

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 6th October, 2011
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 Cunio
Councillor Drake
Councillor Parnell

Contacts

Democratic Support Officer
Sharon Pearson
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Head of Legal and Democratic Services
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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 Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support to the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

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 2011/12

| | |
|---------------------|--------------------|
| 2011 | 3 NOVEMBER |
| 19 MAY | 17 NOVEMBER |
| 2 JUNE | 1 DECEMBER |
| 16 JUNE | 15 DECEMBER |
| 30 JUNE | 2012 |
| 14 JULY | 5 JANUARY |
| 28 JULY | 12 JANUARY |
| 11 AUGUST | 9 FEBRUARY |
| 25 AUGUST | 23 FEBRUARY |
| 8 SEPTEMBER | 8 MARCH |
| 22 SEPTEMBER | 22 MARCH |
| 6 OCTOBER | 5 APRIL |
| 20 OCTOBER | 19 APRIL |

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 meeting held on 22nd September 2011 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 A PREMISES LICENCE - RAJ OF SHIRLEY, 19 ROMSEY ROAD, SOUTHAMPTON, SO16 4BY

Report of the Head of Legal and Democratic Services, detailing an application for a premises licence in respect of Raj of Shirley, 19 Romsey Road, Southampton, SO16 4BY, attached.

**8 APPLICATION FOR A REVIEW OF A PREMISES LICENCE - 90 DEGREES AT
CARLTON, 24 CARLTON PLACE, SO15 2DY**

Report of the Head of Legal and Democratic Services, detailing an application by Hampshire Constabulary for a review of a premises licence in respect of 90 Degrees at Carlton, 24 Carlton Place, Southampton, SO15 2DY, attached.

Wednesday, 28 September 2011

HEAD OF LEGAL AND DEMOCRATIC
SERVICES

LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 22 September 2011

Present: Councillors Drake, Osmond (Item 37 only), Parnell (Items 38 and 39) and Thomas

Apologies: Councillor Carol Cunio

33. **ELECTION OF CHAIR**

RESOLVED that Councillor Drake be appointed Chair for Item 37– Application to vary a Premises Licence – Treats, 37 London Road, SO15 2AD.

COUNCILLOR DRAKE IN THE CHAIR

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

The Panel noted that Councillors Thomas and Osmond (Item 7 only) were in attendance as nominated substitutes for Councillors Cunio and Parnell respectively, in accordance with Council Procedure Rule 4.3.

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

RESOLVED that the minutes of the meetings held on the 25th August and 8th September 2011 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

36. **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 predetermined point whilst the Sub-Committee reach its decisions.

37. **APPLICATION TO VARY A PREMISES LICENCE - TREATS, 37 LONDON ROAD, SO15 2AD**

The Sub-Committee considered the application to vary a premises licence in respect of Treats, 37 London Road, Southampton, SO15 2AD. (Copy of report circulated with agenda and appended to signed minutes).

Mr Mitchell (Agent for Treats), Mr Patel, Owner, PC Harris, PC Lindley and Miss Bayliss (Intelligence Analyst), Hampshire Constabulary, were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED

- (i) that the agreed conditions relating to CCTV, Incident Book, Refusals Book, Challenge 25, Training and Authorisation of supply of alcohol in the absence of the DPS be attached to the licence;
- (ii) that the terminal hour for the sale of alcohol be 23h00; and
- (iii) that the application regarding the provision of late night refreshment from 23h00-03h00 be refused.

REASONS

The Sub-Committee considered carefully the application to vary the premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of licensing policy and representations made, both written and given orally by both parties.

The Sub-Committee noted that the premises licence holder and Hampshire Constabulary had reached agreement on relevant conditions and that agreement had been reached with regard to the terminal hour for the sale of alcohol.

Legal advice was accepted in relation to the Cumulative Impact Policy. It was noted that the premises was located within the boundary of a previously identified saturation area, however the policy would not apply given the particular circumstances in this case ie that the premises was an off-licence.

The Sub-Committee accepted that the applicant was of good standing and had no previous incidents in operating his business. However, the Sub-Committee had grave concerns regarding the location of the premises and in particular, the issue of crime and disorder.

The police evidence clearly showed that the issue of violent offending was prevalent in that locality at the times the premises intended to trade. In this respect the Sub-Committee took into consideration cumulative impact issues.

The Sub-Committee considered carefully the effect that the proposed licensable activities would have on those already in the area and concluded that despite the applicant's assertion that the premises would not be selling alcohol after 23h00, the continued provision of late night refreshment would add to the problems of the area. The Sub-Committee were also not satisfied, on the evidence provided, that the applicant had sufficient experience in trading after 23h00 when the police statistics clearly showed the crime and disorder issues increased significantly.

COUNCILLOR PARNELL IN THE CHAIR

38. APPLICATION FOR A REVIEW OF A PREMISES LICENCE - KAOS, 94-96 ST MARY'S ROAD, SO14 OAH

The Sub-Committee considered the application by Hampshire Constabulary for a review of a premises licence in respect of Kaos, 94-96 St Mary's Road, Southampton, SO14 OAH. (Copy of report circulated with agenda and appended to signed minutes).

Mr White, Owner, PC Harris and PC Lindley, Hampshire Constabulary, were present and with the consent of the Chair addressed the meeting.

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

RESOLVED that the agreed conditions as set out in the application be attached to the license with the following minor amendment "all conditions are agreed to the satisfaction of the police in writing".

REASONS

The Sub-Committee considered carefully the application for a review of the premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy and the evidence submitted by all parties, including the residents, both written and given orally today. Human rights legislation was also borne in mind whilst making the decision.

The Sub-Committee accepted the terms of agreement reached regarding the conditions and noted that the residents had neither sought closure nor suspension of the premises and therefore saw no reason, on the evidence, to go beyond that agreed.

RECOMMENDATIONS

- The Sub-Committee noted that the licensee was prepared to provide contact details to the Local Residents Association and it was recommended that there was regular contact between them;
- The licensee make contact with the University Authorities to facilitate regular dialogue with a view to reporting incidents of unacceptable behaviour; and
- The licensee make contact with other pubs and clubs in the area to engage in the above two recommendations and to consider the provision of door staff on the street.

39. APPLICATION FOR A PREMISES LICENCE - RR FOOD AND WINE, 300 SHIRLEY ROAD, SO15 3HL

The Sub-Committee considered the application for a premises licence in respect of RR Food and Wine, 300 Shirley Road, SO15 3HL. (Copy of report circulated with agenda and appended to signed minutes).

Mr Harvinder Singh Rathor and Mr Hardeb Singh Rathor, applicants, Mr Marshall, Trading Standards, PC Harris and PC Lindley, Hampshire Constabulary were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that the application for a premises licence be refused.

REASONS

The Sub-Committee considered carefully the application for a premises licence and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance the adopted statement of Licensing Policy and representations made, both written and given orally by all parties. Human rights legislation was borne in mind whilst making the decision.

The Sub-Committee noted that a number of offences were alleged at the premises that the applicants were involved with, some of which were accepted and none of which were denied. It was further noted that the latest two incidents had occurred relatively recently and after the application had been submitted.

The Sub-Committee was not satisfied that the applicants would be capable of running the premises in accordance with the Licensing Objectives, in particular the protection of children from harm and public safety. This was based on the nature of the alleged offences which had already occurred.

The Sub-Committee considered whether its concerns could be addressed by the imposition of conditions, but felt that, on this occasion, they could not.

Agenda Item 7



Reference: 2011/02054/01SPRN

Hearing:

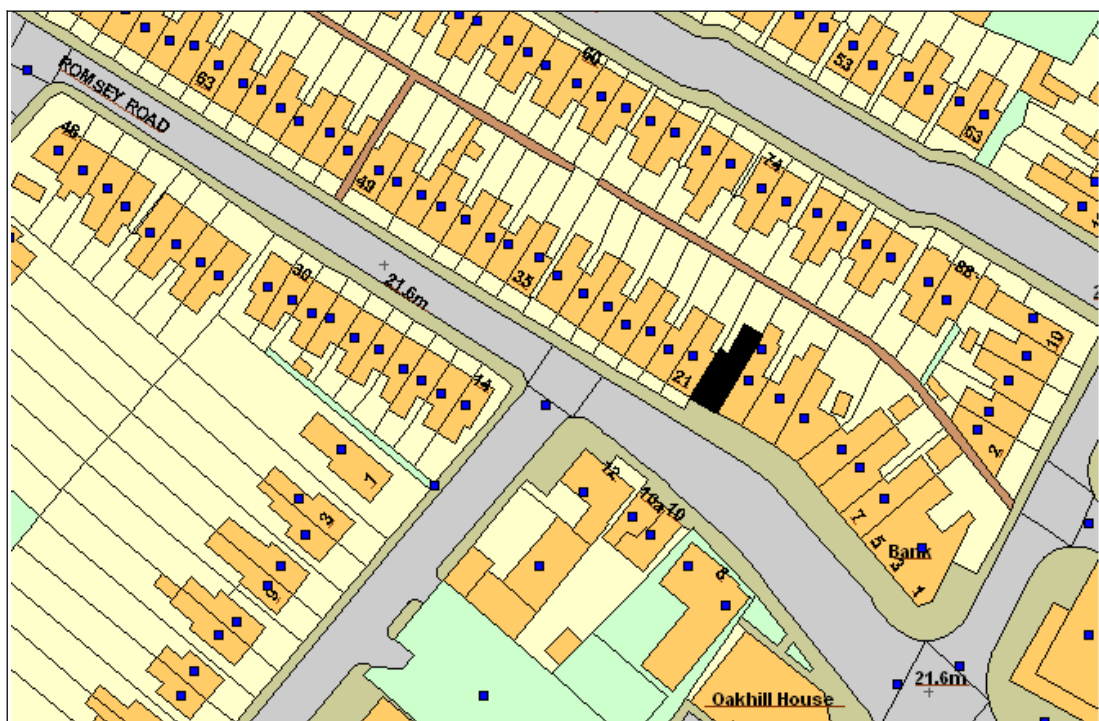
6th October 2011

Application for Premises Licence

Premises Name: Raj Of Shirley
Premises Address: 19 Romsey Road
Southampton
Hampshire
SO16 4BY

Application Date: 19th August 2011
Application Received Date: 19th August 2011

Application Valid Date: 19th August 2011



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Representation From Responsible Authorities

| Responsible Authority | Satisfactory? | Comments |
|---|----------------------|-----------------------------|
| Child Protection Services - Licensing | No response received | |
| Hampshire Fire And Rescue - Licensing | Yes | |
| Environmental Health - Licensing | No response received | |
| Planning & Sustainability - Building Control - Licensing | No response received | |
| Planning & Sustainability - Development Control - Licensing | No response received | |
| Police - Licensing | No | See attached representation |
| Trading Standards - Licensing | Yes | |

Other Representations

| Name | Address | Contributor Type |
|-------------|----------------|-------------------------|
| None | | |

Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the 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 committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regard to:-

5. *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.
6. *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 affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.



**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that
your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We Mr MONSURUR RAHMAN (RAJ OF SHIRLEY)
**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises
described in Part 1 below (the premises) and I/we are making this application to you as
the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.**

Online reference

Part 1 – Premises details

| | |
|--|-----------|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| 19 | |
| Romsey Road | |
| Hampshire | |
| Post town | Post code |
| Southampton | SO16 4BY |

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other

Surname

RAHMAN (RAJ OF SHIRLEY)

First names

MONSURUR

Please tick yes

I am 18 years old or over



Current address if different from premises address

19
ROMSEY ROAD
SHIRLEY

Post Town

SOUTHAMPTON

Postcode

SO16 4BY

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Mr Mrs Miss Ms Other

Surname First names

Please tick yes

I am 18 years old or over

Current address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

| |
|---|
| Name |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example partnership, company, unincorporated association etc) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

20/08/2011

If you wish the licence to be valid only for a limited period, when do you want it to end?

