

Witness Statement

(Criminal Procedure Rules, r27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: ...Lisa Underwood-Parkin.....

Age if under 18: Over 18 Occupation..... Licensing Enforcement Officer.

This statement, consisting of.....5 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 wilfully stated in it anything which I know to be false or do not believe to be true.



Date the...27th day of.....September2022

I am the above-named person and I currently work for Rotherham Metropolitan Borough Council as a Licensing Enforcement Officer based at Riverside House, Rotherham. I have been in this role since April 2021, my duties include dealing with licensed drivers and private hire and hackney carriage licences and licensed premises. I have worked within the Licensing Service with RMBC since 2004.

Keeley Ladlow, Principal Licensing Officer made me aware that on 21st June 2022 the licensing service received an emailed complaint from a resident local to Anston Club, North Anston. The resident stated there had been fighting in the street on 20th June at approximately 22.00hrs. It was stated the fight continued for 30 minutes before the group dispersed as Police arrived.

I was made aware that Keeley Ladlow, Principal Licensing Officer had been advised by South Yorkshire Police Licensing Officer Jo Belton, that the Police had also received complaints regarding the premises. These complaints related to disorder and anti-social behaviour. Following this, I was invited to attend a joint meeting to the premises on 28th June 2022.

The resident stated regular fights were taking place, groups were drinking on the street, and this was causing broken glass and discarded drug paraphernalia.

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.

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

SIGNED.....

..... WITNESSED.....

Witness Statement

(Criminal Procedure Rules, r27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation of Statement of Lisa Underwood-Parkin

I visited the premises on 28th June 2022 along with of Mrs Ladlow, Ms Belton 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 had been called into the Police by residents in the locality.

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

The second incident took place on 20th June 2022 and was reported as 10/12 males fighting at the premises.

Mr Kavanagh stated it had been his mother's funeral wake on 31st May at the premises it was accepted there was a large number of people inside the premises but both Mr Kavanagh and Mr Fisher denied fighting had taken place. Mr Kavanagh added that one female had been shouting outside, and that they put her in a car and she left the vicinity of the premises.

It was stated by Mr Fisher that the incident which occurred on 20th June, had not taken place in the premises, but was in fact across the road. Mr Kavanagh stated that a group of males had been drinking inside of the premises, and they made the decision to close the bar for half an hour to encourage them to leave the premises. It was stated that no one from the premises called for the police and that the event concluded for 21:30hrs.

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 although it was said they could be produced. 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. Mr Fisher stated meeting minutes are not taken during the meeting but are written by Mr Fisher at this home address following the meeting.

It was stated by Mr Kavanagh the club has approximately 150 to 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.

SIGNED.....



..... WITNESSED.....

Witness Statement

(Criminal Procedure Rules, r27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation of Statement of Lisa Underwood-Parkin

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 31st May and 20th 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 20th 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.

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, commenting that it needed to be updated.

Ms Ladlow and I requested to view CCTV at the premises relating to the 31st of May and 20th 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 31st May officers did not discover fighting during the periods of footage viewed, footage could not be viewed however for 31st May as the recording capacity did not go back to this date.

Footage was viewed for 20th 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, I 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 Mrs Ladlow and I viewed further footage to ascertain if alcohol was being supplied after the time authorised by the certificate.

Mrs Ladlow and I viewed CCTV from Thursday 16th June 2022, the club premises certificate authorises the sale or supply of alcohol until midnight. I witnessed alcohol being sold on 5 occasions after midnight by both Mr Kavanagh and Mr Fisher. The times of sale were 00.26hrs by Mr Fisher, 00.57hrs by Mr Fisher, 01.12hrs by Mr Fisher, 01.14hrs by Mr Fisher and again at 01.14hrs by Mr Fisher.

I viewed CCTV from Friday 17th June 2022 and witnessed alcohol being sold on eight occasions after the time authorised by the certificate by both Mr Kavanagh and Mr Fisher. The times of sale were 01.20hrs by Mr Fisher, 01.44hrs by Mr Kavanagh, 02.00hrs by Mr Fisher, 02.18hrs by an unknown female, 02.19hrs by Mr Kavanagh, 02.49hrs by Mr Fisher, 02.59hrs by Mr Kavanagh, 04.06hrs by Mr Kavanagh.

