

# Licensing (Licensing and Gambling) Sub-Committee

Thursday, 16<sup>th</sup> December 2010  
at 9.30 am

## **PLEASE NOTE TIME OF MEETING**

Committee Rooms 1 and 2 - Civic Centre

This meeting is open to the public

### **Members**

Councillor Drake  
Councillor Parnell  
Councillor Thomas

### **Contacts**

Democratic Support Officer  
Sue Lawrence  
Tel: 023 8083 3569  
Email: [susan.lawrence@southampton.gov.uk](mailto:susan.lawrence@southampton.gov.uk)

Assistant Solicitor to the Council  
Richard Ivory  
Tel. 023 8083 2794  
Email: [richard.ivory@southampton.gov.uk](mailto:richard.ivory@southampton.gov.uk)

## **PUBLIC INFORMATION**

### **Terms of Reference**

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act, 2003 and Gambling Act 2005, including:-

- Personal licences for the sale of liquor Licensing Act 2003;
- Premises licences, various permits, variations and reviews (Licensing Act 2003 and Gambling Act 2005);
- Club certificates, variations and reviews Licensing Act 2003;
- Registration and deregistration of designated premises supervisors Licensing Act 2003;
- Determination of police objections to temporary event notices Licensing Act 2003

### **Relevant Representations**

Those who have made relevant representations may address the meeting about the matter in which they have an interest.

**When dealing with Licensing Act matters the Sub-Committee can only take into account the following statutory Licensing Objectives:-**

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

**Likewise, when dealing with Gambling Act matters the Sub Committee can only take into account the statutory Licensing Objectives below:-**

- Preventing gambling being a source of crime
- That gambling is conducted in a fair and open way
- To protect children and other vulnerable children from harm

### **Southampton City Council's Six Priorities**

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

### **Smoking policy**

The Council operates a no-smoking policy in all civic buildings.

### **Mobile Telephones –**

Please turn off your mobile telephone whilst in the meeting.

### **Fire Procedure –**

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

### **Access –**

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Potential Meetings: Municipal Year 2010/11**

<b>2010</b>	<b>4 NOVEMBER</b>
<b>20 MAY 2010</b>	<b>18 NOVEMBER</b>
<b>3 JUNE</b>	<b>2 DECEMBER</b>
<b>17 JUNE</b>	<b>16 DECEMBER</b>
<b>1 JULY</b>	<b>2011</b>
<b>15 JULY</b>	<b>6 JANUARY 2011</b>
<b>29 JULY</b>	<b>13 JANUARY</b>
<b>12 AUGUST</b>	<b>10 FEBRUARY</b>
<b>26 AUGUST</b>	<b>24 FEBRUARY</b>
<b>9 SEPTEMBER</b>	<b>10 MARCH</b>
<b>23 SEPTEMBER</b>	<b>24 MARCH</b>
<b>7 OCTOBER</b>	<b>7 APRIL</b>
<b>21 OCTOBER</b>	<b>21 APRIL</b>

## CONDUCT OF MEETING

### **Terms of Reference**

The terms of reference are contained in the Council's Constitution.

### **Business to be discussed**

Only those items listed on the attached agenda may be considered at this meeting.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **Quorum 3**

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

### **Disclosure of Interests**

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

### **Personal Interests**

A Member must regard himself or herself as having a personal interest in any matter

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
  - (a) any employment or business carried on by such person;
  - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
  - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
  - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

Continued/.....

## **Prejudicial Interests**

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

Agendas and papers are available via the Council's website.

### **1 ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

### **2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

### **3 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer prior to the commencement of this meeting.

### **4 STATEMENT FROM THE CHAIR**

### **5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meetings held on 4<sup>th</sup> November and 18<sup>th</sup> November 2010 and to deal with any matters arising, attached.

### **6 EXCLUSION OF THE PRESS AND PUBLIC**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### **7 APPLICATION FOR REVIEW OF PREMISES LICENCE - WHITEHOUSE, 194 ABOVE BAR STREET SO14 7DW**

Report of the Solicitor to the Council detailing an application from Hampshire Constabulary to review the premises licence in respect of Whitehouse, 194 Above Bar Street, Bargate, SO14 7DW, attached.

This page is intentionally left blank

# Agenda Item 5

To approve and sign as a correct record the Minutes of the meetings held on 4<sup>th</sup> November 2010 and 18<sup>th</sup> November 2010 and to deal with any matters arising, attached.

This page is intentionally left blank



---

LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 4 NOVEMBER 2010

---

Present: Councillors Osmond, Parnell and Thomas

Apologies: Councillor Gerry Drake

34. **ELECTION OF CHAIR**

**RESOLVED** that Councillor Parnell be appointed Chair for the purposes of this meeting.

35. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Osmond was in attendance as a nominated substitute for Councillor Drake in accordance with Council Procedure Rule 4.3.

36. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the meeting held on 9th September 2010 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

37. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a pre-determined point whilst the Sub-Committee reach its decision.

38. **GS UTILITIES, 82 HIGH ROAD, SWAYTHLING, SOUTHAMPTON, SO16 2HZ**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application for a premises licence in respect of GS Utilities, 82 High Road, Swaythling, Southampton, SO16 2HZ. (Copy of report circulated with agenda and appended to signed minutes).

Mr Elborough and Mr Shinar (Agents for Applicant) were present and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee noted that the application in respect of Late Night Refreshment (Schedule L) had been withdrawn by the applicant having been submitted in error.

**RESOLVED** that the application for a premises licence in respect of GS Utilities, 82 High Road, Swaythling, SO16 2HZ, be granted as amended at the hearing, subject to the mandatory conditions contained within the Licensing Act 2003 (including the licensing objectives), statutory guidance and the Council's statement of licensing policy and the conditions offered by the applicant and imposed by the Sub-Committee:-

- (i) that a Challenge 25 policy will be implemented; and
- (ii) that the front window be sufficiently obscured to prevent the sale of alcohol (other than from behind the counter) being visible through that window.

### REASONS FOR DECISION

The Sub-Committee was satisfied that in granting the application with the above amendments to the operating schedule the application was in line with City Council's licensing policy and the balance between the interests of the applicant, local residents and businesses would be maintained and there would be no disproportionate adverse effect on the local community.

---

LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2010

---

Present: Councillors Harris, Parnell and Thomas

39. **ELECTION OF CHAIR**

**RESOLVED** that Councillor Parnell be appointed Chair for the purposes of this meeting.

40. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the Minutes of the meeting held on 7<sup>th</sup> October 2010 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

41. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a pre-determined point whilst the Sub-Committee reach its decision.