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

0

Please give a general description of the premises (please read guidance note1)

INDIAN TAKE AWAY SELLING HOT FOOD ONLY

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓ yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

| Plays Standard days and timings (please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | Indoors | | |
|--|-------|--------|---|--|--|--|
| Day | Start | Finish | | Outdoors | | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | | |
| Tue | | | | | | |
| Wed | | | | State any seasonal variations for performing plays (please read guidance note 4) | | |
| Thur | | | | | | |
| Fri | | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | | |
| Sun | | | | | | |
| | | | | | | |

B

| Films Standard days and timings (please read guidance note 6) | | | Will the exhibition of films take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | Indoors | |
|--|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 6) | | | Please give further details (please read guidance note 3) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | |
| | | | |
| Tue | | | State any seasonal variations for indoor sporting events (please read guidance note 4) |
| Wed | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
| Fri | | | |
| Sat | | | |
| Sun | | | |
| | | | |

D

| Boxing or wrestling entertainments Standard days and timings (please read guidance note 6) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2). | Indoors | |
|---|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | | | |

E

| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | Indoors | |
|---|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 6) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | Indoors | |
|---|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for playing recorded music (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 6) | | | Will the performance of dance take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | Indoors | | |
|---|-------|--------|--|--|--|--|
| Day | Start | Finish | | Outdoors | | |
| Mon | | | Please give further details here (please read guidance note 3) | Both | | |
| Tue | | | | | | |
| Wed | | | | State any seasonal variations for the performance of dance (please read guidance note 4) | | |
| Thur | | | | | | |
| Fri | | | | Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | | |
| Sun | | | | | | |

H

| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | | |
|---|-------|--------|--|--|---------|--|
| Day | Start | Finish | Will this entertainment take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | Indoor | | |
| Mon | | | | Please give further details here (please read guidance note 3) | Outdoor | |
| Tue | | | Both | | | |
| Wed | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | | | |
| Thur | | | | | | |
| Fri | | | | | | |

| | | | |
|-----|--|--|---|
| Sat | | | Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) |
| | | | |
| Sun | | | |
| | | | |

| Provision of facilities for making music Standard days and timings (please read guidance note 6) | | | Please give a description of the facilities for making music you will be providing | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-------|--------|--|-------|--------|-----|--|--|-----|--|--|-----|--|--|------|--|--|-----|--|--|-----|--|--|-----|--|--|---|--|
| <table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr><td>Mon</td><td></td><td></td></tr> <tr><td>Tue</td><td></td><td></td></tr> <tr><td>Wed</td><td></td><td></td></tr> <tr><td>Thur</td><td></td><td></td></tr> <tr><td>Fri</td><td></td><td></td></tr> <tr><td>Sat</td><td></td><td></td></tr> <tr><td>Sun</td><td></td><td></td></tr> </tbody> </table> | | | Day | Start | Finish | Mon | | | Tue | | | Wed | | | Thur | | | Fri | | | Sat | | | Sun | | | Will the facilities for making music be indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | |
| Day | Start | Finish | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mon | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Tue | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wed | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Thur | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Sat | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sun | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Indoors | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Outdoors | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Both | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Please give further details here (please read guidance note 3) | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | State any seasonal variations for the provision of facilities for making music (please read guidance note 4) | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | | | | | | | | | | | | | | | | | | | | | | | | |

| Provision of facilities for dancing Standard days and timings (please read guidance note 6) | | | Will the facilities for dancing be indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (see guidance note 2) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-------|--------|--|-------|--------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|---------|--|
| <table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> </tbody> </table> | | | Day | Start | Finish | | | | | | | | | | | | | | | | | | | | | | | | | Indoors | |
| Day | Start | Finish | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Outdoors | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Both | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Please give a description of the facilities for dancing you will be providing | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | |
|------|--|--|--|
| Mon | | | Please give further details here (please read guidance note 3) |
| Tue | | | |
| Wed | | | State any seasonal variations for providing dancing facilities (please read guidance note 4) |
| Thur | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) |
| Sat | | | |
| Sun | | | |

K

| | | | | |
|--|-------|--------|---|---------|
| Provision of facilities for entertainment of a similar description to that falling within J or K Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment facility you will be providing | |
| Day | Start | Finish | Will the entertainment facility be indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2) | Indoor |
| Mon | | | | Outdoor |
| | | | | Both |
| Tue | | | Please give further details here (please read guidance note 3) | |
| Wed | | | | |
| Thur | | | State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4) | |
| Fri | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within j or k at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| Sun | | | | |

L

| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2). | Indoors | <input checked="" type="checkbox"/> | | |
|---|-------|--------|---|--|--|--------------------------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> | | |
| Mon | 17:00 | 0:00 | Please give further details here (please read guidance note 3) AT PRESENT WE ARE OPEN FROM 5PM TO 11PM. I AM APPLYING FOR PERMISSION TO EXTEND THESE HOURS BY A FURTHER 1 1/2 HOURS ON WEEKDAYS AND 2 1/2 HOURS ON WEEKENDS. WE SELL HOT FOOD ONLY WHICH IS TO BE TAKEN AWAY AND CONSUMED OFF THE PREMISES. NO ALCOHOL IS SERVED OR KEPT ON PREMISES. | Both | <input type="checkbox"/> | | |
| | 0:00 | 0:30 | | | | | |
| Tue | 17:00 | 0:00 | | | | | |
| | 0:00 | 0:30 | | | | | |
| Wed | 17:00 | 0:00 | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | Both | <input type="checkbox"/> | |
| | 0:00 | 0:30 | | | | | |
| Thur | 17:00 | 0:00 | | | | | |
| | 0:00 | 0:30 | | | | | |
| Fri | 17:00 | 0:00 | | | Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list (please read guidance note 5) | Both | <input type="checkbox"/> |
| | 0:00 | 1:30 | | | | | |
| Sat | 17:00 | 0:00 | | | | | |
| | 0:00 | 1:30 | | | | | |
| Sun | 17:00 | 0:00 | | | | | |
| | 0:00 | 0:30 | | | | | |

M

| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the sale of alcohol be for consumption (Please tick box ✓) (please read guidance note 7) | On the premises | <input type="checkbox"/> | |
|--|-------|--------|---|---|--------------------------|--------------------------|
| Day | Start | Finish | | Off the premises | <input type="checkbox"/> | |
| Mon | | | State any seasonal variations for the supply of alcohol (please read guidance note 4) | Both | <input type="checkbox"/> | |
| Tue | | | | | | |
| Wed | | | | | | |
| | | | | | | |
| Thur | | | | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) | Both | <input type="checkbox"/> |
| | Fri | | | | | |
| Sat | | | | | | |
| | | | | | | |

| | | | |
|-----|--|--|--|
| Sun | | | |
| | | | |

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name.....

Address.....

Postcode.....

Personal Licence number(if known)

Issuing licensing authority Southampton City Council

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NO SUCH ACTIVITIES OR MATTERS TO CAUSE CONCERN IN RESPECT OF CHILDREN

O

| | | | |
|--|-------|--------|---|
| Hours premises are open to the public Standard timings (please read guidance note 6) | | | State any seasonal variation (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | 17:00 | 0:00 | |
| | 0:00 | 0:30 | |
| Tue | 17:00 | 0:00 | |
| | 0:00 | 0:30 | |
| Wed | 17:00 | 0:00 | |
| | 0:00 | 0:30 | |
| Thur | 17:00 | 0:00 | |
| | 0:00 | 0:30 | |
| Fri | 17:00 | 0:00 | |
| | 0:00 | 1:30 | |
| Sat | 17:00 | 0:00 | |
| | 0:00 | 1:30 | |
| Sun | 17:00 | 0:00 | |
| | 0:00 | 1:30 | |
| | | | Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5) |

P

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

THE NATURE OF THE BUSINESS DOES NOT PROVOKE PROBLEMS IN ANY OF THESE AREAS. WE ARE ALREADY ABIDING RELEVANT HEALTH AND SAFETY REGULATIONS.

b) The prevention of crime and disorder

c) Public safety

NOTHING BEYOND EXISTING HEALTH AND SAFETY, FIRE SAFETY REQUIREMENTS,

d) The prevention of public nuisance

NO MUSIC, ENTERTAINMENT OR ACTIVITIES INVOLVED TO CAUSE ANY SORT OF NUISANCE TO THE PUBLIC.

e) The protection of children from harm

Please tick ✓ yes

- I will make the payment of the fee £ 190.00
- I have enclosed the plan of the premises
- I have you sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 11) **If signing on behalf of the applicant please state in what capacity.**

Signature Mr MONSURUR RAHMAN

Date..... 19/08/2011

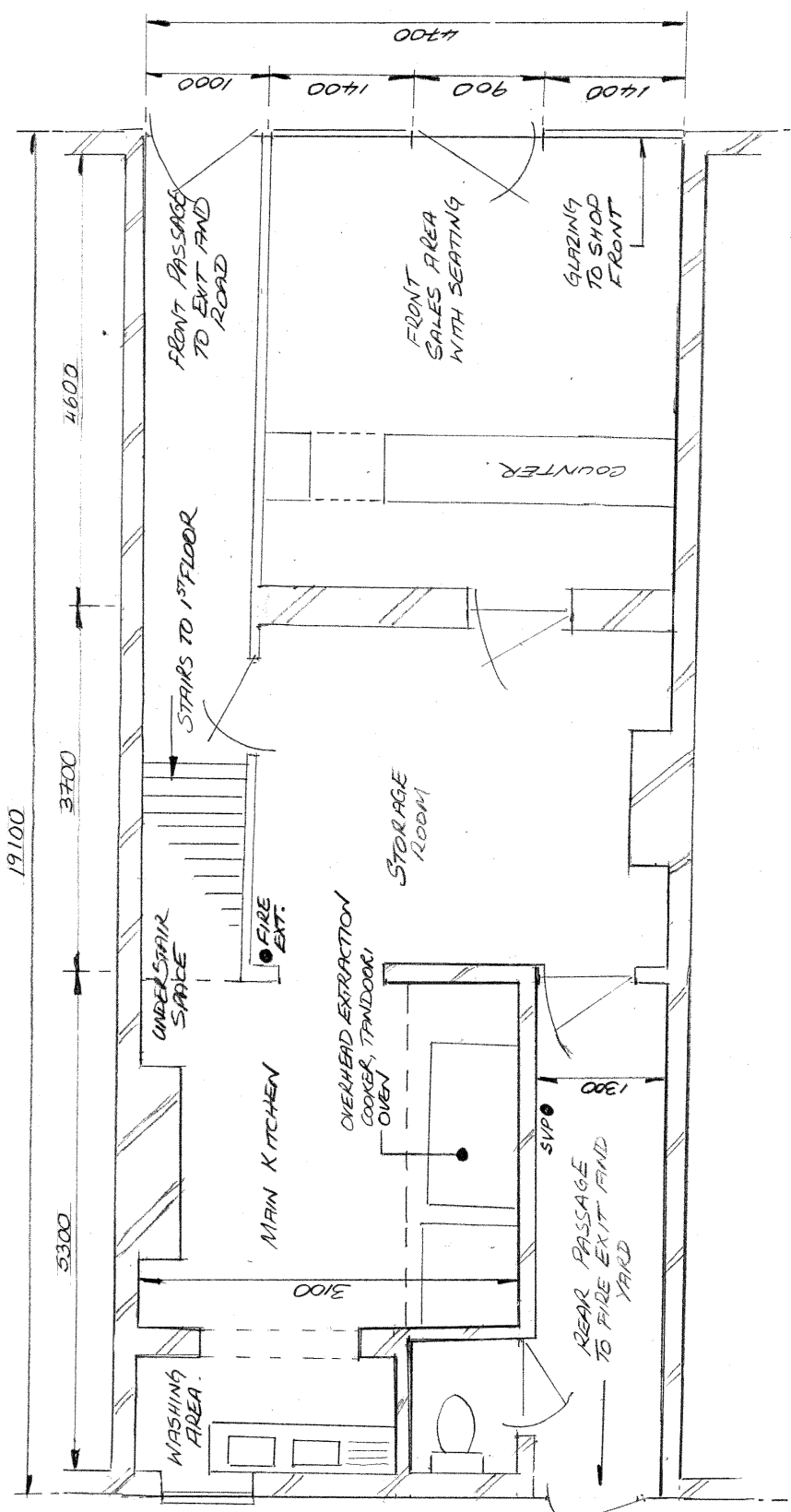
Capacity

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12) **If signing on behalf of the applicant please state in what capacity.**

