

*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 club premises certificate 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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Anston Club Ltd 1 Main Street North Anston	
<b>Post town</b> Sheffield	<b>Post code (if known)</b> S25 4BD

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Anston Club Ltd
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<b>Number of premises licence or club premises certificate (if known)</b> CP0037
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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)

**APPENDIX 2**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(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) <b>01709 822346</b>
E-mail address (optional) <a href="mailto:Keeley.ladlow@rotherham.gov.uk">Keeley.ladlow@rotherham.gov.uk</a>

**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 ✓

**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 Club Premises Certificate in relation to a premises known as Anston Club, 1 Main Street, North Anston, Sheffield, S25 4BD.

The application seeks a revocation of the Club Premises Certificate on the grounds that the club is failing to properly promote three of the licensing objectives, namely public safety, the prevention of crime and disorder and public nuisance. Additionally, the application seeks a revocation of the Club Premises Certificate on the grounds that the club is not operating in good faith as a qualifying club.

The grounds for the application are as follows: -

The premise is a large sized building consisting of several separate rooms on one level and a bar area. The Club Premises Certificate authorises the supply of alcohol by or on behalf of the club for consumption on and off the premises Sunday to Thursday between 11.00hrs and midnight, Friday and Saturday between 11.00hrs and 01.00hrs.

The certificate further authorises the performance of a play, exhibitions of film, indoor sporting events, performance of live music, playing of recorded music, facilities for making music, and facilities for dancing Sunday to Thursday between 11.00hrs and midnight, Friday and Saturday between 11.00hrs and 01.00hrs.

No conditions are attached to the Club Premises Certificate under Annex 2 or Annex 3. The Club Premises Certificate has been in place since August 2005.

The current President of the club is Martin Kavanagh with Robert Fisher being the club secretary.

On 21<sup>st</sup> June 2022 Licensing Officers received an email from a resident local to the premises. The resident stated there had been fighting in the street on 20<sup>th</sup> June at approximately 22.00hrs. It was stated the fight continued for 30 minutes before the group dispersed as Police arrived. The complainant stated regular fights were taking place, groups were drinking on the street, and this was causing broken glass and discarded drug paraphernalia.

On 22<sup>nd</sup> June 2022 Licensing Officers were contacted by South Yorkshire Police because of complaints which had been received by them relating to disorder and anti-social behaviour at the club premises. Due to previous involvement licensing officers have had with the premises a joint visit was arranged to take place on 28<sup>th</sup> June 2022.

Council officers from the licensing service visited the premises alongside a licensing officer and two Police Community Support Officers from South Yorkshire Police. Present during the visit was Mr Kavanagh and Mr Fisher who were in the company of other members of club staff.

Two incidents which had been reported into the Police were discussed with Mr Kavanagh and Mr Fisher, both incidents were called into the Police by residents in the locality.

The first incident took place on 31<sup>st</sup> May 2022 and was reported as 15/20 males fighting at the premises.

The second incident took place on 20<sup>th</sup> June 2022 and was reported as 15/20 males fighting at the premises.

Mr Kavanagh stated it had been his mother's funeral wake on 31<sup>st</sup> May at the premises – it was accepted there was a large number of persons inside the premises but both Mr Kavanagh and Mr Fisher denied fighting had taken place. Mr Kavanagh added that one female had been shouting but this had not resulted in a fight and no males had been involved.

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Mr Kavanagh further stated that there had been an incident on 20<sup>th</sup> June, but it had taken place across the road from the premises. Mr Kavanagh added that a group of males had been drinking inside of the premises but upon being refused further service due to a large bar tab he had initially refused to leave the premises. This male was described as walking back into the premises on several occasions – Mr Kavanagh stated because of this the bar was closed for around 30 minutes before reopening and he had not known the male was fighting on the street,

A licensing compliance check was undertaken, and licensing officers asked questions relating to the way the club was being operated. Mr Fisher stated the committee is made up of 6 people and consists of the President, Secretary, Treasurer and a bar manager alongside two members who don't have a defined role. Mr Fisher stated an AGM meeting was held in April 2022 however no minutes could be produced to support this, it was further stated the committee meet every 2/3 weeks, but no minutes could be provided. It was later accepted that meeting dates are proposed however don't take place on a frequent basis. Meeting minutes are not taken during the meeting but are written by Mr Fisher at this home address following the meeting. Mr Fisher accepted the meeting minutes were of poor quality describing them as sporadic and not complete.

