by a Mr Mark Williams. Mr Williams advised that he lived on site and also worked at the premises. Keeley Ladlow asked if we could view CCTV footage that had been recorded at the premises. Mr Williams was agreeable to this and advised that the hard drive to the CCTV system was located in his living accommodation. Mr Williams showed us CCTV footage from Wednesday 7<sup>th</sup> October 2020 which showed a fight between four adults which spilled out onto the car park and continued after 10pm. Mr Williams was asked to show us CCTV footage from the weekend of Friday 9<sup>th</sup> October and Saturday 10<sup>th</sup> October 2020. The footage from the evening of Saturday 10<sup>th</sup> October 2020 shows that a band was playing in the pub and customers were approaching the bar to order drinks and then being served drinks whilst remaining at the bar. Customer were walking around the premises, including walking up to the bar whilst consuming drink. The CCTV footage also showed the operation of the business, including the service of drinks, after 22:00. Additionally, the CCTV footage showed both staff and customers not wearing face coverings, this included whilst staff were in close proximity to customers whilst serving them drinks at the bar. Mr Williams was asked if he could burn CCTV footage from 10<sup>th</sup> October 2020 onto a disc but he didn't know how to do this. Therefore, Keeley Ladlow recorded sections of the CCTV from the evening of 10<sup>th</sup> October 2020 from the screen connected to the hard drive onto her mobile phone.

On 22<sup>nd</sup> October 2020 a letter was sent by first class post to the Company Secretary EI Group Limited, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ – this letter explained the breaches of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (SI. 2020: No. 684), as amended, that had been witnessed on 10<sup>th</sup> October 2020 (Exhibit ARM.1). Enclosed with the letter were two fixed penalty

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notices. The first fixed penalty notice reference: 69007654 related to allowing customers to order and be served drinks at the bar (Exhibit ARM.2). The second fixed penalty notice reference: 69007655 related to carrying on a restricted business of a Public House after 22:00 (Exhibit ARM.3). A copy of all the above documents were also sent to the Haynook Public House by first class post on 22<sup>nd</sup> October 2020 for the attention of the Designated Premises Supervisor (DPS). A compliments slip was included with the documents to explain to the DPS that the documents were for their information only and that the original Fixed Penalty Notices had been sent to the EI Group Limited for payment by them as premises licence holder. [REDACTED]

SIGNATURE: [REDACTED]

DATE: 10/11/20

## Regeneration & Environment Services

Community Safety & Street Scene  
Food, Health & Safety  
Riverside House, Main Street, Rotherham, S60 1AE  
Tel: (01709) 823161  
Email: [food.health&safety@rotherham.gov.uk](mailto:food.health&safety@rotherham.gov.uk)

**APPENDIX 5**  
Metropolitan  
Borough Council

EXHIBIT No. ARM.1  
REFERRED TO IN MY STATEMENT

My Reference: ARM      Please ask for: Adrian Monkhouse      Date: 22 October 2020

The Company Secretary  
EI Group Limited  
3 Monkspath Hall Road  
Solihull  
West Midlands  
B90 4SJ

Dear Sir/Madam,

### **The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (SI. 2020: No. 684), as amended**

**re: The Haynook, Oaks Lane, Kimberworth, Rotherham, South Yorkshire, England, S61 3NB**

Please find enclosed two fixed penalty notices served in relation to breaches of the above legislation at the Haynook on the evening of Saturday 10<sup>th</sup> October 2020.

Viewing CCTV footage of the evening of Saturday 10<sup>th</sup> October 2020 shows customers approaching the bar to order drinks and then being served drinks whilst remaining at the bar and customers walking around the premises, including walking up to the bar whilst consuming drink. The CCTV footage also shows the operation of the business, including the service of drinks, after 22:00. It is these issues for which the two fixed penalty notices have been served.

Additionally, the CCTV footage shows both staff and customers not wearing face coverings, this includes whilst staff are in close proximity to customers whilst serving them drinks at the bar. By law, staff and customers of venues that provide food and drink are required to wear a face covering, unless they have an exemption. This requirement includes pubs, bars, restaurants, cafés and takeaways. Face coverings may be removed when seated to eat or drink in a pub, bar, restaurant or café but the face covering should be put back on once you finish eating or drinking. You must ensure that the issue of face coverings is addressed to negate the need for any further enforcement action with regards to this specific issue.

Cont,d....

Please note that from 00:01 on Saturday 24th October 2020 South Yorkshire will move into the "Tier 3 Very High COVID Alert level". This means **APPENDIX 5** pubs and clubs will have to close unless they are serving 'substantial' meals like a main lunchtime or evening meal and customers can only be served alcohol whilst eating.

Yours faithfully,

A large black rectangular redaction box covering the signature of the Principal Environmental Health Officer.

Adrian Monkhouse  
Principal Environmental Health Officer

Reference Number: 6 9 007654

**Rotherham Metropolitan Borough Council**

**The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (SI. 2020: No. 684),  
as amended<sup>3</sup>**

**FIXED PENALTY NOTICE**

EXHIBIT No. <u>ARM 2</u> REFERRED TO IN MY STATEMENT
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22<sup>nd</sup> October 2020

**Part A**

**To: El Group Limited**

**At: The Haynook, Oaks Lane, Kimberworth, Rotherham, South Yorkshire, England, S61 3NB**

**Of: 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ**

This Fixed Penalty Notice is served under regulation 9(1) of The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, as amended (the Regulations).