Signature

Date.....

| | |
|---|-----------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) | |
| | |
| Post town | Post code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | |



SCALE 1:50

0788 912 65 08

PLAN OF RAT OF SHIRLEY
 19 ROMSEY ROAD
 SHIRLEY
 SOUTHAMPTON
 SO16 4BY
 TELE: 02380 511505

RECEIVED
 22 AUG 2011
 SOUTHAMPTON CITY COUNCIL
 Legal Services



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Before completing this form please read the guidance notes on page 3.
Once completed please send your representation form to your local Licensing Authority.
You must keep a copy of the completed form for police records.

**Hampshire Constabulary wish to make a representation(s) regarding the grant or variation of a Premises Licence or Club Premises Certificate issued under the Licensing Act 2003.
These representations must be made within 28 days**

| | | | |
|---|-------------|------------------|----------|
| Postal address of premises or club premises: | | | |
| The Raj of Shirley, 19 Romsey Road, Hampshire | | | |
| Post town: | Southampton | Postcode: | SO16 4BY |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| Raj of Shirley |

Police Details

Hampshire Constabulary is a responsible authority.

| |
|---|
| Name and address: |
| Police Sergeant 3555 Marshman Southampton Police Violent Crime & Licensing Unit Haverlock Road, Southampton. SO14 7LG |

This application to object relates to the following licensing objective(s)

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

Please select one or more boxes



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

State the ground(s) for representation *(please read guidance notes 1 & 2)*

On behalf of the Chief Officer of Police, I am writing to lodge a representation to the above application on the following grounds:

- 1) The prevention of crime and disorder.

The Police have concerns over the application, these concerns are outlined below:

The applicant has not provided any steps they intend to take to promote the licensing objectives on page 14 of their application. They have simply put that "the business does not provoke problems in any of the areas".

However, since 2005 there have been twelve reported crimes. Six of these crimes have been reported in the last fourteen months which is a substantial increase. The most recent report was on the 10/6/11 when a female was arrested for being drunk in charge of two young children whilst in the premises, which resulted in a Police officer being assaulted. There was a theft of a wallet in the premises and the remaining four offences were criminal damage to the shops window.

There have been calls to the premises in connection with drunken groups fighting inside the shop and even an allegation that staff had locked a customer in the rear of the shop over a dispute over payment.

All of these issues have not been considered by the applicant and clearly highlight a need for certain conditions to be added to the licence to ensure the licensing objectives are promoted.

On 20/08/10 Southampton City Council licensing team witnessed the premises open at 2358 hrs. Thus open without a premises licence. They sent a warning letter to the owners of the shop advising them that this was an offence. However, on the 1/10/10(less than two months later) the premises were found to open at 2320 hrs .As a result of this offence Mr and Mrs Rahman were spoken with by the councils licensing enforcement team and issued with a written warning.

Although there have not been any further incidents regarding operating without a licence this is an area of concern.

Hampshire constabulary have tried to contact the applicant via e mail and by leaving messages on the applicants answer machine in order to ask that conditions are included on the application to support



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

the licensing objectives. Unfortunately, they have not responded. On the 15/9/11 PC Harris attended the premises and spoke to Mr & Mrs Rahman leaving a copy of the e-mail I had sent and explaining the conditions. He expressed the importance for them to contact me and once more they have failed to do so.

Therefore, Hampshire Constabulary submit our objection to this application for a Premises Licence.

State any conditions that the Police seek to negate the need for a hearing

CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

The CCTV system must be operating at all times whilst the premises are open for licensable activity.

All equipment shall have a constant and accurate time and date generation.

There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies on request of the Police or local authority. Any images recovered must be in a viewable format on either disc or VHS.

The recording system will be able to capture a minimum of 4 frames per second.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

CCTV warning signs to be fitted in public places.

Recordings to be kept for a minimum of 28 days.

The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 02380 674768 immediately.



HAMPSHIRE CONSTABULARY

**NEW GRANT OR VARIATION OF PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE
FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY**

Incident book

An incident book will be provided and maintained at the premises and there will be a daily debrief of door staff (where used) at the close of business which will be evidenced in writing by the Manager on duty. Should there be no incidents then this will also be recorded at the end of the shift in the incident book.

The incident book will remain on the premises at all times and will be available to police upon request.

The book shall detail in brief, incident of injury/ejection/refusals/drug misuse/ i.d seizure/age challenge. Where there is an injury, ejection of physical altercation the entry shall be timed, dated and signed by the author. If the member of staff involved has difficulties reading or writing then the entry may be written by another party. This should however be read back to the person involved and counter signed. Should there be any physical interaction by members of staff and public the entry will include what physical action occurred between each party.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS REPRESENTATION

Part 3 – Signatures (please read guidance note 3)

Recommendation of Police Officer

Object

Signature of Police Officer Completing

Signature: PS3555 MARSHMAN
Date: 16/09/2011

Recommendation of Police Sergeant



HAMPSHIRE CONSTABULARY

NEW GRANT OR VARIATION OF PREMISES LICENCE OR CLUB PREMISES CERTIFICATE FORM FOR REPRESENTATIONS FROM HAMPSHIRE CONSTABULARY

Object

Signature of Police Sergeant

Signature:

PS3555 MARSHMAN

Date:

16/09/2011

Decision of Police Licensing Inspector

Object

Signature of Police Licensing Inspector

Signature:

A/INSR 3288

Date:

16/09/2011

NOTES FOR GUIDANCE

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for representation if available.
3. The representation form must be signed.

Agenda Item 8



Reference: 2011/01804/01SRAP

Hearing:

6th October 2011

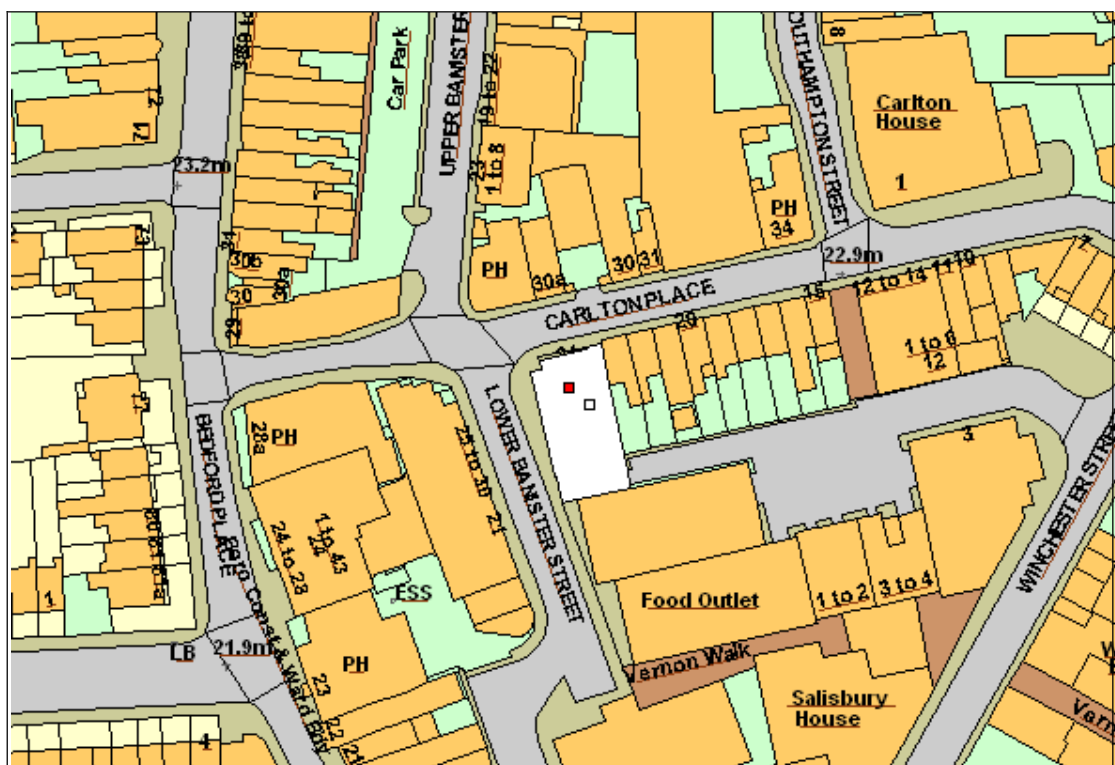
Application for Review of Premises Licence

Premises Name: 90 Degrees At Carltons
 Premises Address: 24 Carlton Place
 Southampton
 SO15 2DY

Application Date: 14th July 2011
 Application Received Date: 19th July 2011

Application Valid Date: 19th July 2011

Adjourned from 8th September 2011



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Representation From Responsible Authorities

| Responsible Authority | Satisfactory? | Comments |
|---------------------------------------|---------------|----------|
| Child Protection Services - Licensing | Yes | |
| Hampshire Fire And Rescue - Licensing | Yes | |

| | | |
|---|----------------------|--|
| Environmental Health - Licensing | No response received | |
| Planning & Sustainability - Building Control - Licensing | No response received | |
| Planning & Sustainability - Development Control - Licensing | No response received | |
| Hampshire Constabulary - Licensing | No | |
| Trading Standards - Licensing | Yes | |

Other Representations

| Name | Address | Contributor Type |
|-------------|----------------|-------------------------|
| 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 affects 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 Jonathan Harris PC 24288, 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

Postal address of premises: Ninety Degrees, 24 Carlton Place, Southampton
Postcode (if known): SO15 2DY

Name of premises licence holder or club holding club premises certificate (if known): Carltons (Bar and Restaurant) Ltd, Stag Gates House, 63/64 The Avenue, Southampton, SO17 1XS

Number of premises licence or club premises certificate (if known)

Details of responsible authority applicant

Mr Mrs Miss Ms Other title / Rank: Police Constable
Surname: Harris First Names: Jonathan
Current postal address: Southampton Central Police Station, Southern Road, Southampton
Postcode: SO15 1AN
Daytime telephone number: 023-80674768
E-mail address: (optional)

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



**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 a series of failures in the management, of which impact on all of the licensing objectives as highlighted above.