42. **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF WOOLSTON SERVICE STATION, 170 PORTSMOUTH ROAD, SO19 9AQ**

The Sub-Committee considered the report of the Solicitor to the Council detailing an application for a premises licence in respect of Woolston Service Station, 170 Portsmouth Road, SO19 9AQ. (Copy of report circulated with agenda and appended to signed minutes).

Mr Navaratnam (Applicant), Mr Light (Advocate for Applicant) and Mr Baker (Retail Consultant to Applicant), Ms Palmer (Local Resident / Objector) and Councillor Payne (Ward Councillor) were present and, with the consent of the Chair, addressed the meeting.

The Panel noted that this item had been adjourned from 12<sup>th</sup> August 2010 on the basis that more established trading information for the premises be made available. The applicant was to provide statistics for an identical period of their choosing for September, October and November in order that further consideration be given on how the shop was being used and in support of the assertion that the premises were primarily used for non-garage purposes.

The Sub-Committee noted the amendment to the application made by the applicant's representative regarding hours for the sale of alcohol in addition to the conditions as agreed with Hampshire Constabulary prior to the hearing.

The Sub-Committee considered the decision in confidential session in accordance with Licensing Act 2003 (Hearings) Regulations 2005.

## **RESOLVED**

- (i) that the application for a premises licence in respect of Woolston Service Station, 170 Portsmouth Road, SO19 9AQ, be granted as amended as follows:-
- (a) Section L – Late Night Refreshment –  
Monday to Sunday 23:00 – 05:00
  - (b) Section M – Supply of alcohol - Amended to Monday to Sunday  
06.00 – 23.00;
  - (c) Section O – Hours Premises are open to the public - Monday to  
Sunday 00:00 – 00:00; and
  - (d) Sales between 23:00 and 06:00 will be through the Night Pay  
window only; and
- (ii) that the following conditions numbered 1 to 3 as agreed between the Applicant and Hampshire Constabulary be included in the license:
1. A CCTV system be installed and maintained on site to the satisfaction of Hampshire constabulary to enable surveillance of both external and internal areas of the premises including all public entrances and exits and be of evidential quality in a court of law and be retained on the premises for at least 30 days and made available to Hampshire constabulary upon reasonable request.
  2. The entrance door to the shop be closed to customers between the hours of 23.00 hours and 06.00 hours with any sales between those hours made through the night pay window.
  3. The premises adopt a "Challenge 25" proof of age scheme.

## **REASONS FOR DECISION**

The Sub-Committee considered all representations made, both written and oral, including those heard at the previous meeting on the 12<sup>th</sup> August 2010, and granted the application for a Premises Licence as amended by the Applicant's representative at the previous meeting and subject to the conditions agreed with Hampshire Constabulary as set out above.

The Sub-Committee gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance and the adopted Statement of Licensing Policy and were satisfied that the information supplied by the applicant's representatives regarding the primary use of the premises indicated that they were not primarily being used as a garage.

The Sub-Committee recommended that the Ward Councillors make local residents aware of their right to request a review of a premises licence in the event of any evidence of a breach of the operating schedule and / or conditions of that licence.

# Agenda Item 7



Reference: 2010/02104/01SRAP

Hearing:

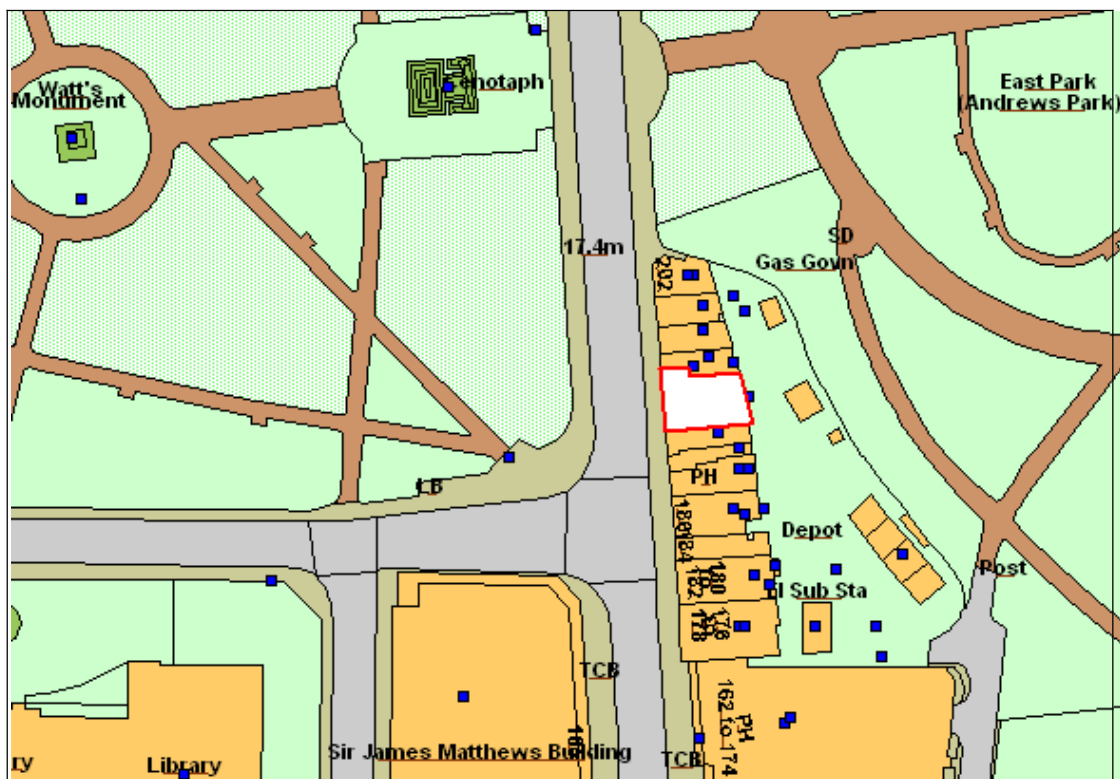
16th December 2010

## Application for Review of Premises Licence

Premises Name: Whitehouse  
 Premises Address: 194 Above Bar Street  
 Bargate  
 Southampton  
 SO14 7JN

Application Date: 23rd October 2010  
 Application Received Date: 25th October 2010

Application Valid Date: 25th October 2010



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Southampton City Council Licence No. 100019679 2007.

## Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No Response Received	

Hampshire Fire And Rescue - Licensing	No Response Received	
Environmental Health - Licensing	No Response Received	
Planning & Sustainability - Building Control - Licensing	No Response Received	
Planning & Sustainability - Development Control - Licensing	Yes	
Hampshire Constabulary - Licensing	No	
Trading Standards - Licensing	Yes	

### ***Other Representations***

<b>Name</b>	<b>Address</b>	<b>Contributor Type</b>
None		

### ***Legal Implications***

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
  - that the grounds for review are not relevant to one of more of the licensing objectives and;
  - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.

5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity or the responsible authorities may make representations in that period.
6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:
  - modify the conditions of the licence;
  - exclude a licensable activity from the scope of the licence;
  - remove the designated premises supervisor;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.
10. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *Crime and Disorder Act 1998*

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
14. *Human Rights Act 1998*

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.



Application for the review of a Premises licence or Club Premises certificate under the Licensing Act 2003

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 20920 PRIOR, on behalf of the Chief Officer of Hampshire Constabulary, (Insert name of applicant)

- Apply for the review of a premises licence.
Apply for the review of a club premises certificate.
(Select as applicable)

Premises or Club Premises details

Table with 2 columns: Postal address of premises, Postcode (if known). Values: WHITEHOUSE, 194 ABOVE BAR STREET, SOUTHAMPTON, SO14 7DW

Name of premises licence holder or club holding club premises certificate (if known)
The Whitehouse Nightclub Limited
11 Chalice Court
Hedge End
Southampton
Hampshire
SO30 4TA

Number of premises licence or club premises certificate (if known)
2010/01219/01SRAP

Details of responsible authority applicant

Form with fields for Name (Mr, Mrs, Miss, Ms, Other title / Rank), Surname, First Names, Current postal address, Postcode, Daytime telephone number, E-mail address.







RESTRICTED

G90

**Application for the review of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

Page 2 of 6

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

RESTRICTED



**Application for the review of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

**This application to review relates to the following licensing objective(s)**

- Select one or more  
boxes*
- 1) The prevention of crime and disorder
  - 2) Public safety
  - 3) The prevention of public nuisance
  - 4) The protection of children from harm

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

This review is brought by Hampshire Constabulary as a responsible authority under the Licensing Act 2003, because of failures in the management of Whitehouse, which impact on each of the licensing objectives. The Whitehouse was previously taken to review hearing on the 12th August 2010 where concerns were put forward about the poor management of the venue and that persons initially refused entry had been let into the venue and then trouble was caused inside resulting in a large scale public order offence. At this time further incidents have happened which show the same poor management and poor judgement being taken

On the basis of the evidence outlined below, Hampshire Constabulary would wish to permanently close the venue

On failing this request or if the venue is only closed for a period then Hampshire Constabulary would wish to achieve the following:

1. To reduce the opening hours, closing at 0100 hours, in order to reduce the level of intoxication available to their customers
2. All glasses & bottles used at the premises will be polycarbonate or the contents of all glass bottles to be decanted into polycarbonate glasses

In summary, the Police evidence to support these points is as follows:-

On 3rd October 2010 at between 02:30-03:00 hours (police reference 44100419460) there was a GBH level of assault that occurred within the venue. This then turned into a public order situation once all parties involved had been ejected and the venue then shut. There was also an assault on door staff whilst he was ejecting people. Large numbers of officers had to attend to keep the situation under control

The CCTV footage from that night was viewed and the initial assault occurs on camera 3 which covers the dance floor and has a light obscuring the footage so that very little can be seen. It is clear when doorstaff go onto the dance floor only due to their high visibility jackets. The evidence on this camera is of extremely poor quality and offers very little



**Application for the review of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

evidential value. As a condition of their licence all cameras should be able to cope with all levels of illumination throughout the venue and this camera clearly doesn't.

There were two officers nearby when the situation started and one of them pressed their emergency button causing the control room to issue an all units call to the Whitehouse. An all units call is a request for every unit on the radio channel to go to an incident. This is rarely used except in instances of large scale public order situations where someone is at risk of serious harm. Numerous officers responded to that call and one officer who attended gives a statement that "the atmosphere was volatile and intimidating". He believed it was "potentially one of the most serious incidents of public order I have witnessed during the night time economy period at a weekend. Had the police officers not responded as quickly as they did this could have been far more serious than it already was and escalated further which could have become unmanageable and put the safety of police officers and members of public at risk"

Another statement given by an attending officer states that "the situation was very frenzied and excitable" and that "tempers were frayed" She also recalls a member of doorstaff repeatedly shouted "get more police"

This all highlights the seriousness of the situation and that no-one at the club had any control; which is further evidenced as the situation arose from poor management. A statement from an officer who had been at the scene before the incident occurred states that a group were refused entry by the doorstaff due to being drunk. The male was objecting to this so the officer was asked to move the male away. The male was trying to persuade the officer to allow him in and during this conversation the officer formed the opinion that the male was in drink. Another male in the group came over and stated that it was ok one of the managers was going to get them in. The officer then heard a doorstaff radio through to a colleague and say that the group were being allowed in. The colleague responded commenting 'so we allow drunks back in then'.

This clearly shows that drunk people are being let into the venue and one person in that group that were initially refused entry allegedly assaulted another male by repeatedly smashing a bottle into his head. This could have been avoided had the decision of the doorstaff been supported

The CCTV of the incident was checked. The camera covering the door shows the group arrive at around 0210 and have a discussion with doorstaff and then step out of the queue. Then a few minutes later the owners' mother is seen outside talking to doorman who refused entry to the group. Shortly afterwards the group are allowed to walk straight through bypassing the ID scanner and into the club.

The ID scanner was checked in relation to the times that the group were allowed in and then specifically checked for the names of the suspect arrested confirming that at no point were the group ID scanned. The ID scanner is a condition on their licence which is clearly not being adhered to. A manager who was off duty at the time of the incident was spoken to. He stated that one of the males in the group told him they couldn't get in so he spoke with the owners mother who then "let them in and sorted it"

The incident book for the venue was checked and in relation to the incident there are approximately two lines written; which is insufficient for such a serious incident. This was similar in length to an entry of escorting someone out earlier in the evening.