SIGNED.....  WITNESSED.....

Witness Statement

(Criminal Procedure Rules, r27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation of Statement of Lisa Underwood-Parkin

I viewed CCTV from Sunday 19th June 2022 and witnessed alcohol being sold after the time authorised by the certificate. The time of sale was 00.27hrs by Mr Fisher.

I viewed CCTV from Monday 20th June and witnessed alcohol being sold after the time authorised by the certificate. The time of sale was 00.29hrs by Mr Kavanagh.

I viewed CCTV from Tuesday 21st June 2022 and witnessed alcohol being sold on two occasions after the time authorised by the certificate. The times of sale were 00.29hrs by Mr Kavanagh and 00.51hrs by Mr Fisher.

Mrs Ladlow took recordings of the CCTV and still images.

Whilst viewing the CCTV I also witnessed Mr Kavanagh and another female smoking inside of the premises at 01.56hrs on 17th June 2022 whilst seated at a table with Mr Fisher.

On Wednesday 20th July Mr Kavanagh attended an interview under caution at the Council offices, Riverside House and was audio recorded.

Mr Kavanagh declined to have a solicitor present throughout the interview and was interviewed by Mrs Ladlow and myself.

Mr Kavanagh confirmed that he is the President of Anston Club and had held that position since approximately March 2022.

Mr Kavanagh stated he was aware of the times that alcohol is authorised by the certificate and confirmed that the certificate authorises the supply of alcohol until 01.00hrs Friday and Saturday and midnight on all other days.

Mr Kavanagh stated the usual opening hours of the premises are 19.00hrs to midnight Sunday to Thursday, Friday and Saturday 19.00hrs until 01.00hrs.

When questioned regarding operating after those times Mr Kavanagh stated a couple of drinks had been sold after time and accepted that cash had been put into the till.

Mr Kavanagh stated he was unsure of how many days the alcohol had been after the authorised time adding that it was sold by him and Mr Fisher and except for the week officers viewed it had been on the odd occasion.

Mr Kavanagh accepted that the person in CCTV footage shown was him on all occasions that it was put to him.

Mr Kavanagh accepted there was a lack of training at the club around the responsible selling of alcohol and that staff and committee members were not aware of the authorised times or how to ensure customers

SIGNED.....  WITNESSED.....

Witness Statement

(Criminal Procedure Rules, r27.2;
Criminal Justice Act 1967, s. 9, Magistrates’ Courts Act 1980, s.5B)

Continuation of Statement of Lisa Underwood-Parkin

were over 18.

Mr Fisher also attended an interview on 20th July under caution at the Council offices, Riverside House, this interview was audio recorded.

Mr Fisher declined to have a solicitor present throughout the interview and was interviewed Mrs Ladlow and myself.

Mr Fisher confirmed that he is the Secretary of Anston Club and had held that position since mid-2021. Mr Fisher added that he had previously been the President, but that role ended prior to becoming the Secretary.

Mr Fisher stated he was aware of the times alcohol is authorised by the certificate and confirmed that the certificate authorises the supply of alcohol until 01.00hrs Friday and Saturday and midnight on all other days.

When questioned Mr Fisher accepted that the premises has served later than the time authorised by the certificate adding that it wasn’t all of the time but on occasion usually once or twice per week.

Mr Fisher confirmed that the person in CCTV footage shown was him on all occasions officers put to him.

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 regular customers.

Mr Fisher accepted that he did think it was unacceptable to sell or supply alcohol after the time authorised by the certificate.

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.

Mr Fisher initially stated he was responsible for training staff members and that all had received training. However, when questioned, Mr Fisher was not able to say what training staff had received or to confirm what age verification policy they implement.

Mr Fisher accepted that the premises was no longer compliant with conditions agreed as part of the South Yorkshire Police action plan and further accepted that the premises was not operating as a qualifying club.

Unfortunately, I have no confidence in Mr Fisher and Mr Kavanagh and their ability to manage a qualifying club or to uphold the Licensing objectives.

SIGNED..... 

..... WITNESSED.....