

# APPENDIX 4

[REDACTED]

14.13 - 21/7/20 - Tabeth phone call.  
Birthday party for a regular person  
thought 20 people Tabeth had a list of who  
was coming.  
DJ on - people for the birthday arranged it.  
Everything for me - she accepted it because of  
card she wanted to do it here. She asked  
as a Community Member. No cash exchanged  
hands. She called to see the venue.  
Tabeth - no bannage inside there was  
placards no noise no light  
people outside in front of bannage 100 yards  
away I was supposed to see people arrive  
come, I didn't know until they came. They  
just tried to give cash, we were checking  
people.

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Francis: Q/A members every month we are together to discuss fundraising.

We knew we caught often but with this we knew we could we said he could have had a bar here the beer was wanted at by people they had had before those outside in the night were not part of us we didn't know it was happening. The partners brought the producer and it we just supplied the venue we did nothing we just gave them the free venue use it for the community. Sometimes we play snooker etc its for the community, we deal with things together we have a chairman who deals with problems in the community people drink their own beer sometimes they have a number for one beer for then for three or write an 100 people bring their own drinks they come as a member we are their club they then play later its full of members club all members are professional people, doctors, nurses lawyers, all table tennis. We just socialise together.

People that come were from Coventry they hadn't been invited they in their cars. I wish they came when Prince of Wales saddles are close and go home.

**PROPOSED CONDITIONS**

**Bungalow African community centre**

**1. CCTV**

1.1 A digital CCTV system shall be installed and in operation at the premises at all times. The system shall have a 28 day recording and retrieval system and footage shall be capable of being downloaded onto a portable storage device such as memory stick or DVD. The CCTV cameras shall cover the entire licensed area of the premises, including the till area where payment is made for alcohol and the front rear and side parts of the garden which belong to the property. Within 28 days the location of the monitor to allow playback and retrieval of data shall be located in an office which is easily and safely accessible to Police Officers and Local Authority Officers.

1.2 The premises licence holder shall ensure that the Information Commissioner's Office is notified of the CCTV system and that the data controller is aware of the Information Commissioners advice in relation to the storage and handling of personal data, including when it can be provided to third parties.

1.3 Equipment shall be operated and maintained in good and clear working order

1.3 At least one staff member shall be trained in the use of the system and on site at all times the premises are conducting licensable activities to ensure rapid data retrieval and download is retrieved should it be required immediately by a Police Officer or Council Licensing Enforcement Officer, and in any event within 24 hours.

1.4 Notice of CCTV in operation shall be displayed in a clear and prominent position at the premises.

**2. INCIDENT REGISTER**

2.1 An incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include

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the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported.

2.2 The register shall include the details of any Police Officer who attended the incident, names and addresses of any witnesses, and confirmation as to whether there is CCTV footage of the incident. The register will be checked and signed on a weekly basis by the DPS or, in the absence of the DPS, the manager who shall be nominated in Writing.

2.3 This register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.

### **3. Refusals Register.**

3.1 A refusals register shall be maintained and kept on site at all times to record all occasions where refusal to sell alcohol has taken place. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the refusal, details of the nature of the incident, names of any other staff involved or to whom the incident was reported, and a description of the person(s) refused. The register shall be checked and signed on a weekly basis by the DPS or, in the absence of the DPS, the manager who shall be nominated in Writing.

3.2 The register shall be made available for inspection by South Yorkshire Police or a Local Authority Enforcement Officer on request.

### **4. Designated Premises Supervisor.**

The DPS or a suitably trained manager who has been nominated in writing shall be on site at all times whilst the premises are conducting licensable activities. A register containing contact details of the DPS and also the person in charge of the premises, if this is not the DPS, shall be kept on site at all times, and made available immediately for inspection upon request by a Police Officer or Local Authority Enforcement Officers.

### **5. TRAINING**

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5.1 New staff shall receive induction training at the commencement of their employment at the premises, including drug awareness, underage sales training, and serving to persons in drink. This training shall be recorded. Existing staff shall be trained within 4 weeks of the date of the review hearing.

5.2 Staff refresher training shall take place on an annual basis and be recorded.

5.3 All staff training records shall be maintained by the DPS or Premises Licence Holder, and made available immediately for inspection upon request by South Yorkshire Police or Local Authority Enforcement Officers.

### **6. PROOF OF AGE**

6.1 The premises shall adopt a Challenge 25 proof of age scheme approved by South Yorkshire Police. Signage shall be displayed in the premises that Challenge 25 is the age verification policy adopted at the premises.

6.2 Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.