**Application for the review of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

This is not the first time since review that the venue have breached its licence with regards to the ID scanner. On the 11<sup>th</sup> September 2010 a licensing officer attended the venue and discovered that the ID scanner had not been working since the 9<sup>th</sup> September and was not expected back until the 15<sup>th</sup> September. When the licensing Sergeant attended and spoke to the manager he was told that the DPS was on holiday and that the head doorman had suggested to the manager he should contact police but he had felt that it wasn't necessary. This is another example of the lack of management at the venue and the disregard for licence conditions.

It is evident that even with the conditions put on the licence at the last review the management are not operating effectively; the same mistakes are being made and they are not taking the conditions seriously. This is also not in keeping with the licensing objectives, namely 1) The prevention of crime and disorder, 2) Public Safety and 3) The prevention of public nuisance.

At the last review problems surrounding drunk people being allowed in was raised but also the drunken state of people who were coming out of the venue was concerning. This concern continues as on the 2<sup>nd</sup> October 2010 a male was slumped opposite the venue being violently ill as a result of his intoxication. There is body worn video footage of this where the male and his friend stated that they had only been in the venue for 5-10 minutes before being ejected. The ID scanner was checked on this male's name and he had been in the venue earlier than he had stated but had either come into the venue quite drunk or had consumed enough in the venue to get him into that state. This goes to show that Whitehouse management are not ensuring Public Safety or preventing Public Nuisance.

Hampshire Constabulary have previously taken the Whitehouse to review and added the conditions that we felt were necessary to solve the problems at the venue. The problems detailed above show that another example of poor management has a direct causal link to a GBH. The venue has failed to uphold the four licensing objectives which is why Hampshire Constabulary seek the conditions requested.

Have you made an application for review relating to these premises before:  Yes |  No

If yes please state the date of that application:

24 / 06 / 2010

Day Month Year

If you have made representations before relating to this premises please state what they were

A review of the premise took place on the 12<sup>th</sup> August 2010 and the reasons that Hampshire Constabulary felt the necessity for that review was the poor management of the venue. This was shown with a large public incident at the venue and assaults. A sexual assault was reported at the flat at the venue where a quantity of drugs were found; the flat was used by one of the managers of the venue. There was also concerns of drugs use on the premise and underage drinking as well as people drinking to excess.



**Application for the review of a  
Premises licence or Club Premises certificate  
under the Licensing Act 2003**

**Please tick**

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

**It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application**

Signature of Officer Completing

Name PC PRIOR Collar Number: 20920  
Signature: \_\_\_\_\_ Date: 23/10/10

Signature of Authorising Officer (Inspector or above)

Name INSP BATES Collar Number: 5012  
Signature: \_\_\_\_\_ Date: 24/10/10



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: PC SHARON CONWAY

URN: | | |

Age if under 18: (if over 18 insert over 18')

Occupation: Police service

This statement (consisting of 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.

Signature:

Date: 03/10/2010

PC SHARON CONWAY

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Sunday 3<sup>rd</sup> October 2010, I was on duty in full uniform. I was on high visibility foot patrol with PC 23908 GRIFFITHS.

At about 02:45 hours, there was a call over the personal radio of a fight at THE WHITEHOUSE CLUB, ABOVE BAR, SOUTHAMPTON. Myself and PC Griffiths were on COMMERCIAL STREET, nearby. We initially ran to the location, but slowed on hearing an update. We were nearing the Whitehouse, when I saw there were a number of people in fluorescent jackets walking up ABOVE BAR, and then walking faster in the opposite direction. I took this to be a sign that there was something happening at the location.

As I crossed ABOVE BAR, I saw a large number of people coming out of the club. I saw that a member of door staff, whose name used earlier in the evening by his colleagues was 'Fraser', was knelt on the ground in front of the metal barrier by the door. He was restraining a male to the ground. I now know this male to be [REDACTED] [REDACTED] was being held face down to the ground, with his left arm behind his back. There were also two or three other people being told to move away.

I went over to find out why [REDACTED] was being restrained. As I got there, a number of door staff and customers came out from the club. I saw that at least two members of door staff had blood on their jackets. One of the door staff, who I understand from previous dealings to be the head member of security at the venue, came out. He had blood on his clothing. He pointed to [REDACTED] and said to me 'THIS MALE ASSAULTED THAT MALE.'

The head of security then pointed to my right, to a group of people. In that group of people, I saw a male in a black shirt with blood on his face. There were still a lot of people coming from the club. The male on the ground was become more agitated at being restrained, and others were trying to speak with him. There was a lot going on, and I was not able at that time to get further information from the head of security.

Signed:

Signature witnessed by:

PC SHARON CONWAY



# HAMPSHIRE CONSTABULARY

## **RESTRICTED (when complete)**

### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: PC SHARON CONWAY.....

I then said to [REDACTED] 'I AM ARRESTING YOU ON SUSPICION OF ASSAULT.' I cautioned [REDACTED] was swearing repeatedly, shouting 'FUCK OFF, FUCKING GET OFF ME'.

I was able to place a handcuff onto [REDACTED] left wrist. At this point, [REDACTED] began to physically struggle. He was told by me and by 'Fraser' 'BRING YOUR ARM ROUND TO YOUR BACK'. [REDACTED] refused, and seemed to be forcefully keeping his arm underneath his torso. [REDACTED] tried to move himself, moving his whole body around, as though to try and get away.

I was then aware of a male who was bleeding very heavily from his fingers stood behind the metal railings. The situation was very frenzied and excitable. 'Fraser' shouted to me 'GET MORE POLICE HERE. USE YOUR ORANGE BUTTON. GET MORE POLICE.'

[REDACTED] was still struggling. I still had hold of his left wrist in the handcuff. 'Fraser' changed his body position so that he was sat astride [REDACTED] sitting across [REDACTED] hips. People were still trying to come towards [REDACTED]. Some stating that they were trying to calm [REDACTED] some saying that [REDACTED] was not involved, but had been caught in the middle.

[REDACTED] was very agitated. He was shouting 'FUCK OFF' and 'FUCK YOU, YOU CUNT', and 'GET OFF ME YOU CUNT.'

After a couple of minutes, more officers arrived. One officer came over to me, and we were then able to get [REDACTED] right arm from underneath him, and place his arm to his back. I was then able to place this hand in the handcuff. The handcuffs were then double locked.

After a couple more minutes, the head of security came back and said 'HE'S THE FIRST ONE THAT CAME OUT. HE ASSAULTED THAT GUY. I ALSO HAVE TWO OTHER WITNESSES WHO SAY HE WAS INVOLVED.'