On the basis of the evidence outlined below, Hampshire Constabulary would wish to achieve the following:

- 1) The current CCTV condition amended to include the following:

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas.

The CCTV system must be operating at all times whilst the premises are open for licensable activity.

All equipment shall have a constant and accurate time and date generation.

There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies on request of the Police or local authority. Any images recovered must be in a viewable format on either disc or VHS.

The recording system will be able to capture a minimum of 4 frames per second.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained.

CCTV warning signs to be fitted in public places.

Recordings to be kept for a minimum of 28 days.



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The DPS or premises manager must be able to demonstrate that the CCTV system has measured to prevent recordings being tampered with, i.e. password protected.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number 02380 674768 immediately.

2) Incident book

An incident book shall be kept and maintained on the premises at all times. The book shall detail in brief, incident of injury/ejection/refusals/drug misuse/seizure/age challenge. Such matters shall be timed, dated and signed by the author and produced to Police/Authorised Licensing Officers on demand. This will be signed by the senior manager of that evening. If there are no incidents then this will also be recorded.

3) Training

All bar staff engaged in the sale of alcohol to be trained in Responsible alcohol retailing to the minimum standard of BIIAB level 1 within 1 month of commencing employment at the premises. Training records shall be kept on the premises and produced to the police and authorised Local authority Licensing Officers on demand.

- Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; signs and symptoms of drunk persons, refusal of sale due to intoxication and that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records are signed and dated by the member of staff are kept of this refresher training. Records will be available for inspection by Hampshire Constabulary and the licensing Authority.

4) Dispersal Policy

A dispersal procedure will be adopted during the last trading hour to ensure minimal disturbance to neighbours and to tackle the problem of anti-social behaviour and crime. This will include:

- During the last trading hour the service points at the bar will be reduced and certain staff reallocated to collect glasses
- Slower tempo/calm music tracks to be played for the last 10 minutes and lights switched on.
- DJ announcements will be used to encourage gradual dispersal and to remind customers to leave quietly.
- Door supervisors will remove all bottles and glasses from any customer who attempts to leave the venue carrying one



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- All areas of the premises will be checked at the end of each evening to ensure all customers have left safely. This will be recorded on each night.
- Door staff will patrol the outside perimeter of the premises at the end of each evening to ensure the safe and quiet dispersal of customers.
- Any customers congregating or loitering outside after leaving the premises will be asked to depart quickly and quietly.

5) Toilet check policy

Toilet checks to be conducted every 30 minutes whilst the premise is open for licensable activities. Records will be maintained and held for a period of 6 months and shall be kept on the premises and produced to the police and authorised Local authority Licensing Officers on demand.

6) There will be a Challenge 25 policy operated at the premises. Challenge 25 meaning that the holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the licensing authority proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

7) Remove the venues current designated premise supervisor

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

On 23/01/2011, a female was found unconscious in a toilet cubicle by staff who then requested an ambulance. Police were alerted to the incident by the paramedic and upon arrival found the female connected to a defibrillator and breathing mask. It was unclear for a period of time the cause of her incapacitation and she was taken to Southampton General hospital Intensive Care Unit. Resources immediately went into investigating this matter, but later a toxicology report showed that the female had alcohol in her blood, three times over the drink drive limit. It was negative for drugs. The DPS has said that this female was only in their venue for 48 minutes and only purchased champagne. However, when PC BURNS reviewed footage from inside, he stated that the female entered the premise at 23:54 and is not seen getting up to go to the toilet until 01:48. This meant that she had actually been in the venue for almost 2 hours. When the female gets up to go to the toilet, she is unsteady on her feet and falls onto her friends lap before getting up again. As she gets up she walks into the back of a male and then grabs a post of a cordon to support herself. Although CCTV does not support any allegation that the female was over intoxicated upon entry, her condition clearly deteriorated during the time she was inside.

In the same evening, another female was taken to Southampton general hospital by her friends. When police attended the following day, she was very drowsy and had trouble remembering what had happened. She said she felt dizzy when she moved, had pain in the



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left side of her head and had some numbness in her legs. A urine sample later confirmed that the female had not taken any drugs. Her friends said that they had been drinking in ninety degrees and that their friend had not been assaulted. She was ill simply due to the amount of alcohol she had consumed. Once again this shows bad practice by the venue with alcohol being served to persons when they have already consumed excessive amounts of alcohol.

The DPS as a result of these two incidents advised police that he had employed two extra members of female staff who will look out for drunk/incapable females. They were to be employed on Tuesdays, Fridays and Saturdays between 22:30 and 02:30 and to check the toilets every 5-10 minutes. PS 3555 MARSHMAN held a meeting with the DPS on 28/06/2011 and found that toilets checks were only being recorded in a book since 14/05/2011 and the interval between checks were 30 minutes. The difference in the frequency of the checks was highlighted to the DPS who said he had agreed to 15 minute checks. Checks to this frequency were not being carried out and the DPS advised he would resolve this.

The level of training received by bar staff would appear not at all sufficient. Police licensing have held various meetings with the DPS highlighting issues with drunks coming from the venue. When PS 3555 MARSHMAN attended the venue on 24/06/2011, the training records for staff were checked which included a booklet that is given to every new member of staff. This contained limited information on alcohol sales (approximately 5 lines). There were records of staff meetings held since 01/03/2009, but none of this showed police concerns being passed onto door staff or bar staff.

PC BOXALL had visited the venue back on 17/06/2010 and offered police assistance in training due diligence to bar staff, but this was not taken up by the DPS.

The management have failed to act and take the appropriate measures in rectifying the problems with training. This is clear due to the high level of drunks coming from the venue. Other than an incident that occurred on 12/01/2011 there have been 5 incidents of extremely drunk persons captured on body worn video in less than a month. These are as follows:

- 1) 12/01/2011 0014 - female sat in paramedic's vehicle extremely drunk and unable to remember where she had been or what she had drunk. Her friends say she had been in other venues but last been in ninety degrees.
- 2) 19/03/2011 0136 - female carried out of ninety degrees by door staff through main entrance. She is put on the opposite side of the road on the pavement by the taxi rank (not on camera, but confirmed by officers statement). PC ALDERSON who witnessed the incident and stood nearby then says that the doorman went back into the club without saying anything to him. He did not get the female or her friends a taxi. PC ALDERSON says the female was extremely drunk and so much so believed she was bordering unconsciousness. She was unable to support herself, but was fortunately assisted by her friends as they held her up.



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3) 22/03/2011 2340 - Drunk male had fallen and injured himself. He is seen being attended to by a paramedic and says he was drinking in ninety degrees.

4) 06/04/2011 0101 - PC PRIOR witnesses a male vomiting in the street. She engages in conversation with the male and his friends and he says he had been drinking in ninety degrees.

5) 09/04/2011 0237 - PC OLIVER and street pastors attend to a very drunk male. He is sat on the floor in the road by Salisbury Street car park and then begins to vomit. He is asked numerous times as to where he has come from and for quite a while he is unable to even speak. Eventually he does advise he has come from ninety degrees.

6) 13/04/2011 0055 - A male is seen vomiting on the pavement outside Sainsbury's on Bedford Place and is approached by the witnessing officer. The male advises he has had too much to drink and had spent the night in ninety degrees.

These incidents undermine the licensing objectives including public safety and public nuisance. It re-highlights issues with training as customers are clearly drinking in excess. Southampton needs responsible licensees supported by well trained staff that can intervene and prevent persons becoming so drunk they are vulnerable to offences being committed against them.

The high level of drunks at the venue can also be supported by two further incidents.

On 17/10/2010, police were called to ninety degrees as a male had been detained for fighting with others inside the venue. This male was abusive to door staff and would not comply with the police officers and was subsequently arrested drunk and disorderly.

On 28/11/2010, police witnessed door staff ejecting a male. They told police the male had been ejected once already for being too drunk, but he had climbed back in by the smoking area and got back into the premises. This raises concerns over the vigilance of the door staff as the area should be monitored as it is situated next to the front entrance. Taxi marshalls also commented to police that the male had been causing problems for them in the taxi queue. Police requested for the male to go home, which he refused and said he would wait on the corner. He then became argumentative and because of his behaviour was issued a Section 27 dispersal order.

There was an incident on 19/06/2010, where an underage 16 year old female broke her leg whilst at the venue. Police were on patrol nearby and were alerted by a member of the public who stated that door staff from ninety degrees was dealing with a drunk female. On arrival the female was located outside the door of the premises and was with her friend. She was trying to get her to stand up, but the drunken girl was verbally abusive towards her and was so much so that police had to step between them. It was then ascertained that the drunk female was only 16 years old. She says in her own statement that she had been with friends in a nearby park drinking vodka and red bull and then went into Ninety Degrees. She did not know what time it was, but alleges she was very drunk. She walked into the venue with her friend as they had a stamp on their hand, but no one checked for i.d.



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She remembered purchasing drinks in the venue and provided a receipt as proof of this, but could remember very little after that until she was sat on a chair outside the venue with a man shouting at her. She could not remember being in pain, but could remember being unable to walk. It transpired that she had a spiral fracture in her right femur and an operation had to be performed. She was told that she will require a further operation in 8 months time. CCTV showed the female dancing with another person spinning around before they slip and that person falls on top of her. This highlights issues with bar staff as she was able to purchase alcohol even though she was only 16 years old and the venue operates a challenge 21 policy.

On 03/01/2011 at around 0030 hours, Southampton CCTV control room observed door staff from ninety degrees detaining a male. He was then subsequently released and seen to get into a taxi. Other than via the CCTV control room, police were not advised of this incident by the door staff that were in possession of licensing link radios. This shows bad practice by door staff. For a minor incident, we would at least expect to see a yellow card being issued to the offender and if door staff have restrained someone, a record should have been made in their incident book. Police checked the incident book in relation to this matter and there was no incident recorded.

There was an incident on 29/05/2011 where a male was assaulted and had potentially received a broken jaw/GBH injury. The venue's incident book has been reviewed in relation to this and there are only three lines stating an assault occurred. For what was potentially a serious injury, much more detail should have been in the report. Both of these incidents show bad practice by the door staff and undermines the licensing objective of preventing crime and disorder.

On 01/01/2011, there was an incident where a doorman forced a male to the ground by grabbing hold of his head. A struggle then ensued on the ground by the main entrance. Police were stood nearby and became aware of what was happening and on speaking with the male he reported he had just been assaulted by the doorman. It was a busy New Years Eve and the attending officers viewed the CCTV back at the police station. They say that the CCTV showed the male in conversation with the doorman with his hands in his pocket prior to the doorman grabbing the aggrieved around the head and pulling him into the patio area and to the ground. The doorman made no initial complaint to police, it was only later he alleged he had been racially abused and spat at. A short and insufficient report was made in the incident book the day after and was written by another doorman. This incident shows further bad practice being conducted by door staff. The doorman has not been suspended and the DPS is still employing him, which undermines the licensing objectives.

A male was recently employed in the position of "meeter & greeter" as described by the DPS. CCTV from the venue showed this male standing on the door and checking visitors identification. On one occasion the DPS is even stood next to him whilst he is checking identification. This is a role which should only be conducted by a licensed SIA door supervisor and yet this doorman had his licence revoked by the SIA in 2007. When police first spoke to the DPS regarding the allegation, the DPS denied that the male had been carrying out door supervisor duties until police provided CCTV evidence. Although he is no longer employed this shows poor management of the venue in which the DPS has



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employed staff who are inappropriate for their role. Offences were also being committed by both DPS and staff under the private security industry act 2001 of either engaging in licensable conduct without a licence or employing unlicensed persons in licensable conduct.