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, Adrian Monkhouse, 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, detailed in Part C below. I am issuing this Notice to offer you 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**

I have determined the level of penalty based on your having been served previously with no fixed penalty notices under the Regulations or the related regulations.

For these purposes, the "related regulations" are those set out in regulation 9(9) of the Regulations in relation to a fixed penalty issued in relation to an offence under regulation 4; and regulation 9(6A) of the Regulations in relation to offences under regulations 4A and 4B.

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

The penalty must be paid to Rotherham Metropolitan Borough Council

Riverside House  
Main Street  
Rotherham  
S60 1AE

Payment can be made by the following means:

**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](http://www.rotherham.gov.uk) and click on

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"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 Council payment office (not currently available)

**By Post:** Payment can be made by cheque or postal order payable to RMBC. Do not send cash by post.

Please return a copy of this documentation with your payment and post to:

Community Protection Unit

Riverside House,

Main Street,

Rotherham S60 1AE

Please make cheques payable to Rotherham Metropolitan Borough Council.

## **Part C. Grounds for imposing the Penalty**

Regulation contravened: Regulation 4B(1)

Particulars of the offence:

- *Sold food or drink for consumption on the premises, without reasonable excuse, that was not ordered by and served to a customer seated on the premises, and*
- *Having sold food or drink for consumption on the premises, without reasonable excuse, failed to take all reasonable steps to ensure that the customer remained seated whilst consuming the food or drink on the premises.*

With regards to the above offences on the evening of Saturday 10<sup>th</sup> October 2020 at the Haynook, Oaks Lane, Rotherham, S61 3LY customers were observed approaching the bar to order drinks and then being served drinks whilst remaining at the bar. Customers were observed walking around the premises, including walking up to the bar whilst consuming drink.

## **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>

**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.

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Contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court. In the event of continued contravention, a further Fixed Penalty Notice may be issued for a higher fine, in accordance with regulation 9 of the Regulations, or you may be prosecuted under regulation 8 of the Regulations.

Signed: 

Date: 22/10/20

Name in Capitals: ADRIAN MONKHOUSE

Name and Address of Local Authority: Riverside House, Main Street, Rotherham S60 1AE

Telephone: 01709 255058

Email: [food.health&safety@rotherham.gov.uk](mailto:food.health&safety@rotherham.gov.uk)

**If you are not sure of your rights or the implications of this notice, you should seek independent legal advice**



Reference Number: 6 9 007655

**Rotherham Metropolitan Borough Council**

**The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (SI. 2020: No. 684),  
as amended<sup>3</sup>**

**FIXED PENALTY NOTICE**

EXHIBIT No. ARM-3  
REFERRED TO IN MY STATEMENT

22<sup>nd</sup> October 2020

**Part A**

**To: El Group Limited**

**At: The Haynook, Oaks Lane, Kimberworth, Rotherham, South Yorkshire, England, S61 3NB**

**Of: 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ**

This Fixed Penalty Notice is served under regulation 9(1) of The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, as amended (the Regulations).

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, Adrian Monkhouse, 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, detailed in Part C below. I am issuing this Notice to offer you 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**

I have determined the level of penalty based on your having been served previously with one fixed penalty notice under the Regulations or the related regulations.

For these purposes, the "related regulations" are those set out in regulation 9(9) of the Regulations in relation to a fixed penalty issued in relation to an offence under regulation 4; and regulation 9(6A) of the Regulations in relation to offences under regulations 4A and 4B.

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

The penalty must be paid to Rotherham Metropolitan Borough Council

Riverside House  
Main Street  
Rotherham  
S60 1AE

Payment can be made by the following means:

**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](http://www.rotherham.gov.uk) and click on

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"Make a Payment" then "Online Payments" Select "Env Fixed Penalty" as the fund type and enter the above number in the reference field.

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**By Post:** Payment can be made by cheque or postal order payable to RMBC. Do not send cash by post.

Please return a copy of this documentation with your payment and post to:

Community Protection Unit

Riverside House,

Main Street,

Rotherham S60 1AE

Please make cheques payable to Rotherham Metropolitan Borough Council.

## **Part C. Grounds for imposing the Penalty**

Regulation contravened: Regulation 4A(1)

Particulars of the offence:

*Between the hours of 22.00 and 05.00 carried on a restricted business of a Public House, as listed in Part 1 of Schedule 3 to the Regulations, during the emergency period, without reasonable excuse.*

On the evening of Saturday 10<sup>th</sup> October 2020 at the Haynook, Oaks Lane, Rotherham, S61 3LY customers were observed ordering and then being served drinks at the bar. Customers were still sat in the premises consuming drink after 22:00.

## **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>

**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.

Contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court. In the event of continued

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contravention, a further Fixed Penalty Notice may be issued for a higher fine, in accordance with regulation 9 of the Regulations, or you may be prosecuted under regulation 8 of the Regulations.

Signed:



Date: 22/10/20

Name in Capitals: ADRIAN MONKHOUSE

Name and Address of Local Authority: Riverside House, Main Street, Rotherham S60 1AE

Telephone: 01709 255058

Email: [food.health&safety@rotherham.gov.uk](mailto:food.health&safety@rotherham.gov.uk)

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