

APPENDIX 5

Witness Statement

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

STATEMENT OF: ...Keeley Louise Ladlow.....

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

This statement, consisting of.....8..... 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...20th day of.....September2022

I am the above-named person and currently employed as Principal Licensing Officer operating from Riverside House the offices of Rotherham Metropolitan Borough Council. I have been employed as an Enforcement Officer since 2015 and latterly the Principal Officer, my duties include liaising with Hackney Carriage and Private Hire Drivers, and the operational management of investigations concerning Private Hire and Hackney Carriage Drivers, vehicles, Private Hire Operators, and licensed premises.

On 21st June 2022 the licensing service received an email 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.

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

Also detailed within the email was an email history containing an email sent on 17th June and 31st May 2022 in which anti-social behaviour was raised as a concern.

I was sent this email by a licensing support officer on 22nd June 2022, and I exhibit it as KLL/8. Later the same day I received a phone call from South Yorkshire Police Licensing Officer Jo Belton. Ms Belton advised me that the Police had received complaints regarding the premises relating to disorder and anti-social behaviour. Due to previous involvement I have had with the premises a joint visit was arranged to take place on 28th June 2022.

Having viewed the Club Premises Certificate (CP0037) I can confirm 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.

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I visited the premises on 28th June 2022 in the company of Licensing Enforcement Officer Lisa Underwood - Parkin, 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 were 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 15/20 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 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.

Mr Kavanagh further stated that there had been an incident on 20th 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. Mr Fisher stated 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 by Mr Kavanagh 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. Images were taken of the day membership book which are exhibited as KLL/4.

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.

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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 KLL/12.

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.

Mrs Underwood – Parkin 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 Underwood – Parkin and I viewed further footage to ascertain if alcohol was being supplied after the time authorised by the certificate.

Mrs Underwood – Parkin 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.

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.

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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.

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I took recordings of the CCTV along with still images which are exhibited as KLL1 a-f and KLL 2 a - f. Handwritten notes were made during the visit which I exhibit as KLL/3.

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. Images of this are exhibited as KLL/13.

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 me and Mrs Underwood – Parkin.

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 were over 18.

A transcript was later produced which is exhibited as KLL/7.

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 by me and Mrs Underwood – Parkin.

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.

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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 time but on occasion usually once or twice per week.

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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 or how to ensure customers were over the age of 18.

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

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.

A transcript was produced which I exhibit as KLL/6.

I have previously been involved with the premises prior to the visit in June 2022 due to complaints made to the licensing service by residents near to the premises and due to discussions with the police following incidents at the premises.

On 26th June 2021 a resident contacted the licensing service reporting an incident on 25th 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. I exhibit this email KLL/14.

On 11th 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.

The licensing service were contacted on 12th 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 11th 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.

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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. I exhibit this email KLL/15.

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On 12th July 2022 the licensing service received an email from a resident reporting drug use, drug dealing and fighting at the premises. The complainant further stated residents were scared and threats of violence were commonplace. I exhibit this email as KLL/16.

I visited the premises on 21st July 2021 in the company of South Yorkshire Police licensing officer Helen Cooper 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 11th 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 12th June 2021 at 00.23hrs and 19th 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 then a club premises.

It was accepted by Mr Fisher that on 11th 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

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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.

Mr Fisher accepted that the premises 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

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

the male toilets and on 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 that on 11th July 2021 it 'went off the scale' and was 'like a drugs war outside of the premises' with cars arriving 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 into the Police 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 21st July 2021. A copy of the letter is exhibited as KLL/17.

On 27th July 2021 I was copied into an email sent by Chris Stone, Rotherham MBC Community Protection Manager, to a complainant regarding Anston Club. The email referred to the complainant contacting a Councillor to raise concerns and Mr Stone advised the complainant to contact me to discuss further.

I received an email from the complainant on 1st August 2021 which I replied to on 2nd August, within my email I requested the complainant summarise her concerns relating to the premises. I received a response to this on 3rd August 2021 in which the complainant stated there had been a number of complaints recently. The complainant stated they had lived in the area for a significant number of years and had always experienced issues with anti-social behaviour and noise.

The complainant further stated it was worse over the May Bank Holiday weekends, Sunday 13th June, Sunday 27th June and the Euro final on Sunday 11th July 2021. The complainant described loud music, shouting, swearing, damage caused to residents' property, urinating against private dwellings and damage caused to residents' vehicles.

I exhibit this email KLL/18.

I am aware that in October 2021 South Yorkshire Police agreed a voluntary action plan with Mr Fisher following the incidents of disorder, anti – social behaviour, and concerns which had been raised relating to the way in which the club was operating. I exhibit a copy of this action plan as KLL/5.

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As part of the action plan 18 actions were agreed by Mr Fisher to be implemented at the premises 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 28th 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 8 requires all staff to be trained on an annual basis and this be recorded. When visiting the premises on 28th June 2022 it was evident staff had not been trained and no evidence could be provided.

Continuation of Statement of.....KEELEY LOUISE LADLOW.....

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 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.

I 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.

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