There have been numerous failings by the management at the venue which undermines all of the licensing objectives. There are a high level of drunks coming out of the venue, which can be linked to the poor level of staff training and poor vigilance and practice by door staff. The current DPS is covering two venues in the city and clearly cannot manage both. Police have highlighted all the issues mentioned within this review, however, they have not been fully addressed by the DPS.

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

If yes please state the date of that application: 04 / 05 / 2010 Day Month Year

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

The last review was submitted in relation to a high number of assaults occurring at the venue where bottles or glass receptacles had been used by the offenders. Over a 16 month period there were 7 incidents. This was highlighted to the DPS, however, he declined to introduce a glass substitute and therefore, the venue was not supporting two of the four licensing objectives; including prevention of crime & disorder and public safety.

Please tick

[X] 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 P& HARRIS Collar Number: 24288 Signature: Date: 22/06/2011

Signature of Authorising Officer (Inspector or above)

Name P. BATES ARM Collar Number: 5012 Signature: Date: 7/7/11

Ninety Degrees Review – Document Index

| <u>Item</u> | <u>Description</u> |
|-------------|--|
| A – | RMS – PC BOXALL visit / due diligence |
| B - | RMS – PC BROOK visit – under 25 policy |
| C - | RMS- Re stolen entry stamp |
| D - | RMS- PC PRIOR re drunk male |
| E - | RMS – re incident 44110001017 assault by door staff |
| F – | RMS – Meeting with DPS – PS MARSHMAN / PC CHANNELL re door staff assault |
| G - | RMS – PC PRIOR re drunk female |
| H – | RMS – Meeting with DPS re assaults/drunks & unregistered door staff. PS MARSHMAN & PC CHANNELL |
| I – | Letter re previous meeting sent to Carltons |
| J - | Meeting with DPS / PC Channell re drunks |

- K - PS MARSHMAN meeting with manager re incident 44110222429
- L - PS MARSHMAN meeting with DPS regarding review
- M - 2 * CCTV images from ninety degrees re drunk female carried from venue by door staff
- N - Copy of incident book from Ninety Degrees re 29/05/11
- O - Copy of 4 separate dates from Ninety Degrees incident book
- P - Statement from PC ALDERSON
- Q - Statement from under age drinker injured at venue
- R - Receipt for Ninety Degrees 19/06/10
- S - Statement from PC MCROYALL
- T - SIA response regarding revoked licence of doorman
- U - Statement from friend of collapsed female

- V - Footage of unregistered door member checking identification
- W - Body worn video footage of drunk female sat in paramedics vehicle 12/01/11
- X - CCTV from ninety degrees of drunk female being carried out of venue by door staff 19/03/11
- Y - Body worn footage of drunk male injured and being attended to by paramedic 22/03/11
- Z - Body worn footage of drunk male 06/04/11
- A1 - Body worn footage of drunk 08/04/11
- B1 - Body worn video of drunk male who had been vomiting outside Sainsbury's in Bedford Place
- C1 - CCTV footage from Ninety Degrees, showing drunk female being removed from venue by door staff.
- D1 - CCTV from Ninety Degrees regarding collapsed female
- E1 - Snippet from working sheet of DS MCKAY regarding collapsed female 23/01/11
- F1 - letter addressed to venue offering Police assistance with training (Due diligence).

Working Sheet

Hampshire Constabulary

Printed: 29/06/2011 11:13 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

| | |
|-------------------------------|--------------------------------|
| Author: #22939 BOXALL, A. | Report time: 17/06/2010 23:16 |
| Entered by: #22939 BOXALL, A. | Entered time: 17/06/2010 23:16 |
| Remarks: Licensing Visit | |

Visit to 90 Degrees. On arrival the manager appeared very angry at the fact that we just walked in to the premises.

We needed to speak to them about some CCTV - A fight took place in the upstairs bar for which two people were ejected. There was nothing noted in their incident book.

The manager has informed me that he will speak to the doorman who was on duty and will contact me with further details of timing, what happened and will obtain any relevant CCTV.

The manager was offered bar staff training in relation to Due Diligence, however he declined this offer, saying that most of his barstaff are happy not to serve drunk people and that the more experienced bar staff train up the newer members of the bar.

It is concerning that there is nothing in the incident book with reference to the fight inside and the DPS will have to be spoken to.

I shall attempt to contact ^{DPS} [REDACTED] either over this weekend or next week when I'm back.

PC 22939 BOXALL

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 10:11 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author: #739 BROOK, S.

Report time: 26/06/2010 02:03

Entered by: #739 BROOK, S.

Entered time: 26/06/2010 02:03

Remarks: Licensing Visit

Visited at 0050hrs 26/06/2010.

Pleasantly surprised to see ^{HEAD DOORMAN} [REDACTED] of Reflex now as head doorman at the premises. He showed me around the venue.

No under age issues tonight.

Poly carbonate glasses being used from 2300hrs. As explained by ^{the head doorman.} [REDACTED]
^{The head doorman} [REDACTED] has now in place two incident books for the two entrances to the club. A.I.O and thorough. Also Securidor time sheets seen and kept by the door for staff to use.

He would like posters eg. 25 policy etc. to be displayed and has met with resistance from ^{DPS} [REDACTED] Licensing unit to tell ^{DPS} [REDACTED] these need to be put up.

Toilets A.I.O. male and female.

Signs up on walls at top of stairs saying no glasses to be taken downstairs. Doorsatff enforcing this while I was there.

739



Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 10:11 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author: #3555 MARSHMAN, I.

Report time: 28/06/2010 16:58

Entered by: #3555 MARSHMAN, I.

Entered time: 28/06/2010 16:58

Remarks: Entry Stamp Stolen.

The DPS

[REDACTED] has advised that the 16 year old who got into the club got in because they had had their entry Stamp stolen .

He has had his head door man [REDACTED] reviewing the cctv and it was him who let her in. He has asked me to contact [REDACTED] on [REDACTED]

He also said the Polycarbonate glass went down o.k and he used them voluntarily on Sunday for the Football(England game).

PS3555 MARSHMAN



Working Sheet

Hampshire Constabulary

Printed: 16/06/2011 08:40 by 24288

Occurrence: **44090006406 Z Prem Licence (Management Occurrence)**

Author: #20920 PRIOR, N.

Report time: 12/09/2010 04:06

Entered by: #20920 PRIOR, N.

Entered time: 12/09/2010 04:06

Remarks: Drunk and vomiting man from 90 degrees

Whilst on patrol a male was seen in the doorway of Penthouse, next to 90 degrees. Male had vomited all around him and on himself and was still vomiting whilst we were there. Asked where he had been and informed 90 degrees, the manager from 90 degrees was shown the male and asked if he had a stamp on him and confirmed he had a 90 degree stamp on his hand.

No drink promotions

Bar staff training offered

E

Working Sheet

Hampshire Constabulary

Printed: 16/06/2011 08:40 by 24288

Occurrence: **44090006406 Z Prem Licence (Management Occurrence)**

3

| | | | |
|-------------|---|---------------|------------------|
| Author: | #24084 CHANNELL, H. | Report time: | 04/01/2011 15:38 |
| Entered by: | #24084 CHANNELL, H. | Entered time: | 04/01/2011 15:38 |
| Remarks: | Incident with door staff in early hours of 31/12/10 - 44110001017 | | |

Licensing were made aware of the above incident by PC 23816 BURNS, who attended the club on that date to deal with the following incident:

On New Years eve (well 00:50 on the 01/01/11) police were stood outside 90 degrees when they became aware of door staff ejecting a male. After things had calmed down the ejected male stated he had been assaulted by door staff. Due to resources details were taken and the agg'd went on his way. CCTV was seized and on viewing it back at the station the following was noted: -

Agg'd party stood next to the doorman with his hands in his pocket this was on the pavement outside the club, they were talking at which point the door member grabbed the agg'd around the head and pulled him into the patio area where a struggle took place until police arrived and escorted the agg'd away. This was a clear assault by door staff at 90 degrees.

I haven't had chance to speak with the agg'd party since the incident and no statement has been taken, CCTV speaks for itself - The door member has been ID as [REDACTED]

The CCTV has been viewed and clearly shows the incident outside of the entrance to the club. A copy has been made of the footage and an appointment also made to speak with [REDACTED] at the club tomorrow (05/01/11).

DPS

RESTRICTED

Printed by: 24288 Date: 16/06/2011 08:40 Computer: SC057 Page 1 of 1

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 10:16 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author: #24084 CHANNELL, H.

Report time: 05/01/2011 16:10

Entered by: #24084 CHANNELL, H.

Entered time: 05/01/2011 16:10

Remarks: Attendance regarding 44110001017

Attended 90 degrees with PS MARSHMAN to discuss the CCTV and related issues with regards to the above incident. We spoke with [REDACTED], [REDACTED] and [REDACTED] Manager, DPS, Head doorman

DPS [REDACTED] stated that [REDACTED] had taken the action seen in the CCTV due to the fact that he had been racially abused and spat at. There was much discussion about how the CCTV did not support this and that the details of the abuse/spitting have changed since initially speaking to [REDACTED]. They were advised that we are not involved in any criminal investigation that may or may not take place.

The incident book was then discussed, which did include an entry for the incident. The entry was made by another member of staff - [REDACTED] and did not include much detail. All parties were advised that where possible, the member of door staff involved should complete the entry and explain the reasons behind any action taken. [REDACTED] then informed us that he was dyslexic and that the entry made by [REDACTED] had not been read to him so he did not know what had actually been written. It was agreed that in the future [REDACTED] should ask for any entries made on his behalf to be read aloud to him and then to sign them.

DPS [REDACTED] and [REDACTED] stated that they were unhappy with the way in which officers had dealt with part of the incident. They stated that the second set of officers that came to view the CCTV were not supportive with regards to their complaint about the racial abuse. They were advised that should they not be happy with police advice/dealings in the future and they want to make a complaint, they should report the incident to police and not wait for us to get in contact with them.

RESTRICTED

Printed by: 24288 Date: 13/07/2011 10:16 Computer: SC057 Page 1 of 1

Working Sheet

Hampshire Constabulary

Printed: 16/06/2011 08:40 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author: #20920 PRIOR, N.

Report time: 12/01/2011 01:49

Entered by: #20920 PRIOR, N.

Entered time: 12/01/2011 01:49

Remarks: Drunk female on BWV footage

A drunk female who was so drunk that the paramedic was called to her at 90's, has been filmed sat in the back of his car stating that she cannot remember where she has been or what she has been drinking. Her friend stated that the female had drunk half a bottle of vodka before going out, then they had been to Aura and 90's, she also states how much the female has had to drink since coming out.

When I first saw the female (not on BWV) at distance she was sat on a chair outside the door to upstairs at 90's but I had to deal with something else and therefore did not catch up with the female until she was at the paramedics car

Footage saved on system but not downloaded at this time

GO:15:07 . 12/01/11 .

Working Sheet

H

Hampshire Constabulary

Printed: 13/07/2011 10:17 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author: #24084 CHANNELL, H. Report time: 09/02/2011 01:37
 Entered by: #24084 CHANNELL, H. Entered time: 09/02/2011 01:37
 Remarks: Meeting with Nikos on 08/02/11

Attended the premise with PS MARSHMAN and spoke with ^{DPS} [REDACTED] about several matters that had come to our attention recently - assaults/drunks at the premise and [REDACTED] carrying our door staff activities.