### **7. OPEN VESSELS**

7.1 Customers shall not be permitted to take vessels containing alcoholic products into the premises, and no open vessels containing alcoholic products shall be allowed to be taken from the premises whilst the premises are conducting licensable activities.

### **8. PUBLIC NUISANCE**

8.1. Customers shall be reminded by way of clear and prominent notices at the entrance/exit door to please leave the premises quietly and have consideration for any neighbouring residential properties. All guests shall have vacated the premises by closing time as set out on the premises licence.

8.2. Once the premises have ceased conducting licensable activities, no persons other than the premise licence holder, the DPS, and staff employed by the premises shall remain on the premises.

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8.3 The outside area, which includes front rear and side gardens shall not be used after 2300hrs, except for persons wanting to smoke. A designated smoking area shall be put in place to the side of the premises, and signage shall be in place directing guests to that area at all times they wish to smoke.

### 9. PROTECTION OF CHILDREN FROM HARM

9.1. No person under the age of 18yrs shall be permitted to enter or remain on the premises whilst the premises are conducting licensable activities.

Tabeth munetsi  
Bungalan community centre  
01/11/18

CARL FEASDOR  
Council for Port Antonio M.C.  
1.11.18.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL** **APPENDIX 4**

**WITNESS STATEMENT**

(Criminal Justice Act 1967 Section 9, Magistrates Court Act 1980, Section 5B and Criminal Procedure Rules, Rule 27.2)

Statement of: Rachel WILLIAMS

Age (if under 18): Over 18

Occupation: Licensing Enforcement Officer

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This statement (consisting of 4 page(s) 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 13th day of November 2020

Signature .....

Witness .....

I currently hold the position of Licensing Enforcement Officer within Rotherham Metropolitan Borough Council and have held this position since October 2018. My role involves education and enforcement action in relation to taxi licensing, premises licensing matters, and scrap metal issues when required.

Approximately 11:00am on Thursday 9<sup>th</sup> July 2020 I attended 'The Bungalow' African Community Centre on Tenter Street, Rotherham in company with Helen Cooper (Police Licensing Enforcement Officer for Rotherham) and Denise Fedyszyn who was the Principal Environmental Health Officer from Rotherham Council at the time of the first visit). Cooper informed me that days prior to our visit there had been an incident of disorder on the street outside the premises and attending police officers had raised concerns about the premises and apparent lack of adherence to covid-19 guidelines. This disorder was reported to Police by a member of the public who stated that cars were being driven at people and weapons had been seen. We were attending to speak with Tabeth Munetsi who I know to be the current premises license holder for The Bungalow. Also present was a male I know as Frances Lunga who I understand is in a relationship with Tabeth Munetsi and appears to help run the premises.

We entered through the rear yard which, despite the poor weather at the time, did not

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

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appear to me to be in a pleasant, tidy state. There were workmen present making adjustments to the single metal bar barriers that appeared to go around the rear yard area. This 'yard' is a mainly raised platform and there appeared to me to be a risk of falling for customers which would be heightened when in drink even with the single barrier that was in place at the time of our visit. On the paved floor of this yard were yellow taped directional arrows and lines which Munetsi informed me was to inform customers which direction they had to walk round in, as part of their covid-19 measures. There were also various tables, chairs and bits of building material dotted around the rear yard.

In relation to the police incident, Munetsi and Lunga stated that it was a private birthday party but not everyone who was there were expected and that the party had been gatecrashed. They had a DJ present who had put a post out on social media, which they believed caused people to turn up uninvited.

I noted that in the rear doors of the property which lead inside the premises there were signs encouraging people to wash their hands and also observe social distancing by staying one metre apart, however inside the premises there were signs advising people to stay two metres apart. I also noted when inside the premises more yellow directional arrows which served the same purpose as outside. In the hallway inside the property there was a sign displayed indicating they operated a 'challenge 21' policy, and next to it was a sign stating 'no drugs'. Within the individual rooms where various different types of seating close together.

I am aware that there are conditions attached to the license that were agreed at a previous court hearing, these were discussed in numerical order with Munetsi and Lunga alongside Helen Cooper. Denise Fedyszyn was also present and talked through the covid-19 related issues (such as the contact register of persons who have attended the premises and the risk assessment) and other food health and safety concerns. This discussion took place in what was the bar area of the premises. This has a physical barrier in place and drinks are served through a hatch-style opening. Munetsi told me that no customers have access to this area. I noted that there were numerous issues in terms of compliance with these conditions, as well as some mandatory ones.

