

**LICENSING SUB-COMMITTEE
2nd July, 2021**

Present:- Councillor Ellis (in the Chair); Councillors Jones and Clark.

CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.51 OF THE LICENSING ACT 2003) TO REVIEW THE PREMISES LICENCE IN PLACE AT THE HAYNOOK, REDSCOPE CRESCENT, KIMBERWORTH PARK, ROTHERHAM, S61 3LY

Consideration was given to an application for the review of a Premises Licence in accordance with the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as The Haynook, Redscope Crescent, Kimberworth Park, Rotherham.

The review application had been submitted following an investigation into a complaint regarding disorder at the premises and identification of poor management practices including a failure of the licence holder to comply with nationally imposed requirements introduced to control the spread of Coronavirus/Covid-19 within the United Kingdom. Two Fixed Penalty Notices had been issued in relation to the breaches.

The Sub-Committee heard representations from Mrs. K. Ladlow (Principal Officer of the Local Authority Licensing Enforcement Unit and the applicant for the premises licence review), Police Sergeant Neil Windle (substitute for Helen Cooper, South Yorkshire Police), Mr. A. Monkhouse (Principal Environmental Health Officer). In addition, Mr. Richard Taylor, Solicitor, and Joanne Hipkiss, Stonegate Pub Company, were in attendance.

The application for a full review of the premises sought a revocation of the premises licence on the grounds that the Premises Licence Holder was failing to properly promote 3 of the licensing objectives i.e. the prevention of crime and disorder, public safety and the prevention of public nuisance due to:-

- Violent disorder, drug dealing and drug use connected to the premises.
- A lack of effective management control in relation to the operation of the premises.
- A general failure of the licence holder to adhere to the conditions attached to the Premises Licence.
- An apparent obstructive/dismissive demeanour demonstrated by the Designated Premises Supervisor.
- Concerns regarding the licence holder's failure to adhere to legal requirements introduced to control the spread of Coronavirus within the United Kingdom.

Following the submission of the review paperwork, 2 additional representations had been received in relation to the review:-

South Yorkshire Police

- A number of reports recorded on Police systems that make reference to The Haynook.
- Interactions between the Designated Premises Supervisor and Police Officers/Police staff.

A Local Resident

- Noise nuisance.
- Anti-social behaviour and disorder.

Further information had also been provided by South Yorkshire Police which the Sub-Committee was requested to consider in private session.

Members were informed of the details of the specific concerns in respect of the management of these premises:-

- The premises were a large sized premise consisting of 2 main bar areas licensed for the sale of alcohol for consumption on and off the premises. The licence had been in place since September, 2005.
- The current Designated Premises Supervisor (DPS) of the premises had held the position since November, 2019.
- The Licensing Service had received a complaint from a member of the public on 8th October, 2020, regarding witnessed disorder out of the premises the previous evening resulting in Police attendance. The disorder was described as violent in nature and loud shouting. The complainant further stated they had witnessed incidents of a similar nature previously as well as drug dealing and drug use within the premises car park.
- A visit by the Licensing Service and Food, Healthy and Safety on 15th October, 2020 revealed that the DPS was not present. The DPS was also a DPS at another premises elsewhere. The member of staff present stated that the DPS was rarely at the premises and only visited if they had a pre-booked meeting to attend. A manager had been put in place by the DPS to manage in their absence.
- A licensing compliance check was undertaken and the member of staff present asked to produce the premises incident register and challenge/refusal register. The incident book was a notepad and completed as and when staff were able. An incident on the 7th October had not been recorded as yet. The incident register or the refusal register could not be produced. A telephone call was made to the DPS and manager where it became evident that neither knew the location of such.