With regards to the unconscious female (44110032086) ^{DPS} [REDACTED] stated that she had only been in the premise for 48 minutes before she went to the toilet. He has discussed her entry with door staff and they were all happy that there were no issues with her being drunk when she came into the club. Once inside she bought a bottle of Champagne and sat in a booth that included a member of their own off-duty staff so they weren't too concerned. Since the incident occurred [REDACTED] has hired 2 extra members of female staff who go into/patrol the toilets every 5 minutes (they don't remain in there as attendants as female customers do not like this) they will be on the lookout for drunk/incapable females. They will collect glasses, take them to the kitchen and then go to the toilets. They are employed on Tuesdays, Fridays and Saturdays between 22:30 and 02:30.

^{DPS} [REDACTED] has drafted a letter to send to the female who was unconscious - [REDACTED] [REDACTED], which explains to her that she is banned from the club until further notice for her own safety. He is going to send the letter to us to forward on to her as he does not have her address.

With regards to ^{NON SIA} [REDACTED] ^{DPS} [REDACTED] states that he will ask him to re-apply for his SIA licence. He prefers [REDACTED] to be a 'look-out' and report back to him but agrees that by checking ID on the door and getting involved in hands-on situations, he needs to be registered.

The club have collected/seized a number of ID's. ^{DPS} [REDACTED] was not aware that he should ask for a receipt when he hands these over to an officer - he will do so from now on.

RESTRICTED



Hampshire Constabulary
Chief Constable Alex Marshall

Carltons (Bar and Restaurant) Ltd
Stag Gates House
63/64 The Avenue
Southampton
SO17 1XS

Southampton Central Police Station
Civic Centre
Southampton
Hampshire
SO14 7LG

Our ref: 44090006406
Your ref:

Telephone: 0845 045 45 45

Direct dial: 02380670981

Fax No: 023 8067 4397

Deaf/speech impaired minicom: 01962 875000

Email: southampton.licensing@hampshire.pnn.police.uk

10th February 2011

Dear Sir/Madam,

Following our recent visit to your premise (90 Degrees, Southampton) on Tuesday 8th February 2011, I am writing to confirm the details of the conversation with [REDACTED]. Also present during this meeting was PS Marshman.

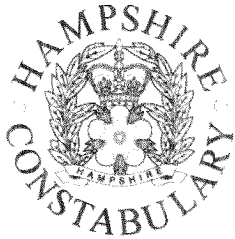
During the visit we discussed a recent incident that had occurred on 23/01/2011 where a female had been found unconscious in the toilets. The female was taken to hospital where she was placed into the intensive care unit. The result of the incident was that the female had consumed too much alcohol. This was clearly a very serious incident where the female in question could have died had she not been found so quickly.

It was acknowledged that all of the staff involved worked well throughout the incident in relation to the care that they gave to the female and calling for an ambulance so promptly. Our concern was how well the female was looked after whilst she was inside the club, prior to her collapse in the toilet.

DBS [REDACTED] stated that the female had only been inside the club for 48 minutes before she collapsed and that there had been no indication of her being drunk when she entered (according to all members of staff on the door). She had purchased and was drinking a bottle of Champagne whilst she sat in one of the booths with a group of others.

DBS [REDACTED] stated that since the incident had occurred he has employed two further female members of staff, who now patrol the female toilets every five minutes to conduct checks. This is on a Tuesday, Friday and Saturday from 22:30 hours onwards. [REDACTED] has also written a letter to the female who collapsed, informing her that she is banned from the premise until further notice. This letter is to be forwarded to the police in order that it can be sent on to her.

We also discussed a member of staff who is currently employed at the venue – [REDACTED]. [REDACTED] is employed to walk around the premises, look around and report back to



Hampshire Constabulary
Chief Constable Alex Marshall

DPS [REDACTED] on the things/people he sees. [REDACTED] is not currently licensed by the SIA to carry out any door staff activities.

There have been reports recently from police officers that [REDACTED] has been stood on the side door of the premise, asking to see customers' ID and then allowing them access into the club. This is viewed by police as performing the role of door staff. [REDACTED] confirmed that [REDACTED] has been doing this. ^{DPS}

There has also been a report of an unlicensed member of door staff at the venue becoming involved in a 'hands on' public order situation.

If [REDACTED] were to become involved in an incident that required him to use physical force against a member of the public, the licensee may be asked to explain the reasons for this if [REDACTED] is not licensed by the SIA.

DPS [REDACTED] has stated that he will now ask [REDACTED] to apply for his SIA license immediately.

We also discussed the high number of assaults at the premises in the last month, which included some assaults upon door staff. [REDACTED] stated that the venue has been a bit more selective with who is permitted entry. For this reason the door staff have had and will probably continue to have some conflict with those members of the public that are not permitted entry.

With these new measures in place we would expect there to be less alcohol related incidents at the premise. Further to this, if [REDACTED] does not become SIA registered and continues his current door staff role, we will have to take the matter further.

As you are aware, Southampton Police are committed to working with the licensees in supporting the four licensing objective i.e. –

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

We hope to continue our working relationship with 90 Degrees and anticipate that you will ensure these problems are resolved and not repeated. Thank you again for your continued support.

Yours Sincerely,

PC 24084 CHANNELL
Violent Crime & Licensing Department

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 11:34 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author: #24084 CHANNELL, H. Report time: 12/05/2011 22:04
 Entered by: #24084 CHANNELL, H. Entered time: 12/05/2011 22:04
 Remarks: Visit on 12/05/11

Attended premise and spoke with ^{DPS} [REDACTED] about the recent drunks that have told police they have been drinking in the premise:

19/03/11 - PC Alderson saw a female being carried out of the venue by a member of door staff. She was placed on the pavement near to taxis (with friends) and the door staff went back inside. PC Alderson asked why she was drunk and a manager told him that her friends must have been buying her drinks. [REDACTED] states that this female in question had snuck back into the venue having been inside much earlier in the evening and then left. This was not recorded in the incident book. [REDACTED] said that when the door staff had taken her outside one of the female's friends had given him 'the large one' so he left them to it.

22/03/11 - PC SPENCER spoke with a male that had fallen over and hit his face on the ground. He stated that he had been drinking at 90 degrees.

06/04/11 - PC PRIOR spoke with a male that was vomiting having just come from 90 degrees. [REDACTED] had seen PC PRIOR on the night at the time that she went to speak to the male. He was offended that she didn't stop to speak to him. I explained that as part of our job we have a duty of care to people and we will ask them where they have been drinking. [REDACTED] had this in the incident book as the male had just been ejected. ^{DPS}

09/04/11 - PC OLIVER spoke with a male that was vomiting and sat on the floor near a bin. He said he had been drinking at 90 degrees.

13/04/11 - PC HARRIS spoke with a male outside of Sainsbury's Bedford Place who had just vomited on the floor. He said that he had been drinking in 90 degrees.

^{DPS} [REDACTED] did state that it would be difficult to prove that they had been in 90 degrees and that he would like more details of each person at the time to check against his CCTV. I explained to him that they were not recorded as crimes on our system, it was more of an intelligence gathering system that we use and when we speak to people we usually ask where is the last place that they were drinking. He did agree that given the incidents (apart from 19/03) were captured on BWV, it gave us just cause to bring it to his attention.

He is continuing to use the toilet 'nannies'. I explained that I had not seen this on the CCTV but he stated that it is still ongoing and that different members of staff

RESTRICTED

conduct the patrols every 15-20 minutes. He showed me further incident logs where people had been ejected for being too drunk (03/05 and 10/05).

With regards to the drugs intel on the premise, ^{DPS} [REDACTED] states that they do have high-end customers attend that may have links with drugs dealers but these type of offences are not taking place upon his premise. As long as people are spending money and behaving themselves then they can remain but they will be ejected the minute it is suspected that they are up to no good.

He believes that the premise is likely to receive complaints due to the amount of 'spoilt brats' that they are rejecting on the door.

The premise is to re-open tomorrow night following a refurbishment downstairs.



Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 10:29 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author: #3555 MARSHMAN, I.

Report time: 02/06/2011 16:21

Entered by: #3555 MARSHMAN, I.

Entered time: 02/06/2011 16:21

Remarks: Incident 44110222429

Meeting with [REDACTED] (Manager) .

I handed Manager the ID receipts and he advised they would start using the receipts. He also said that he was going to be the manager at La Margheritas from Monday(6/6/11).

The new manager will be [REDACTED] - i briefing spoke with him to introduce myself. He didn't show any interest in joining the meeting.

The incident book was not on the premise? It had been taken away by [REDACTED] (to update something??) . I rung [REDACTED] and asked about the book and he said he was sorry and knew he shouldn't take it away. He will be coming into the station Tomorrow at 11.00 O'Clock to show me the incident book. *flood doorman*

I viewed the cctv and it shows the aggrieved accidently bumping into a male and whilst dancing with a girl (he speaks the male and then carries on dancing). You see the male who had been bumped into watch the aggrieved with another male and then he talks to the aggrieved their is a shove away before one male (suspect) throws a punch and possible a kick and then the other male grabs the aggrieved and punches him several times in the head. A mellee ensues with various people involved.

I person is ejected(manager advised it was a friend of the aggrieved) and then whilst the aggrieved is on the floor another is ejected(apparently this male was the one that threw a punch and a kick) The main aggressor remained in the premise and wasn't identified. I pointed out the problem to [REDACTED] that they had not got any details from one of the suspects and he said some thing like "but he only threw one punch and a kick". I explained this wasn't acceptable and if this person didn't make contact could have been his friend. (No yellow card issued).

[REDACTED] them went on to say (a couple of minutes later) he wasn't stopped because the aggrieved stated he wasn't involved. However , almost in the same breath whilst talking about what was going on in the cctv [REDACTED] said that the Aggrieved was on the floor and had been unconscious..... how could he have

RESTRICTED

seen the male that was detained and ejected?

I need to view the cctv at the station (slow time) and see and copy the incident book. The door man who apparently ejected the male was called [REDACTED]. You would assume he has completed an entry.

Once we have this information we'll need to consider what further action to be taken.

PS3555 MARSHMAN

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 10:29 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author: #3555 MARSHMAN, I.

Report time: 03/06/2011 12:13

Entered by: #3555 MARSHMAN, I.

Entered time: 03/06/2011 12:13

Remarks: Incident book seen

[REDACTED] brought the incident book into The Police station this morning.

I viewed the entries for the assault on the 28/5/11 - occ 44110222429.

There is a 3 line entry about the assault from door staff [REDACTED] not the person who actually made the ejection ([REDACTED]). The entry makes reference to a assault and ejecting two males. It mentions that a paramedic attended.

The entry is in adequate, it should have been made by the person ejecting and as they knew it was quite serious surely they should have conducted a debrief for a full entry. [REDACTED] Should have made some sort of entry.

There is no mention about a male being ejected but the aggrieved had said he wasn't the offender. No yellow cards issued.

This is in stark contrast to an entry on the 21/5/11 by a door man called [REDACTED] who who wrote 17 lines for a verbally abusive female who was escorted out.

I photocopied the incident book and whilst doing this a driving licence fell out. Upon speaking with [REDACTED] he raised his eyebrows and said this should have happened as well. I asked why he took the incident book away from the venue and he again said he knew he shouldn't but had to copy something from it.

[REDACTED]

PS3555 MARSHMAN



Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 10:30 by 24288

Occurrence: 44090006406 Z Prem Licence (Management Occurrence)

Author: #3555 MARSHMAN, I.