The situation around me seemed to still be very excitable and tempers were frayed. I had heard 'Fraser' say to his colleagues to turn the music off and get people out, so I was aware that the club was being emptied. The club at this time was fuller than normal at quarter to three. I had been told by staff earlier in the evening that they had extended their licence, and were expecting to close at 5 o'clock am. I was not fully aware of what was happening around me, as I was concentrating on [REDACTED]

[REDACTED] was then assisted to his feet by me and another officer. [REDACTED] immediately began to resist. [REDACTED] was trying to move his body so that he could get out of our grip, so other officers came to assist in walking [REDACTED] to the marked police van. [REDACTED] then stopped walking, and was trying to kick backwards. He was not kicking at anyone, but this seemed to be an attempt to put the officers off balance to get away from their grip. Myself and another officer held onto his legs, so that he was then carried to the van.

Signed : ..... Signature witnessed by : .....

PC SHARON CONWAY



# HAMPSHIRE CONSTABULARY

**RESTRICTED (when complete)**

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: PC SHARON CONWAY.....

Before being placed in the van, fast wrap strapping was placed on his legs, to prevent him from kicking out at officers. These strappings were wrapped around his legs in the approved manner.

██████████ was then placed in the rear of the marked police van.

After another 5 minutes or so, me and APS 23570 SINDALL transported ██████████ to Lyndhurst Custody Centre. On the way, ██████████ was chanting, shouting and would then become quiet. After a few chants, ██████████ then quietened.

We arrived at Lyndhurst custody at about 03:20 hours. At this time, I went to the rear of the van, and asked ██████████ for his name. ██████████ refused to provide his name, saying 'WHAT'S IT TO YOU?' Myself and APS Sindall tried to reason with ██████████ but he still refused his details.

██████████ at this point was lying on his left side, facing the middle of the van.

When we went in to the holding area of the custody, ██████████ was asked to move his legs so that the straps could be loosened, or removed. ██████████ was still uncooperative, and would not move his legs. He stated that his arms hurt. After persuasion, ██████████ moved his legs so that the strap around his ankles was removed. APS Sindall and PC Griffiths then assisted ██████████ into a sitting position in the van. Again ██████████ complained that his arms hurt. ██████████ was persuaded to move so that he could get out of the van.

In the holding cell, ██████████ behaviour was very up and down. He would not co-operate in providing his details, and was repeatedly asking why he had been arrested. He would then be quiet and doze off. ██████████ could not walk unaided, and was very unsteady on his feet. His speech was slurred. ██████████ was very drunk.

The handcuffs were checked by PS 2550 NEAL, and were removed. ██████████ complained of pain in his right arm, and swelling was appearing in his hand.

At about 04:45 hours, myself and PC 24133 SMITH transported ██████████ to Southampton General Hospital in a marked police vehicle. Supervision of ██████████ was taken over from us at about 06:45 hours.

Whilst at the hospital, I took a digital picture of the swelling to ██████████ right hand. I will exhibit this image as SC/DJ/1. I will exhibit the CD containing this image as SC/DJ/2.

Signed :  
PC SHARON CONWAY

Signature witnessed by : .....





**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s 9; MC Act 1980, ss 5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN | | |

Statement of RICHARD MCWILLIAM  
Age if under 18. Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 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.

/

Signature: Date: 03/10/2010

RICHARD MCWILLIAM

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Richard James McWilliam a police sergeant currently stationed at Southampton Central Police Station.

On Sunday 3<sup>rd</sup> October 2010 I was on duty in uniform in a marked police van together with PC 3942 Lindley. We were on mobile high visible patrols for the Night time economy in Southampton City Centre. This is a regular operation called Operation Erwood which involves police officers in high visible clothing on foot and mobile patrol. Other agencies are also involved, including Street Pastors. The City Council who provide staff for the ICE (In Case of Emergency) Bus in Above Bar which provides support to vulnerable persons and persons with minor injuries. The intention of the operation is to reduce violence, provide reassurance and deal with persons or premises for committing offences. At approximately 0245 hours the same day as a result of information received we attended The Whitehouse Night Club, Above Bar Southampton. On our arrival I could see door staff and police officers with a male on the floor by the main front door. There was a large crowd of people outside the premises and the atmosphere was volatile. There were people shouting and persons squaring up to others.

Outside the Whitehouse were a number of metal barriers which are used by the premises to assist with persons queuing to get inside. I could see a male wearing a light blue shirt and jeans, he was a white male approximately 6 foot tall, slim build, with blonde hair, he was approximately 25 years of age. I noticed his clothing and his hands were covered in blood. I refer to this male as male 1. There was another male with him who seemed to be ushering male 1 away from the premises in a northerly direction. I would describe as a white male, wearing jeans, a dark long sleeved top, he had short dark gelled hair. He was of stocky build and about 5'7" tall. I will refer to this male as male 2.

Signed RICHARD MCWILLIAM Signature witnessed by



# HAMPSHIRE CONSTABULARY

**RESTRICTED (when complete)**

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: RICHARD MCWILLIAM .....

I heard and saw a number of people shouting and pointing at male 1 that he was responsible for 'bottling' someone inside the Whitehouse. I walked round to the other side of the barriers with PC 20397 Weston. PC Weston took hold of male 1 and I stopped male 2. As a result of information received from Insp 5784 Jackson, I said to male 2, "I am arresting you on suspicion of assault inside The Whitehouse." I cautioned the male who made no reply. I informed male 2 the arrest was necessary for the Prompt and Effective investigation of the offence. I immediately handcuffed the male to the front. I locked the handcuffs and made sure that there was a finger space between the wrist and the handcuff. Male 1 was arrested by PC 20397 Weston.

I took male 1 to a nearby police van. Prior to him entering the van I searched his pockets to make sure he had nothing on him that was likely to harm himself or others. The male was transported to Lyndhurst Police Station. I now know this male to be [REDACTED]

I remained in Above Bar outside The Whitehouse to confer with colleagues and see if I could identify witnesses. I also assisted in securing a scene immediately outside the premises and one inside the premises where the alleged assault took place.

At the time of this incident I would estimate there were almost 100 people in the near vicinity of The Whitehouse. As previously mentioned the atmosphere was volatile and intimidating. A number of persons were clearly quite upset about what was going on. I could see a number of persons in drink and I saw police officers having to move people on and separate other scuffles going on in and around the area. I have been working in Southampton for eight years and this was potentially one of the most serious incidents of public order I have witnessed during the night time economy period at a weekend. Had the police officers not responded as quickly as they did this could have been far more serious than it already was and escalated further which could have become unmanageable and put the safety of police officers and members of the public at risk.