It was stated the club has approximately 150/200 members who pay £5 per year for full membership and a financial statement dated December 2021 was available.

When asked whether the club permits entry to guests of members it was stated by both Mr Kavanagh and Mr Fisher that the club operates a day membership scheme. Persons who are not bone fide members are permitted to pay £1 to enter the premises as a day guest. These customers are permitted to participate in bingo and club activities without any period of time elapsing prior to entry and participation.

Both Mr Kavanagh and Mr Fisher accepted that entry is also permitted to customers who are not members or the guest of a member. It was further accepted that on both the 31<sup>st</sup> May and 20<sup>th</sup> June no one had signed into the premises and customers had been served alcohol who were not a member or their guest. Mr Kavanagh stated that on 20<sup>th</sup> June approximately 100 people were at the premises with only 20% being members or their guest.

Upon viewing the club signing in book for members it was apparent that it is rarely completed. Photographs were taken of the members book and are exhibited as part of this report.

The club has a rule book however members are not provided with a copy of this, upon viewing the constitution it was outdated and detailed a vice chair of the committee. It was accepted that neither Mr Kavanagh or Mr Fisher knew the content of the rule book or constitution and had not been aware of the requirement to have a vice chair by their constitution.

Licensing officers asked to view CCTV at the premises relating to the 31<sup>st</sup> May and 20<sup>th</sup> June 2022. Mr Kavanagh stated the CCTV installed used to have a 30-day recording capacity which was implemented following a South Yorkshire Police action plan in October 2021, however they had reduced the capacity back to approximately 14 days.

Upon viewing footage for 31<sup>st</sup> May officers did not discover fighting during the periods of footage viewed.

Footage was viewed for 20<sup>th</sup> June which did show Police officers arriving and speaking with a male outside of the premises. Fighting was not seen on the footage however a group of males, including the one spoken to by Police, were out of sight of the cameras when outside.

Footage was viewed past the reported time of the incident which was 23.00hrs to ascertain if the fighting occurred after Police had left the area. Upon viewing footage past midnight licensing officers saw Mr Fisher pouring a pint of alcohol at the bar. As the club premises certificate only authorises the sale or supply of alcohol until midnight on this date officers viewed further footage to ascertain if alcohol was being supplied after the time authorised by the certificate.

Officers viewed CCTV from Thursday 16<sup>th</sup> June 2022, the club premises certificate authorises the sale or supply of alcohol until midnight. Officers witnessed alcohol being sold on 6 occasions after midnight by both Mr Kavanagh and Mr Fisher. The times of sale were 00.26, 00.30, 00.57, 01.12, 01.14 and again at 01.14hrs. On all occasions payment in cash is seen.

CCTV viewed from Friday 17<sup>th</sup> June 2022 evidenced alcohol being sold on 9 occasions after the time authorised by the certificate by both Mr Kavanagh and Mr Fisher. The times of sale were 01.20, again at 01.20, 01.44, 02.00, 02.18, 02.19, 02.49, 02.59, 04.06hrs. The time authorised by the certificate was 01.00hrs, on all occasions payment in cash is seen.

CCTV viewed from Sunday 19<sup>th</sup> June 2022 evidenced alcohol being sold on two occasions after the time authorised by the club premises certificate by Mr Fisher. Both of these occasions were at 00.27hrs – the certificate authorised the sale or supply of alcohol until midnight.

CCTV viewed from Monday 20<sup>th</sup> June evidenced alcohol being sold at 00.29hrs by Mr Kavanagh and receiving payment in cash. The certificate authorised the sale or supply of alcohol until midnight.

CCTV viewed from Tuesday 21<sup>st</sup> June 2022 evidenced alcohol being sold on two occasions after the time authorised by the certificate by Mr Kavanagh and Mr Fisher. The times of sale were 00.29, again at 00.29 and 00.51 hrs – the certificate authorised the sale or supply of alcohol until midnight.