Report time: 28/06/2011 14:13

Entered by: #3555 MARSHMAN, I.

Entered time: 28/06/2011 14:13

Remarks: Meeting regarding review

Meeting held on the 24/6/11 @ 90 degrees. Those present where [REDACTED] *Manager* although no longer the manager and [REDACTED] *DPS*.

I checked their training records-

- There was a booklet that every person is issued when they start at the premise. However, there was limited information on alcohol sales (approximately 5 lines).
- There was records of meetings that were held with the staff which were conducted about every 3 months. This started on the 1/3/09. However, the minutes each month are nearly identical and in everyone there is no mention of due diligence type training. Also the numbers that turned up to these meetings varied from 4 to 10 people. I was advised that they had between 10-15 staff.
- None of these were signed by the staff.

I was advised that they now had toilet attendants and had done so for the last 4 weeks.

I checked the toilet check books this had been introduced 14/5/11 the checks were recorded at 30 minute intervals. I explained that when cctv had been checked before the promised toilet checks of every 5 -10 minutes had not taken place. (9/2/11 - [REDACTED] had advised this would be done). He then said that he had agreed every 15 minutes. I pointed out this wasn't being done and then he spoke to someone passing by to say they must be done every 15 minutes in future.

I discussed the incident book again and explained that the person who ejected anyone should fill it in - (if they couldn't due to lanaguage issues etc) then someone could do it for them but it would need to be read back and signed by that person. I explained the importance of it being signed to say no incidents (if this were the case). I explained the incident log date 29/5/11 was inadequate. It stated that two people had been ejected for assaulting someone- yet no description of what happened taken and no yellow cards or details taken.

DPS I discussed the number of drunks coming from the venue and the BWV we have. [REDACTED] has said that he was discussed this with PC Channell and these people were in the incident book (needs to be checked with Hayley).

I explained the staff training should be improved as it appears there are issues

RESTRICTED

Printed by: 24288 Date: 13/07/2011 10:30 Computer: SC057 Page 1 of 2

with drunks and door staff procedure. I explained that we were looking at the evidence to take the premise to review. I explained if we had the evidence we would be looking for various conditions and to remove him as the DPS. He didn't appear to understand the situation and started pointing the finger at various premises. I explained that there had been numerous smaller incidents which hadn't been addressed and we had concerns over the venue and the way it has been run.

I viewed the cctv re incident on the 29/5/11 and it would appear that one of the doorman [REDACTED] immediately takes hold of one of the suspects and ejects him. The second person ejected was apparently a friend helping the aggrieved. The incident book doesn't reflect any of this. [REDACTED] claimed the aggrieved told the doorman that the person they were ejecting hadn't done anything. I asked even if that was the case from the cctv it appeared the doorman would have seen the suspect kick the aggrieved. Also as the aggrieved had to see a paramedic shouldn't they have held onto all parties or taken minimal details. I would suggest issuing yellow cards.

PS3555 MARSHMAN

PS3555 MARSHMAN



[Image Information]

Save Date : [2011/03/19]

Save Time : [02:36:46]

Camera Number : [1]

Camera Title : [CH8]

One-Stop Security Solution

BACKUP PLAYER



[Image Information]

Save Date : [2011/03/19]

Save Time : [02:36:54]

Camera Number : [1]

Camera Title : [CH13]

One-Stop Security Solution

28 Saturday
Week 21 - 148-217

Patrol 90

Mile Run 0130 0225 4944 3438

| Time | In | Out | Total |
|------|-----|-----|-------|
| 2100 | 30 | 0 | 30 |
| 2200 | 101 | 2 | |
| 2300 | 251 | 58 | |
| 0000 | 360 | 120 | |
| 0100 | 445 | 210 | |

Refused Drink 25
Decrease 4

Approx 00:44 ICI Male brown hair 5'10" white T-shirt
Causing trouble upstairs. Verbally Abusive. Escorted out by Eric

Approx 01:10 ICI Male tall spiky hair. 6'2" eye patch
assaulted ICI Male short brown hair 5'11" blue shirt stocky build both removed
from view. Paramedic called to attend ICI Male of stocky build.
KATM
(Tan)

(a)

90

| h | Out | total |
|-----|-----|-------|
| 40 | 0 | 40 |
| 79 | 7 | 72 |
| 149 | 17 | 132 |
| 259 | 67 | 192 |
| 300 | 142 | 158 |

Mike
Adam

Refused 42 Drink
+ 4 No ID.

Doors closed 01.20

Incident.

01 Female blonde hair, white top, black skirt.
Asleep on the sofa in penthouse. Paul brought her down
sidelobby and we called a paramedic (shane)
paramedic assessed her as having too much to drink.
later left with her friends.
name is Miss Steph Murthals 20 years old.

Mike Pen

90

| In | Out | total |
|-----|-----|-------|
| 0 | 0 | 0 |
| 0 | 0 | 0 |
| 47 | 7 | 40 |
| 86 | 15 | 71 |
| 136 | 20 | 116 |
| 197 | 26 | 173 |
| 280 | 60 | 220 |
| 291 | 72 | 219 |

WD DD ~~TH~~ UD ID

FEMALE 5'4 SLIM WITH SHORT BLACK HAIR TOOK HER DRIVING LICENSE TO TEXAS TO CHANGE THE YEAR (FROM 19-08-93 TO 19-08-10) SHE HAS ID

6'2 MALE 5'8 SLIM DARK HAIR WHITE SHORT TEARS ASK TO LOAN BEHIND DAVIS MANDELA GAVE HIM HIS NUMBER AS THE RENT COST HIS ID

00:30 AM THE MALE ABOUT 5'11" SLIM BUILD STANLEY HAIR IN A BLUE PLOID T-SHIRT, BLUE JEANS, BLACK SHOES WENT AWAY TO LEAVE AS HE WAS IN DRINK, HE WAS IN THE RECEPTION AREA WHEN I (JIMMY WALKER) SAW HIM TO LEAVE BUT HE SAID NOW HE WENT TO PUSH THE ALWAY 55 - 1300 - 100 THEN WITH PAUL TOOK HIM TO THE ROOF ON SIDE OF 400 AS HE WAS TRYING TO MEET WITH US, A SHORT TIME AFTER THE POLICE TURNED UP & TOOK HIM AWAY IN 27 AND A YELLOW CAB WAS TAKEN TO THE MALE NOT BEEN HIM SINCE WE WERE IN SET 23 -
 23258, 25399, 3691 & 2827, ALVIN

November
November

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|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|--|--|--|--|--|
| Mon | Tue | Wed | Thu | Fri | Sat | Sun | Mon | Tue | Wed | Thu | Fri | Sat | Sun | Mon | Tue | Wed | Thu | Fri | Sat | Sun | Mon | Tue | Wed | Thu | Fri | Sat | Sun | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | |

SECURIDOOR (UK) LIMITED INCIDENT REPORT

| # PAGES | DATE | TIME | VENUE | LOCATION | DOOR SUPERVISOR SIA NO. |
|---------|----------|-------|------------|----------|-------------------------|
| | 16-10-10 | 12.45 | 90 Degrees | | 013003781496156 |

DETAILS OF THE INCIDENT

At approximately 12.45 I was upstairs in the Venue when I heard a call over the radio to which I responded and attempted to restrain K11 male who was involved in the incident I was assisted by other door men and moved the male down the stairs and restrained him outside at the side of our Venue where the police were called via the "Whisper" radio and the male was escorted.

ACTION TAKEN

Was the incident captured on CCTV? Yes No Not known

CLIENT INFORMED YES NO POLICE ATTENDED YES NO

DETAILS OF POLICE ACTION/REPORT NUMBER.

PRINT NAME P. Donoghue SIGN A

Please either fax to: 08449808556

or email to: operations@securidoorukltd.com



RESTRICTED

WITNESS STATEMENT

P

MG11
Page 1 of 3

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

Statement of: PC John ALDERSON URN: | | |

Age if under 18: 0/18 (if over 18 insert 'over 18') Occupation: Police

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.

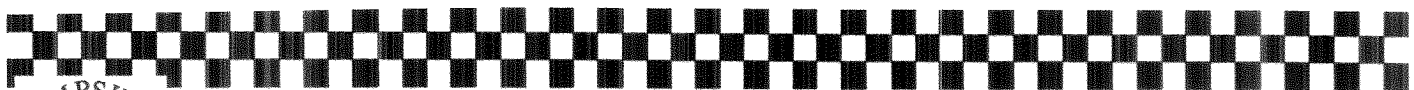
Signature: _____ Date: 05/03/11

Name: PC John ALDERSON

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

I am PC 3125 Alderson of Hampshire Constabulary currently serving Southampton. On 19th March 2011 I was on duty in full uniform as part of Operation Erwood, policing the night time economy in Southampton. These duties involve a general patrol around the licensed premises in Southampton, and on this occasion I was patrolling the area encompassing London Road, Bedford Place etc. At approximately 0100 I was stood outside of 90 Degrees bar, on the opposite side of the road, when a member of doorstaff came out carrying a female. He was followed by a group of people, who I presumed to be her friends. The member of doorstaff, who was well built with a shaved head, brought the female over to the taxi rank on the opposite side of the road to the club, where I was stood, and put her down on the floor. He then went back into the club. He did not say anything to me, offer her any aftercare, or attempt to explain his actions. Her friends gathered round, and it very quickly became clear that the female was heavily in drink, so much so that she was bordering on being unconscious. She was unable to support herself and had to, after several minutes, be held up by her friends as they took her home. Just before she left I was made aware that her handbag was missing, so I entered the club and asked if they had had a bag handed in. The person I spoke to was a slim, slightly built white male, who was not English, and

Signature: _____ Signature witnessed by: _____



RESTRICTED

MG11
Page 2 of 3

WITNESS STATEMENT

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

spoke with a European accent. I think he may have been French. I believe he was a deputy or assistant manager. As I spoke to him I asked him how he had managed to let the female get so drunk inside his premises. He said to me that it wasn't his fault, and all her friends must have been buying drinks for her. I recovered her bag and returned it to the female's party, and they then left the area.

The member of doorstaff is usually working at the venue, and I would recognise his face again as I see him frequently, however I do not know his name.

Signature: _____

..... Signature witnessed by:





RESTRICTED (when complete)

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WITNESS STATEMENT

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

URN:

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Statement of: **[REDACTED]**

Age if under 18: 16 (if over 18 insert 'over 18') Occupation: Telesales

This statement (consisting of 3 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: **[REDACTED]** Date: 29/06/2010

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

I am the above named person and live at the address shown overleaf.

I am making this statement in relation to an incident in which I was drunk and broke my leg at 90 DEGREES NIGHTCLUB in SOUTHAMPTON.

At approximately 7.30 p.m I left work in EAST STREET and went to HERAUDS PARK with my three friends; **[REDACTED]**, **[REDACTED]** and **[REDACTED]**.

We sat in the park drinking 3 Godka and Red Bull. We had two 35 cl bottles of vodka which we shared between the four of us.

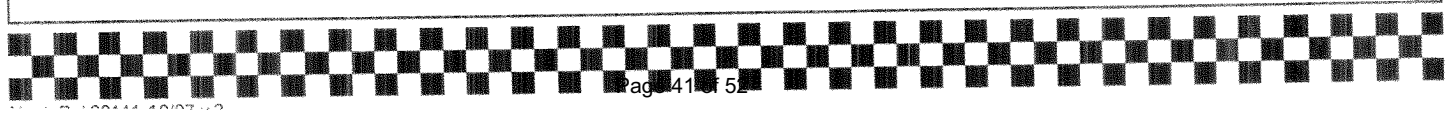
We all drank throughout the evening. **[REDACTED]** and **[REDACTED]** went home and Chocish and I continued on to 90 DEGREES NIGHTCLUB.