I had no dealings in the matter.

Signed

RICHARD MCWILLIAM

Signature witnessed by





RESTRICTED

WITNESS STATEMENT

MG11  
Page 2 of 4

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

After a couple of minutes, the male in the grey jumper was not leaving the door entrance. I was then beckoned over by 'Fraser', and asked 'CAN YOU MOVE HIM FROM THE DOOR.'

I then asked for the male in the grey jumper to stand aside, saying 'COME OVER HERE. TALK TO ME OVER HERE.'

The male walked with me a couple of metres. CLEERE was also still with me. At least two other males came over as well.

The male said 'WHY AREN'T I BEING ALLOWED IN. HE SAYS I'M DRUNK. I'M NOT DRUNK. I'M A FOOTBALLER. I'M NOT DRUNK. WE'VE SPENT A LOT OF MONEY IN THERE.'

I explained to the male 'UNFORTUNATELY, IF A DOORMAN SAYS YOU CAN'T GO IN, THEN THEY HAVE THE RIGHT TO REFUSE TO LET YOU IN. I CAN'T CHANGE THAT DECISION.'

The male was still protesting, saying that he and his friends had spent a lot of money in the club, and that he wasn't drunk. The male asked to speak with a manager. The male was excitable. He was in drink. His eyes were glazed, he kept repeating what he was saying and was not listening to what I was explaining to him.

One of the group, a male with blonde spiked hair, then said 'DON'T WORRY. I'VE SPOKEN TO SOMEONE. WE'RE WITH HIM. IT'S BEING SORTED. YOU'LL GET IN.' The name of a manager was mentioned, but I cannot remember what name was said. The impression I had was that the group was part of a party which included one of the managers of The Whitehouse.

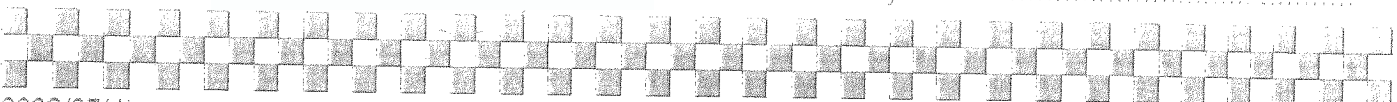
CLEERE was also trying to explain the situation to the male in the grey jumper, and trying to calm the situation by saying that management were being spoken to.

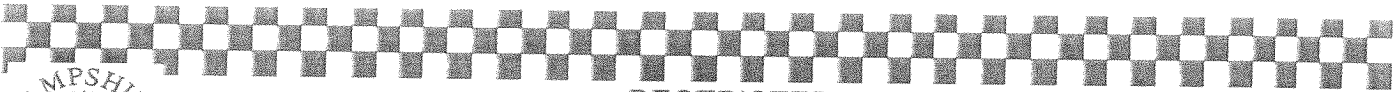
The group seemed to calm down. CLEERE was trying to speak with 'Fraser' using their personal radios, saying 'NOT URGENT FRASER. IT'S BEING SORTED. THEY HAVE SPOKEN WITH THE MANAGER. IT'S SORTED.' Again the name was mentioned, but I cannot remember what

the name was

Signature:

Signature witnessed by: .....





RESTRICTED

WITNESS STATEMENT

MG11  
Page 3 of 4

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

It seemed that 'Fraser' did not hear what CLEERE was saying, as CLEERE had to repeat himself. I could not hear what was being said to CLEERE. 'Fraser' then came over to CLEERE. I was stood next to CLEERE. CLEERE said 'IT'S BEING SORTED. THEY'VE SPOKEN WITH THE MANAGER. IT'S OKAY.'

'Fraser' then said 'WHAT, SO WE ALLOW DRUNKS BACK IN THEN.'

This comment was said in an annoyed way, as though 'Fraser' was annoyed that his decision not to allow the male into the premises was being over ruled by management.

'Fraser' then walked away, back to the entrance area.

The situation seemed to calm down, so I then left the area. I did not see whether the male in the grey jumper had been allowed into the club.

The whole incident lasted about 5 to 10 minutes. The male in the grey jumper was at the entrance for about 3 or 4 minutes, then I spoke with the male for a further 3 or 4 minutes. The male was stood about a metre away from me. It was dark at the time, but the street lighting was good.

I would describe the male in the grey jumper as a mixed race male, about 5'6 to 5'8, of athletic skinny build. He was aged in his early twenties, around 22 years old. He had short dark hair, and was wearing a grey jumper.

I would describe the male with the blonde spiked hair as a white male, aged in his twenties. He was about 5'8- 5'10, of athletic build. He had short, blonde hair which was spiked. I did not see what he was wearing, as this male spoke to me from behind the male in the grey jumper. I saw this male about half an hour later, during a public order incident, with blood on his hand.

Signature:

Signature witnessed by: .....



This page is intentionally left blank



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: 

--	--	--	--

Statement of: Della Dick

Age if under 18: over 18 (if over 18 insert 'over 18')

Occupation: Police Officer

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.

Signature: \_\_\_\_\_ Date: 21-11-10

Tick if witness evidence is visually recorded  (supply witness details on rear)

My name is Della Dick and I am currently employed by Hampshire Constabulary based at Shirley Police station.

In my statement I shall be mentioning the following persons [redacted], a very drunk female I will refer to her as drunk, her friend [redacted] I will refer to her as [redacted], a member of staff from the Ice Bus [redacted] I will refer to him as [redacted].

On 13<sup>th</sup> November 2010 I was on duty in full uniform and creased with PC Hean also from Shirley. PC Hean and myself were carrying out VES duty in Southampton City Centre on foot.

On the 14<sup>th</sup> November 2010 at approx 0820 hours I was next to the Ice Bus which is parked up the road

Signature: \_\_\_\_\_ Signature witnessed by: \_\_\_\_\_ PTO





RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: [ ] [ ] [ ] [ ]

Continuation of Statement of Della Dick

bar on the same side as Whitehouse, when I was approached by [redacted], she was telling me about her handbag going missing whilst she was helping drunk. [redacted] was quite distracted whilst speaking to me & kept looking over my shoulder. When I turned around Drunk was sat in one of the chairs outside the Ice Bar & was being looked after by staff from the Ice Bar. Drunk had her head between her legs & her arms hanging over her head, I could hear staff trying to bring her round & speak to her, but she was unresponsive. I heard one of the Ice Bar staff saying she would need to go to hospital. [redacted] then attempted to speak with Drunk but she was still unresponsive. [redacted] told me that they had been drinking in the Whitehouse and that all they had drunk was two slash poppers both of which [redacted] had purchased & that Drunk was stood at the bar at the time of buying these drinks. [redacted] stated that one

Signature: [redacted]

Signature witnessed by: .....







RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: [ ] [ ] [ ] [ ]

Continuation of Statement of: Della Rick

minute drunk was OK and then she  
 wasn't. [redacted] also mentioned that the  
 girls had drunk some wine at home  
 prior to coming out for the evening.  
 Drunk was taken inside the Ice Bus,  
 I do not know whether she was carried  
 inside or if she walked. I then spoke  
 with [redacted] who stated that 2 door  
 staff from the Whitehouse wearing  
 sleeveless jackets had been seen  
 carrying drunk outside the back door  
 of the Whitehouse and into the Park  
 Area. [redacted] and his colleague saw  
 drunk being carried out & approached  
 the door staff & took drunk from them  
 & carried her to the Ice Bus for help.  
 whilst speaking to [redacted], drunk  
 was being seen to be staff in the  
 private car within the Ice Bus. I  
 believe drunk was required to go  
 to SGT however I cannot confirm this.  
 I did not see any change in drunk's  
 condition from when I saw her first  
 to when I left the Ice Bus.

Signature: \_\_\_\_\_

Signature witnessed by: \_\_\_\_\_



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

Continuation of Statement of: Dave Rick

I had no further dealings with the  
guns and when I left the ICE BOS  
the guns were still there.

Signature: \_\_\_\_\_ Signature witnessed by: \_\_\_\_\_





**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: | | |

Statement of: PC JAN GRIFFITHS  
Age if under 18: >18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 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.

Signature: Date: 03/10/2010

PC JAN GRIFFITHS

Tick if witness evidence is visually recorded  (supply witness details on rear)

At approx 02:40hrs on Sunday 03<sup>rd</sup> October 2010 I was on duty with PC 22237 CONWAY when we heard a colleague requesting assistance at the WhiteHouse on AboveBar Street in Southampton. We were on foot patrol for the evening and we were only a short distance away, so we ran towards that location.

Just as we arrived I saw several people all bursting out of the door. It looked like they were being ejected by the door staff and emotions were running quite high with a lot of shouting and gesticulating. One of the door staff, who I later discovered is Sam CLEERE was wearing a hi-vis jacket with a significant amount of blood on the front. He pointed to a male coming out of the door and shouted to me 'ARREST HIM. HE'S BEEN FIGHTING IN THE CLUB AND HE JUST PUNCHED ME IN THE FACE.' This male is called [REDACTED]

I took [REDACTED] off to one side and applied handcuffs to him with his hands to the front. [REDACTED] appeared sober and was fully compliant throughout. More people were coming out of the club and the situation was deteriorating. I was aware that door staff were struggling with somebody on the floor and PC CONWAY went over to take control. Other people were trying to get involved and there was a lot of shouting, finger pointing and accusations. More officers arrived and tried moving people back from the melee on the floor. Still more people were gathering and at the most, I would estimate that about 80 people were gathered.

I saw several people with blood on their clothing/faces or hands. There were about six members of the door staff and I think all of them had significant amounts of blood on their clothing. I saw several people being led away by Officers but due to the fact that I was holding onto [REDACTED] I did not get involved.

Once the situation had calmed and control was restored by Officers, I went to find CLEERE. He was certain that it was [REDACTED] who had assaulted him by punching him in the eye. I noted that his left eye looked a little bruised.

Signed : PC JAN GRIFFITHS Signature witnessed by : \_\_\_\_\_



# HAMPSHIRE CONSTABULARY

**RESTRICTED (when complete)**

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: PC JAN GRIFFITHS.....

I then went back to [REDACTED] and at approx 02:55hrs I arrested him for Affray and Assault. I cautioned him and explained to him that the arrest was necessary for the prompt and effective investigation of the offence.

[REDACTED] made a reply to the effect of 'I'VE GOT NOTHING TO HIDE. I DID HIT SOMEBODY IN THERE IN SELF DEFENCE 'COS I WAS ON THE FLOOR BUT I DEFINITELY DIDN'T HIT THE BOUNCER.'

I then transported [REDACTED] to Lyndhurst Police Station where he was accepted in custody.

I had no further dealings with him.

Signed

[Redacted signature area]

PC JAN GRIFFITHS

Signature witnessed by :

.....



# WITNESS STATEMENT

CJ Act 1967, s 9, MC Act 1980, ss 5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: | | |

Statement of: PC Simon SPENCER

Age if under 18: 018 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 2 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.

Signature:

Date:

05/11/10

PC Simon SPENCER

Tick if witness evidence is visually recorded  (supply witness details on rear)

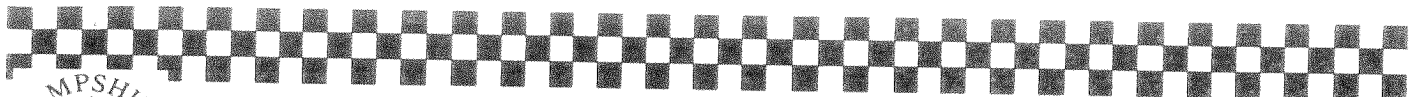
I am Police Constable 25070 Simon SPENCER currently stationed at Southampton Central Police in Hampshire Constabulary. This statement is in relation to an incident which occurred on the 3<sup>rd</sup> October 2010.

The incident took place outside the Whitehouse Nightclub on ABOVE BAR STREET in SOUTHAMPTON. The Whitehouse is situated at the northern end of ABOVE BAR STREET and there are business premises either side of it with a park opposite.

At around 0230hrs I was in full uniform and on mobile patrol in a marked police vehicle when I heard over my radio a police officer requesting assistance at the Whitehouse. I drove to the Whitehouse and arrived not long after the call, I could see that I was the first mobile unit to arrive on scene, as I got out of my vehicle I could see a big crowd outside the club there appeared to be some pushing and shoving going on and the whole scene was chaotic and appeared volatile. On getting to the doorway of Whitehouse I saw a police officer restraining a male on the floor with the assistance of one of the door staff, I gave assistance as they were struggling with the male, I then saw one of the door staff walk down the steps he was wearing a fluorescent jacket which had a significant amount of blood on it and he appeared dazed, before doing anything else I assisted the officer on the floor and held the legs of the male the officer was restraining whilst the Officer got control of the male, this struggle took place at the doorway to the club and throughout people were pouring out of the club and then congregating around us, which I was very concerned with given the volatile atmosphere, I could hear a lot of shouting going on, as soon as the male was properly restrained I stood and started to disperse the crowd around us to give a clear area for us to move and so

Signature

Signature witnessed by: .....



