

ROTHERHAM METROPOLITAN BOROUGH COUNCIL **APPENDIX 5**

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 the ...2nd 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. At the time of the visit I was Principal Environmental Health Officer in the Food, Health and Safety Team.
2. On the 9th July 2020, I visited The Bungalow, Tenter Street, Rotherham with Helen Cooper, Licensing – South Yorkshire Police and Rachel Williams, Licensing Officer RMBC, following a report of a large gathering which may have contravened COVID regulations.
3. At the time of the visit we spoke with Tabitha Munetsi who I understood to be the premises license holder. We discussed what knowledge they had of the reported incident

SIGNATURE:

DATE: 2nd June 2021

Continuation of Statement of:

and the poor conditions within the premises. The floors, walls and work surfaces were all in a filthy condition.

4. At the time the visit Rachel took Tabitha through the conditions within the premises license that may have been breached as a result of the incident and the conditions found at the property.
5. I spoke to Tabitha about the filthy conditions within the premises, and the fact that the premises was not in a fit condition to serve food including alcohol. She stated that the premises would remain closed until work had been undertaken and a revisit carried out.
6. On the 18th August 2020, I carried out a follow up visit to The Bungalow, Tenter Street, Rotherham with Helen Cooper and Rachel Williams. At the time of this visit the premises was cleaner, however I could not carry out a full inspection, as I had to leave to attend another emergency. I left Helen Cooper and Rachel Williams at the premises.

SIGNATURE:



DATE: 2nd June 2021

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WITNESS STATEMENT

(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: 3rd December 2020

1. My name is Craig Cornwall, I am a Community Protection Manager, employed by Rotherham Metropolitan Borough Council and I am duly authorised to make this statement on behalf of the Council.
2. I have been involved in Regulatory and Enforcement Services for the last 15 years, focusing on the protection of wider public health issues such as pollution, housing and environmental crime. Latterly, I have been involved in the Council's response to the Covid 19 pandemic.
3. On 15th October 2020 I issued a warning letter addressed to Tabeth Munitsi, at The Bungalow on Tenter Street, Thornhill, Rotherham.
4. I issued this letter following receipt of several pieces of information and intelligence were persistently flouting the Coronavirus Regulations, including lack of control measures to protect the health of staff and visitors to the premises. The information was also centered on site visits made by officers reporting to me on 13th October and 14th October 2020. Those officers escalated concerns to me for consideration. The letter was hand delivered to the premises on the evening of 15th October 2020.

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Community Protection Unit

Riverside House, Main Street, Rotherham, S60 1AE

Direct Line : 01709 823118

Fax: 01709 371149

Email: env.health@rotherham.gov.uk

*Email the Council for **free** @ your local library!*

My Reference:
B02012

Please ask for:
Denise Fedyszyn

Date:
15 October 2020

Tabeth Munitsi
The Bungalow
Tenter Street
Thornhill
Rotherham
S60 1LB

Dear Sir/Madam

Re. Premises known as: The Bungalow Tenter Street, Thornhill, Rotherham, S60 1LB

I am writing to you with reference to visits carried out by our officers on the evening of 13th October & 14th October 2020.

The purpose of those visits was to ascertain your compliance with Covid-19 Regulations and requirements to keep the premises Covid safe.

As a result of those visits we are concerned that there are a number of your operating practices that are in breach of those regulations.

In order to safeguard your staff and customers, we require an improvement across the range of requirements set out in law. As Rotherham's alert level is currently at 'High' relevant guidance maybe found at:

<https://www.gov.uk/guidance/local-covid-alert-level-high#business-and-venues>

It is your responsibility to keep up to date with such guidance and legal requirements.

Please note that should further breaches of legal requirements be witnessed, you may be subject to further enforcement action that may include (but not restricted to) the following:

- Your premises licence may be subject review
- A fixed penalty notice may be issued
- Your premises may be forced to close or restrict operations.

You are required to correct any issues by 6pm on Friday 16th October 2020.

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If you would like any further information please contact me on the above number.

Yours faithfully

Craig Cornwall
Community Protection Manager

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WITNESS STATEMENT

(Criminal Justice Act 1967, s.9; Criminal Procedure Rules, r. 27.2)


STATEMENT OF Adam Cattell

AGE OF WITNESS Over 18
(if over 18, enter "over 18"):

OCCUPATION OF WITNESS: Environmental Health Officer

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

This statement consisting of 1 page 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: ... 

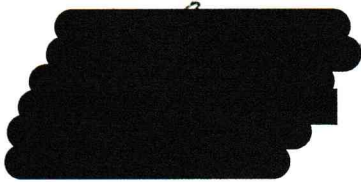
DATED: 23/10/2020

1. My name is Adam Cattell, I am an Environmental Health Officer, employed by Rotherham Metropolitan Borough Council and I am duly authorised to make this statement on behalf of the Council.
2. I hold a BSc in Environmental Science an MSc in Environmental Health and a Diploma in Acoustics. I have current training regarding Environmental Crime and Housing Enforcement. I have been employed for over six years as an Environmental Health Officer working in Housing and Environmental Crime..
3. On Friday 23rd October 2020 I was working on the out of hours service with PCSO Hayley. It was dark but clear and the was minimal wind.
4. At 22:17 we arrived outside The Bungalow, parked the car on the road and walked up the driveway. I could see lights on within the building.
5. There was a lady stood outside talking on the phone which we walked past and towards the side of the building.

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- 6. As I walked towards the rear of the building I could see several males and could hear them talking. As I approached I could see them drinking, what looked like alcohol.
- 7. The rear doors to the building were open and a few more people came outside. I said "Hello" and Introduced myself and PCSO Hayley and asked why they were here drinking on the premises when the premises should be closed at 22:00. A few of them walked in to the building and a few walked past me and down the driveway. A few got in to cars.
- 8. A man came outside who said that he was Francis and that the premises were closed. He said that he had asked them to leave and they were just going.
- 9. I said that the doors should be closed at or before 22:00 and the customers should be off the premises. He said that they were.
- 10. I walked into the building with my mask on and PCSO Hayley behind me. The front door was open and I could see people walking down the front area towards the driveway, as if they had just left. They had bottles of beer in their hands.
- 11. I spoke to man who I had met previously called Amon and he asked if they had to close tomorrow (Saturday). I replied yes. Then Francis came over and said that he was the manager and that they had followed the rules. I disagreed with him and left at 22:20.
- 12. I counted 14 people stood outside near the road. Some of them still had drinks.
- 13. I believe the content of this statement to be true and I understand that it may be placed before the court as evidence.

SIGNED:.....


 A large black rectangular redaction box covering the signature of the declarant.

.....

DATED:....23/10/2020.....

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

SIGNED

WITNESSED

Reference Number: 6 9 007661

ROTHERHAM METROPOLITAN BOROUGH COUNCIL



The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (SI.2020:No1104

FIXED PENALTY NOTICE

Date: 28th October, 2020.

Part A

To: Tabeth Munesti

Of: ~~9 Alban Road, Walk Up to Deane, Rotherham, S64 0QP~~

Trading as: The Bungalow, Tenter Street, Rotherham

This Fixed Penalty Notice is served under Regulation 6(1) of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (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, 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: £1000

I have determined that the level of penalty is 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 6(11) of the Regulations

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:

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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 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
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

VV / Jeremy Jones

Name in capitals

.....

Date

28/10/2020
.....