I can't remember what time it was but I was very drunk.

[REDACTED] and I walked straight in to the

Signature: Signature witnessed by: **[REDACTED]**

PTB





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

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|--|--|--|--|

Continuation of Statement of: [REDACTED]

club. No one asked me for any ID or even how old I was. I had no ID with me. We walked in and went to the toilet and then to the bar.

I bought two Jack Daniels and Coke for £12.40 and paid for it with my HSBC card.

I was given a receipt which I produce into evidence as SN/900/02.

I remember drinking my drink but don't remember anything after that until I was sat on a chair outside and a man was shouting at me.

I don't remember if I was in pain but I remember not being able to walk.

I then remember my sisters boyfriend, [REDACTED], picking me up and carrying me to the car.

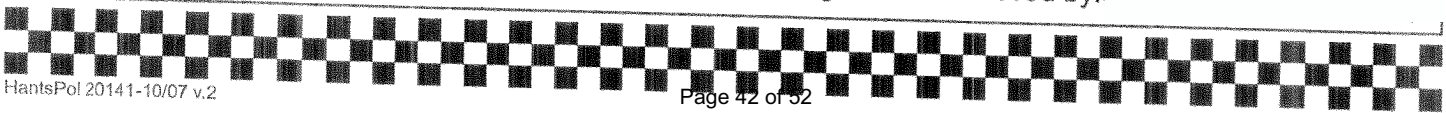
The next thing I remember is being in hospital.

I have a spiral fracture in my right femur. The doctors have had to operate on my leg and I will need a further operation in about eight months time.

At the moment I am unable to walk unaided, and have to use a Zimmer-frame and a wheel chair. I will not be able to walk properly.

Signature: [REDACTED]

Signature witnessed by: [REDACTED]





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

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Continuation of Statement of: **[REDACTED]**, **[REDACTED]**, **[REDACTED]**

for at least four or five months.
After my next operation I will be in the same position again, unable to walk for several months.
I am willing to attend any legal proceedings if required

Signature: Signature witnessed by:



(R)

with the total amount.
Cardholder PIN verified

** CUSTOMER COPY **
NINETY DEGREES AT CARLTON

24 CARLTON PLACE
S015 2DY

M11827323 T17968022
19-06-10 00:08

Visa
XXXXXXXXXX71010

30/01/10 - 31/01/13 (I)
R0077

TOTAL SALE
£12.40

Please debit my account
with the total amount.



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: MICHAEL KENNETH MCROYALL
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: 17/10/2010

MICHAEL KENNETH MCROYALL

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

I am PC 3806 MCROYALL currently stationed at Southampton Central Police Station with Hampshire Constabulary. On the 17th October 2010, I was on duty with PC 25073 STEPIN on foot walking the area of BEDFORD PLACE. This is in order to support the night time economy and provide a visual deterrent to people wishing to cause trouble in the city.

At approximately 01.20 hours, we were asked to attend ninety degrees nightclub in relation to a male that had been detained on the floor outside the club. Upon our arrival, the male was laid on his back and was struggling with door staff. His left arm was initially handcuffed in order to assist me in controlling the struggling male and to allow me to speak to him. The male was being abusive to the door staff and was swearing at them. I was advised that the male had been detained for fighting in amongst a group on the dance floor. The male had then become abusive to door staff. The male refused to co-operate with me and would not sit up. I could smell intoxicating liquor on his breath and his eyes appeared glazed. In my opinion, he was drunk. Due to his behaviour and intoxication, at 01.20 hours, the male was arrested for being drunk and disorderly. He was handcuffed to the rear and double locked. The male was then placed into the rear cage of a marked police van and transported to Southampton Custody Centre where we arrived at 01.27 hours. The circumstances of this males arrest was outlined to the custody sergeant who authorised his detention. I now know this male as [REDACTED] I escorted him to Cell 14 and had no further dealings with him.

Signed : Signature witnessed by :

MICHAEL KENNETH MCROYALL -----

T

RESTRICTED

-----SIA RESPONSE-----

- The information requested above has not been approved for disclosure.*
- The information requested above has been approved for disclosure and the information provided is correct as at _____.

*Highlight as appropriate and detail response/reason for non disclosure in reply box

Reply Box:

Include reference (where relevant) and 5x5x5 classification for each piece of information provided.

| | Source Evaluation | Intelligence Evaluation | Handling Code |
|--|-------------------|-------------------------|---------------|
| <p style="text-align: center;">FOR INTELLIGENCE PURPOSES ONLY</p> <p>██████████</p> <p>Date of Birth:</p> <p>Licence Number: 0101100006372904 Sector: Frontline Door Supervision Issue Date: 12/10/2005 Expiry Date: 12/10/2008 Status: Revoked</p> <p>Please see the attached letter sent to the application regarding the revocation of his licence in July 2007.</p> <p>Please note this individual has a further application in progress. Please apprise us of any developments that may affect this</p> | ██████████ | ██████████ | ██████████ |

Your ref:

Our ref: 1000063727 / 090113ad81bf7517

Mr. [REDACTED]

[REDACTED]
SOUTHAMPTON
HAMPSHIRE
[REDACTED]

Dear Mr. [REDACTED]

Date : 24.07.07

Re: Licence revoked

We have to inform you that the SIA proposes to revoke your licence due to the following reason:

It has come to our attention that you were convicted on 18 January 2006 at Southampton Magistrates court for the offence of Battery contrary to section 39 of the Criminal Justice Act 1988 for which you received 18 weeks imprisonment suspended for 18 months.

Please note it is a condition of your licence to tell the SIA at once of any convictions, cautions or warnings committed in the UK. It is a criminal offence under section 9 of the Private Security Industry Act 2001 to fail to comply with SIA licence conditions. It is open to the Authority to take steps towards prosecution for this offence.

If you are aware of any factual errors regarding this decision you must tell us in writing by 14 August 2007. If you do not inform us of any factual errors by that date, the decision to revoke your licence will then take immediate effect, we shall not write to you again to confirm this.

After 14 August 2007, you have 21 days in which to exercise a right of appeal to a Magistrates' Court. If you decide not to appeal, you will then be unable to work legally in a Front Line or Non Front Line role in any licensable sector and if you do so you will be committing a criminal offence. You should then return your SIA licence to the address at the bottom of this letter. Failure to return your licence is a breach of a licence condition and liable to prosecution.

Once revocation of your licence takes effect your licence details will no longer be recorded on the Register of Licence Holders. Your details will

appear on the Register of Revoked and Suspended Licences. Both these registers are available to the general public.

The SIA will retain your personal information in accordance with its data retention policy unless you request otherwise. A copy of our data retention policy is available from the SIA website at www.the-sia.org.uk.

If you have any further enquiries contact us on 08702 430 100 between 8am - 6pm Monday to Friday quoting your licence number.

Yours sincerely

SIA Contact Centre
08702 430 100



RESTRICTED (when complete)

U

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: MISS [REDACTED] [REDACTED] [REDACTED]

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: [REDACTED]

This statement (consisting of 3 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: [REDACTED] Date: 23/01/11

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

I am the above named person of the address shown overleaf. I have known [REDACTED] for the last 2 years. We went to university together. [REDACTED] was in the year above me. We were going out on Saturday 22nd January 2011 to celebrate another university friend's birthday. I went to Winchester at about 5pm and collected [REDACTED] at about 5.20pm from our friend [REDACTED] house. I took [REDACTED] back to my house at Whiteley where we had a shower and got ready. [REDACTED] was drinking water at my house. We then went to [REDACTED] at about 8.30pm. Another friend of a friend called [REDACTED] lives at [REDACTED] Rd. [REDACTED] told me that she had been out on the Friday evening. She was feeling quite hungover from that. [REDACTED] had one or 2 glasses of wine before we went out. We went out at about 10.50pm.

Signature: [REDACTED] Signature witnessed by: [REDACTED]

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: Miss [REDACTED]

said she was going to dance. I didn't see [REDACTED] again that evening. The club closes at about 01.30am. We started to hand everyone of and couldn't find [REDACTED]. I text [REDACTED], [REDACTED] text her as well to see where she was. [REDACTED] 4 times between 1.30am and



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: Miss [REDACTED]

[REDACTED] and myself walked into town. We went to Tokyo. We met lots of friends in there including [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]. There were lots of other friends of friends there as we were out celebrating [REDACTED] birthday. [REDACTED] was drinking Jaeger bombs. I think we only had one drink in Tokyo. We then went to Buddha. [REDACTED] got herself a shot of Sambuca and another drink which I can't remember. We didn't stay there for long, and it was busy in there. [REDACTED] came with us at about midnight when we went to 90 degrees. It was really busy in there. We went to the dance floor. We then went and sat in the seating area, [REDACTED] and I. We didn't see [REDACTED] for about 20 minutes. We then moved over to booth, seating area. [REDACTED] then came over with a large bottle of champagne. She didn't have any glasses, just the bottle. [REDACTED] wanted us all to drink some of it. [REDACTED] had some of the champagne, she didn't sit with us. [REDACTED] then

Signature:

Signature witnessed by:

E1

CCTV

PC Burns has identified [REDACTED] in the club and she is with two females and a male known to the manager. The manager is [REDACTED]. The three people identified are [REDACTED] who are twins and RMS confirms D.O.B as [REDACTED]. The male is [REDACTED]. Further to this PC Burns has identified a [REDACTED] as paying for [REDACTED] to get into the club. [REDACTED] is recognised by the managers girlfriend. The CCTV is ONE HOUR AHEAD. The time line as given by PC Burns is as follows, I will use the timings shown on CCTV.

2354- Enters Club with [REDACTED] and others.

- Is seen in a booth reserved door for the birthday of [REDACTED] who is bar staff at 90 Degrees

0148 - [REDACTED] gets up from the booth, unsteady on her feet and goes into toilet, 20 seconds or so later a blonde female goes into the toilet and she is the one seen by the ambulance when it arrives to take [REDACTED] to hospital (This ID is made by [REDACTED]).

0157 - [REDACTED] is seen looking around the dancefloor

0159 - The blonde female comes out of the toilet

0205 - Doorstaff go into the Toilet

0221 - [REDACTED] removed from toilet by doorstaff.

This footage is in the process of being burnt to DVD disc



Hampshire Constabulary
Chief Constable Alex Marshall

NINETY DEGREES
24 Carlton Place
Southampton
SO15 2DY

Southampton Central Police Station
Civic Centre
Southampton
Hampshire
SO14 7LG

Our ref:
Your ref:

Telephone: 0845 045 45 45
Direct dial: 02380674768
Fax No: 023 8067 4397
Deaf/speech impaired minicom: 01962 875000
Email: ivan.marshman@hampshire.pnn.police.uk

25th June 2010

Dear Sir,

I have spoken to some venues in connection with the problem of members of public becoming extremely drunk in licensed premises. Not only is it an offence to serve alcohol to persons who are drunk but it also breaches several of the licensing objectives.

I'm aware that many venues offer due diligence training packages to address this problem.

If you would like one of my team to attend one of these training packages to offer Police input, please either ring or e-mail me the dates of your training and we'd be happy to come along.

Should you have any queries don't hesitate to contact me.

Yours faithfully

Sgt 3555 Ivan Marshman

Violent Crime & Licensing Department