Licensing officers also evidenced Mr Kavanagh and another female smoking inside of the premises at 01.56hrs on 17<sup>th</sup> June 2022 whilst seated at a table with Mr Fisher.

Recordings of the CCTV were taken along with still images which are exhibited as part of this report.

On Wednesday 20<sup>th</sup> July 2022 Mr Kavanagh were interviewed under caution by licensing officer of the Council. Both Mr Kavanagh and Mr Fisher accepted that alcohol had been sold from the premises after the time authorised by the club premises certificate. It was further accepted that the sale of alcohol has been taking place on a once or twice weekly basis regularly. Both Mr Kavanagh and Mr Fisher accepted that it was them in the CCTV footage and they had been the ones selling the alcohol on the dates provided.

Mr Fisher initially stated the alcohol was sold to staff and committee members only after the authorised time. This account was changed however upon the production of still CCTV images showing other persons present – Mr Fisher accepted these persons were customers.

Both Mr Kavanagh and Mr Fisher accepted there was a lack of training at the club around the responsible selling of alcohol, with staff and committee members not being aware of the authorised times or how to ensure customers are over 18.

Mr Fisher initially stated he was responsible for training staff members and that all had received training. However, when questioned, Mr Fisher couldn't say what staff members had been trained in and could not provide a clear answer when asked to explain the age verification policy.

Licensing officers have been involved with the premises prior to the visit in June 2022.

On 26<sup>th</sup> June 2021 a resident contacted the licensing service reporting an incident on 25<sup>th</sup> June 2021. The complainant stated a group of young males were drinking outside of the premises and had been throwing glasses onto the street. It was further stated the group were climbing in and out of residents' gardens and had caused damage to a fence panel by kicking it.

Licensing officers were contacted on 12<sup>th</sup> July 2021 by the Council's housing services department. It was stated they had carried out a welfare check on a Council tenant as he had reported a

significant decline in his mental health caused by the premises.

During the visit it was stated an incident had taken place on 11<sup>th</sup> July 2021 at approximately 22.30 which had carried on until after midnight. Council officers visiting were shown mobile phone footage which they describe as loud arguing and fighting outside of the resident's property, the noise was described as being excessive.

The resident stated it was a regular occurrence and was affecting his health. During the visit other residents were spoken with who reported incidents every weekend, cocaine use outside of the premises, cannabis use and drug dealing. Residents further stated there was constant noise from shouting, singing and arguing.

On 11<sup>th</sup> July 2021 the licensing service received an email from a complainant stating open drug use and dealing was taking place within the car park of the premises along with general anti-social behaviour.

Licensing officers visited the premises on 21<sup>st</sup> July 2021 in the company of South Yorkshire Police licensing officers and Police Officers. Mr Fisher was present during this meeting and was undertaking the role of president at the time. It was stated by Mr Fisher that no AGM had taken place for over a year as there wasn't a full committee in place. It was further stated there had been a committee meeting in June and July 21 and although meeting minutes had been taken, they were of poor quality and not complete.

Mr Fisher was made aware of incidents reported to the Police on 11<sup>th</sup> July 2021

- 18.24hrs in which a staff member had said she had been threatened. There was an additional allegation which stated customers were jumping on tables there was no social distancing and cocaine was being openly used. This was denied by Mr Fisher.
- 19.20hrs - allegation of snorting cocaine and people being rowdy outside climbing into resident's gardens.
- 22.17hrs - report of 15/20 arguing and fighting aggressively, 2 cars being driven into a person at the premises, followed by a further call of 30 people fighting - ambulance attended due to injury to a person's hand. Police attended
- 22.26hrs - Police requested carrier/riot vehicle to assist - 30/40 people fighting - one male knocked unconscious.
- 23.37hrs - 20 people fighting caller states cocaine use and those involved were making threats of violence towards residents.

Mr Fisher was made aware of further calls to the Police which were made on 12<sup>th</sup> June 2021 at 00.23hrs and 19<sup>th</sup> June 00.58hrs. Both complaints related to the premises still be open and customers screaming and shouting.

During the visit Mr Fisher stated it wasn't regular members causing disorder and accepted it was caused by permitting entry to those who aren't members or guests and operating more akin to a pub than a club premises.