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- A second member of staff had arrived for work who confirmed that they had not received any training. Staff training records could not be produced. The DPS had stated that the previous DPS had taken the staff training records resulting in her not having any.
- During the telephone call the DPS was obstructive, dismissive of the concerns raised by Council Officers and swore whilst shouting during the call. She stated that she left the running of the business to the manager.
- Cocaine identification wipes had been used in both the male and female toilets. The male toilets tested positive for cocaine.
- The premises were in a dirty condition with poor maintenance. A rear fire door was wedged closed by a bar stool.
- There were 16 CCTV cameras recording footage for a period of 31 days. However, 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 was 8 minutes behind real time.
- CCTV footage for 7th October was viewed between 21:30 and 22:30 hours which evidenced disorder between 4 individuals. The disorder began inside the premises and continued outside. The incident commenced at 21:40 hours continuing past the 22:00 hours closure time under Coronavirus regulations
- CCTV footage for 9th October between 21:30 and 22:30 hours was viewed and showed customers walking up to the bar to order drinks, waiting for them to be poured and served to them. Bar service was not permitted as of that date under Coronavirus regulations. Footage viewed between 21:58 and 22:01 hours evidenced the manager working behind the bar without wearing a face covering. A second member of staff was wearing a face covering, however, they pulled it down when speaking to customers and other staff members.
- CCTV footage for 10th October between 21:00 and 22:30 hours was viewed and showed:-
 - a live amplified ban playing within the premises
 - between 21:08 by the time on the cameras (21:17 real time) and 21:09 full service at the bar was taking place with customers seen to be ordering, paying and receiving drinks at the bar
 - 21:15 (21:23) several customers at the bar ordering, paying and receiving drinks

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- 21:55 (22:03) the band could be seen packing away whilst customers remained within the premises seated at tables consuming drinks
 - 21:56 (22:04) 3 members of staff working behind the bar without face coverings
 - 22:07 (22:15) 3 customers stood side by side at the bar drinking alcoholic beverages with no social distancing
 - 22:08 (22:16) a male approached the bar, ordered a drink, paid and was handed a bottle
- The footage showed a serious lack of Coronavirus safety measures at the premises and staff members not seen to challenge customers at the bar or request social distancing.
 - 2 Fixed Penalty Notices for breach of The Health Protection (Coronavirus Restrictions) (No. 2) (England) Regulations 2020 were served on the premises licence holder – EI Group PLC – on 22nd October, 2020.

South Yorkshire Police requested that their evidence be considered in private. The Sub-Committee, having heard an explanation for this request and representations from parties present, considered the information as being exempt from the public and press.

On conclusion of the evidence the Sub-Committee conducted the remainder of the meeting in open session.

The member of the public who had submitted a representation had been invited to the meeting but was not in attendance.

The representatives for The Haynook stated:-

- Ei was the biggest tenanted pub company in the country which formed part of the Stonegate Pub Company – 36 of the licences had been issued by Rotherham.
- All the incidents identified in the submissions were when the premises were subject to a tenancy agreement with a Designated Premises Supervisor in charge.
- Agreement that the management of the premises had been inadequate, breached the licence conditions as well as contravention of Coronavirus regulations despite being provided with all the necessary items. The Fixed Penalty Notices had been paid, arrangements made to end the tenancy and the pub closed as quickly as possible.

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- Discussions had been taking place with South Yorkshire Police's Licensing Officer as to what was required at the premises to ensure they operated correctly in the future. It would continue to be closed until a new strong and experienced manager was identified that was acceptable to the Police and the premises refurbished.
- The premises had been closed for 5 months and had been the subject of numerous break-ins.
- The former tenant would have no connection with the premises in the future if the licence was allowed to continue.
- In 2017 an action plan had been agreed with the Licensing Service regarding noise nuisance and crime and disorder complaints.

The Sub-Committee considered the application for the review of the premises licence and the representations made specifically in light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

Resolved:- That, after due consideration of the application for review and to the representations submitted:-

- (1) The Designated Premises Supervisor be removed from the Premises Licence with immediate effect.
- (2) That the Premises Licence for The Haynook, Redscope Crescent, Kimberworth Park, Rotherham, be suspended for 3 months.
- (3) That The Haynook become members of Rotherham Pubwatch.
- (4) That door security be provided on Friday and Saturdays from 6.00 p.m.
- (5) That the CCTV system be updated.