Condition one relates to CCTV within the premises. It states there must be a certain standard of cctv present that records for 28 days and is capable of being downloaded onto a portable storage device such as a memory stick or disc. I was informed that the cctv had been stolen on 30/05/2020 and so as a result there wasn't 28 days worth of footage available to check, and it had only been installed on the Tuesday prior to our visit (this would have been 07/07/2020). It also states that the Information Commissioner must be informed about the system however I was told that this had not been done. In terms of being able to operate the system, I was told that both Lunga and Munetsi know how to operate the system and that at least one of them is always on the premises when open. There were notices of cctv being in operation placed around the premises.

In relation to the incident register, Munetsi produced a dark coloured, ring bound book that had no consecutively numbered pages. There was nothing noted in this book in relation to the police incident as described above. There was mention of the break in however this was a simple one sentence and there were no signatures to suggest the book had been reviewed by management. There was also a list of banned persons from the premises which consisted of a date and name; two entries had a first and surname

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and two just had a first name.

Munetsi was not able to produce the refusals register and told me that she had taken it home. As a result I was not able to ascertain if it was of a suitable standard as prescribed in the court agreed conditions, however she did inform me during this visit that it was ring bound and they were in the process of replacing books one by one.

During the visit I requested to see who had been nominated in writing to act in place of the DPS when the premises were conducting licensable activities, however Munetsi informed me that this wasn't available as it was at home. Cooper advised her at this point that the visit was not a surprise and that she needed to be more organised when we were visiting.

I then asked to see records of staff training in relation to underage sales, drug awareness, serving to persons in drink etc, as per the court agreed conditions. Munetsi informed me that this was also at home, but that they have done refresher training. We were told that there were four staff members working at the premises at the time of our visit – Francis Lunga, Tabeth Munetsi, and two persons named Mcucini and Priscila.

In relation to the proof of age condition, I pointed out that they had signs displayed saying they operate 'Challenge 21' however the conditions that they agreed to state it must be the 'Challenge 25' scheme. They were aware as when asked they said they operate the latter scheme however the signs hadn't been changed. It also states on their premises license that this particular scheme must be in operation.

One of the conditions set relates to public nuisance and the requirement to display notices asking customers to leave the premises quietly at the entrance and exit doors. There was one notice that I saw however this was placed on the door inside the kitchen area that leads to the cctv room and I was informed that customers were not allowed in this area. The view of this notice would also have been very limited in my opinion due to the fact that people would have had to lean through the serving hatch to look at the door to the right which displayed said notice. There were no notices displayed where we entered which was through the rear patio doors.

The public nuisance condition also sets out that no persons other than the premises license holder, DPS and employed staff should remain on the premises once it is closed. Tabeth disclosed to us that the party organiser did stay behind after closing but this was to help clean up. The same condition also sets out that the outside area should not be used after 23:00 hours except for people who wish to smoke. It also states that there should be signs identifying where the smoking area was. Tabeth Munetsi told us that the smoking area was at the back of the premises between the sheltered platform and the garage unit; however there were no signs to indicate this. We were informed that the area had recently been changed from the front to the back of the premises.

During the visit Tabeth Munetsi confirmed she was happy for me to take pictures of what I observed during this visit. I can refer to these images as the following exhibit:

RLW/1 – First Bungalow visit images'.

Other issues I noted whilst on this visit were that the premises license summary was on display albeit very difficult to see as it was set back from the serving hatch area and

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partially obscured by drinking glasses. There were also no drinks price lists on display or drink size lists (ie spirit measures, half pint availability etc). Munetsi was also not able to show the full premises license as she said it was at home.

Due to our concerns that there were several conditions that had not been adhered to, a second visit was conducted on 18/08/2020. Myself, Helen Cooper and Denise Fedyszyn attended. It was clear on this visit that the premises had made significant improvement compared to our last visit. It was noticeably cleaner, the correct challenge scheme posters were on display, and the smoking area was designated by signs. There were also more signs up asking customers to leave quietly and price lists were on display.

The refusals register was there and was in a bound, black coloured book. The pages appeared to be numbered by hand and refusals had been included in them, but Munetsi also produced printed sheets that were titled 'challenge 25 – record of refusals'. These sheets were separate to the black coloured bound book that was labelled 'age verification refusals register', individual and placed in a clear plastic wallet. There was also an incident register present however this was still not in a bound format with individually numbered pages. The cctv system was checked by Cooper and I understand that it was seen to be working.

I have produced images from this visit and can refer to them as the following exhibit:

RLW/2 – 'Second Bungalow visit images'.

During each visit I made brief notes and can exhibit these notes as the following exhibits:

RLW/3 – 'First visit notes'

RLW/4 – 'Second visit notes'.

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**RLW/1**