It was accepted by Mr Fisher that on 11<sup>th</sup> July not all were signing in and the premises were overrun with customers allowing entry to anyone who arrived. The signing in book was viewed and when looked at entries were sporadic with not many signing into the premises.

It was accepted by Mr Fisher that the premises admitted 'day members' for a £1.00 cost - full year membership was £5.00. It was further accepted that upon becoming a member that person could enter the premises the same day play bingo and purchase drinks - the requirement for 48 hours

between was not being complied with on any occasion.

There was no rule book at the premises, and it was accepted that there hadn't been in the 3 years since the had taken over the premises.

The premises accepted that they were out of control on 11th July but didn't accept there was a drugs issue at the premises stating that they are a family club. South Yorkshire Police used two cocaine identification wipes - one in the male toilets and one in the female. The male toilets tested a strong positive on flat surfaces including the toilet seat, the female toilets tested positive on the baby change.

Mr Fisher stated on 11th July it went off the scale and was like a drugs war outside of the premises - cars arrived to join in a fight but they had not been inside of the premises.

It was discussed with Mr Fisher that on none of the occasions of disorder were the incidents called in by the premises - it was residents on each occasion - no reason for this or mitigation was provided.

Mr Fisher was asked to provide a financial statement, but he was unaware of what a financial statement was, it was stated 4 people were on the committee, but none had a clearly defined role.

It was further accepted that staff were unaware of the times authorised by the club premises certificate and that alcohol had been supplied or sold after the authorised time on numerous occasions. Mr Fisher was issued a warning for offences committed under Section 136 Licensing Act 2003 on 21<sup>st</sup> July 2021.

In October 2021 South Yorkshire Police agreed a voluntary action plan with Mr Fisher following the incidents of disorder. As part of the action plan 18 actions were agreed to be implemented and adhered to. Condition 1 required the premises to install a CCTV system with 30 day recording capacity and ensure it was working.

When visiting the premises on 28<sup>th</sup> June 2022 it was evident that although a CCTV system was installed at the premises the recording capacity was significantly shorter than the 30 days agreed in 2021 with the police.

Condition 7 required the premises to put a member of staff through training to become a personal licence holder and ensure the licence was applied for. On 28<sup>th</sup> June 2022 when questioned Mr Fisher stated this had not taken place.

Condition 8 requires all staff to be trained on an annual basis and this be recorded. When visiting the premises on 28<sup>th</sup> June 2022 it was evident staff had not been trained and no evidence could be provided.

Condition 10 required challenge 25 age verification to be implemented and followed. There was no evidence of this when visiting the premises in June 2022 and it was accepted by Mr Fisher that he was unclear on the age verification policy.

Condition 14 required an admissions policy to be in place at the premises, it was accepted that this isn't in place. It further required a member of staff to be monitoring the entrance door and ensuring all members sign into the club premises. It was accepted by Mr Fisher in interview that this had not been taking place.

Both Mr Fisher and Mr Kavanagh have been involved with the premises for several years and were on the committee when the action plan was agreed, and written warning issued in 2021. Little improvement was made to the running of the premises and alcohol was continued to be sold after the time authorised by the club premises certificate. The selling of the alcohol is a prosecutable offence under Section 136 Licensing Act 2003. Having taken into consideration previous warnings



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and the Council have instigated prosecution proceedings for both Mr Fisher and Mr Kavanagh.

The club premises was not operating as a qualifying club in 2021 and despite a warning to improve the premises continue to operate as a club that isn't qualifying as defined by the Licensing Act 2003.

The Licensing Authority have no confidence in Mr Kavanagh or Mr Fisher's ability to improve the running of the club premises, comply with Section 136 Licensing Act 2003 or uphold the licensing objectives. Lengthy and repeated visits have been undertaken at the premises alongside written warnings and notices to improve, these have however not resulted in any improvements being made or compliance.

**Please provide as much information as possible to support the application** (please read guidance note 3)

Detailed as above.

**APPENDIX 2**

**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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

**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      **7<sup>th</sup> September 2022**  
.....

Capacity    **Principal Licensing Officer, Rotherham MBC**  
.....

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<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.