# WITNESS STATEMENT

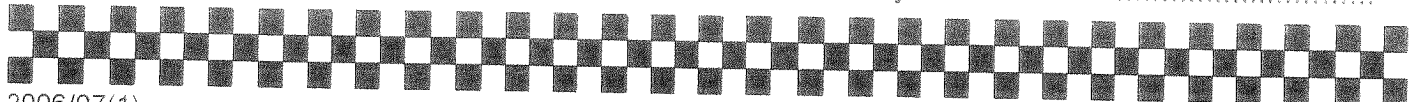
CJ Act 1967, s.9; MC Act 1980, ss 5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

that no further altercations would take place, there were several large males near the doorway who were shouting and pointing towards the club doorway and appeared agitated, I focused on moving these males away as I was not happy with there behaviour, I said to them several times "MOVE AWAY", but they would not I finally got the males to move away when suddenly they pointed behind me and said "THAT'S HIM, HE'S THE ONE", I quickly looked behind me and saw behind a low metal barrier a white male bleeding badly from his hand, I turned back to see the large male's coming towards me, due to there size, there agitated state and that they appeared angry I feared that they were going after the male behind me that was injured so I withdrew my asp and extended it, I then placed the asp to my shoulder and clearly shouted "GET BACK, MOVE BACK NOW", my stance had the desired effect on the males and they moved back I believed that if I had not of taken this action there would have been disorder and another assault would of taken place. A few seconds later more police units started to arrive and I put my asp away as I felt enough officers were on scene to control the large crowd outside of the Whitehouse Club.

I have taken part in many night duties covering the clubs and pubs in Southampton City Centre but this is the first time that I have been worried for my own safety given the large crowd that was building up around the front door of the Whitehouse Club and the volatile atmosphere, I also could not believe that staff at the Whitehouse were allowing people to leave whilst we were to control an incident at the front door.

Signatur

Signature witnessed by: .....





[Awaiting signed copy]

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: | | |

Statement of: PC DEREK JOHN DARLING

Age if under 18: 0 18 (if over 18 insert 'over 18')

Occupation: Police service

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.

Signature:

Date: 09/11/2010

-----  
PC DEREK JOHN DARLING

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Police Constable 1353 Derek John DARLING of the Hampshire Constabulary.

I am currently employed as a Police Dog Handler with the Hampshire Police Dog Support Unit based at Southern Support Headquarters Hamble Southampton.

At approximately 0250hrs on Sunday 3<sup>rd</sup> October 2010 I was on uniformed mobile patrol with Police Dogs 'Blitz' and 'Charlie' in Southampton City Centre when I responded to an assistance call via Police radio for all available units to go to the 'White House' public house 194 Above Bar Street.

I was not far away and arrived about 2 minutes after the call.

On my arrival I saw a large male wearing a dark shirt with short hair on the ground outside the public house on the road opposite the main entrance door to the pub.

This male was being dealt with by local officers. (Male 1)

I then saw a male stood with PC 20397 WESTERN directly outside the pub inside the condoned off smoking area. (Male 2)

This male appeared calm and his arms were restrained behind him.

He was a white male approximately 6ft, light short hair wearing a light shirt which I noticed was heavily blood stained

Signed :

Signature witnessed by :

-----  
PC DEREK JOHN DARLING



# HAMPSHIRE CONSTABULARY

**RESTRICTED (when complete)**

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: **PC DEREK JOHN DARLING**.....

I approached PC WESTERN to ascertain what had occurred and noticed this male was losing a lot of blood from his hand. The blood was bright red in colour.

This male appeared subdued and was compliant.

There were a lot of people spilling out onto the street and with my back against the wall I had time to assess the situation in relative safety.

I would estimate there were probably 30 – 40 people spilled out onto the street aged between 18 – 30 yrs most were in drink.

There was a lot of shouting and raised voices all round.

I saw the police officers with male number 1 were being hindered by persons trying to get involved and this was having a detrimental effect on the detained male who was becoming more and more aggressive.

I went towards the officers and assisted by moving people away, some having to be physically pushed with an open palm after not responding to verbal requests.

The detained male was of large build and was difficult for the officers to restrain on the ground whilst they awaited the arrival of a police van.

I considered the use of Police Dog Blitz who was in the police van close by to help maintain a sterile area for the officers to deal with this male.

Further units then arrived which negated the use of the dog.

The male was lifted onto his feet to walk towards the van and I assumed control of his head using approved home office method of control and restraint, with other officers taking control of his limbs.

The male became extremely aggressive trying to kick out at officers to his sides and he was placed onto the ground whilst officers applied fast wraps to his legs to secure the detained person and prevent any injuries to escorting officers.

Signed :

Signature witnessed by :

.....  
PC DEREK JOHN DARLING





# HAMPSHIRE CONSTABULARY

**RESTRICTED (when complete)**

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Continuation of Statement of: **PC DEREK JOHN DARLING**.....

I clearly heard an officer explaining what was happening to the male who only reacted by extreme bouts of aggression trying to break free from his restraints.

I continued to escort the male to the rear of the police van which was parked close by and he was placed into the rear cell compartment and I had no further dealings with this male.

Once the vans had left the scene I returned to the front of the pubic house and saw sporadic outbursts between groups of males whom I had to escort out of the area for fear of further violent outbursts at a time when local officers were still trying to ascertain what had actually happened prior to police arrival.

This was done via verbal communication and in some cases physically pushing them away from the area.

I work in Southampton City Centre during my tour of duty and regularly support the local police with night time economy incidents but this night there appeared to be more people in drink than on similar nights.

I was also aware that Southampton football club had a good win over local rivals Bournemouth earlier on in the day and believe that may have been a factor as to why so many people were out that night in a drunken state.

Brief notes of this incident were made in my pocket notebook before resuming patrol and a copy was left at Southampton Central Police station before I went off duty at 0830hrs the same day.

Signed : \_\_\_\_\_ Signature witnessed by : \_\_\_\_\_  
PC DEREK JOHN DARLING

This page is intentionally left blank