

Reference: 2010/02104/01SRAP

Hearing:

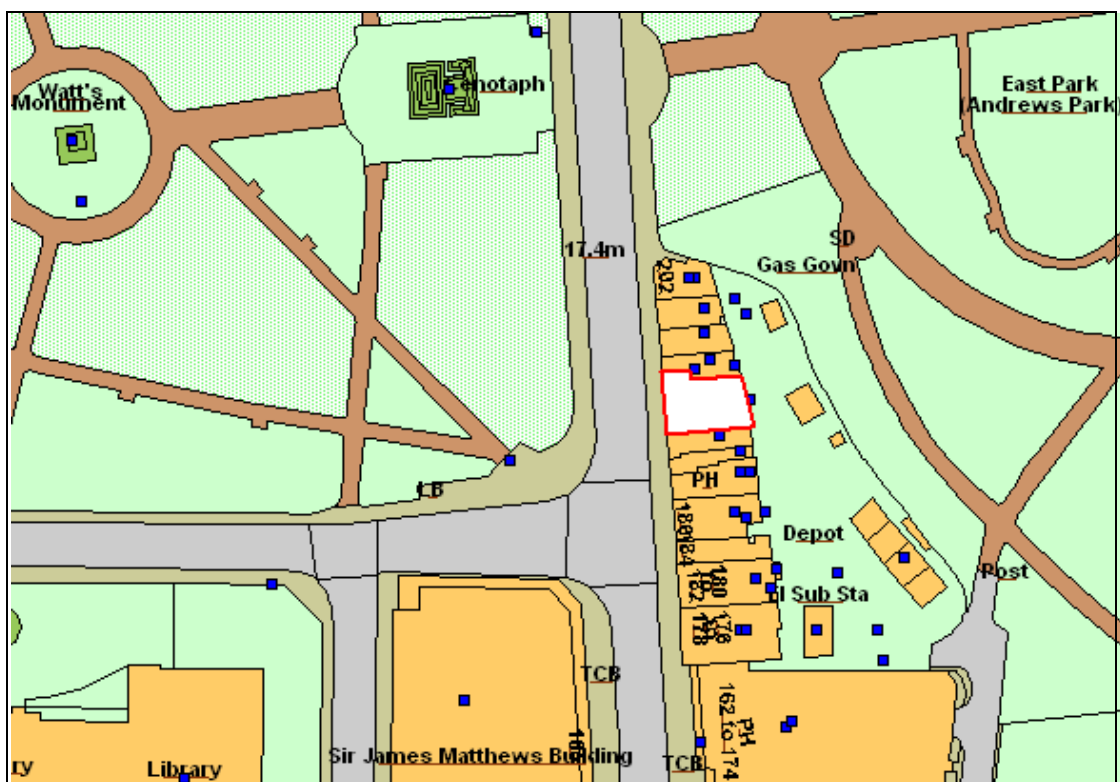
16th December 2010

### Application for Review of Premises Licence

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

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

Application Valid Date: 25th October 2010



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### Representation From Responsible Authorities

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

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

### ***Other Representations***

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

### ***Legal Implications***

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

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

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

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



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

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

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

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

Premises or Club Premises details

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

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

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

Details of responsible authority applicant

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





RESTRICTED

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Premises licence or Club Premises certificate  
under the Licensing Act 2003**

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

RESTRICTED



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

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

- Select one or more  
boxes*
- |   |                                     |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety                        | <input checked="" type="checkbox"/> |
| 3) The prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) The protection of children from harm | <input checked="" type="checkbox"/> |

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

If yes please state the date of that application:

24 / 06 / 2010

Day Month Year

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

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





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Premises licence or Club Premises certificate  
under the Licensing Act 2003**

**Please tick**

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

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

Signature of Officer Completing

Name	<u>PC PRIOR</u>	Collar Number:	<u>20920</u>
Signature:	<u>[Signature]</u>	Date:	<u>23/10/10</u>

Signature of Authorising Officer (Inspector or above)

Name	<u>INSP BATES</u>	Collar Number:	<u>5012</u>
Signature	<u>[Signature]</u>	Date:	<u>24/10/10</u>



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

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

URN: | | |

Statement of: PC SHARON CONWAY

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

Occupation: Police service

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date: 03/10/2010

PC SHARON CONWAY

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

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

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

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

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

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

Signed :

PC SHARON CONWAY

Signature witnessed by :



# HAMPSHIRE CONSTABULARY

## **RESTRICTED (when complete)**

### WITNESS STATEMENT

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

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

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

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

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

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

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

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

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

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

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

Signed :  
PC SHARON CONWAY

Signature witnessed by :  
.....



# HAMPSHIRE CONSTABULARY

**RESTRICTED (when complete)**

## WITNESS STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

Signed : \_\_\_\_\_  
PC SHARON CONWAY

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



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

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

URN | | |

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

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

RICHARD MCWILLIAM

Date: 03/10/2010

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

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

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

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

Signed

RICHARD MCWILLIAM

Signature witnessed by



# HAMPSHIRE CONSTABULARY

**RESTRICTED (when complete)**

## WITNESS STATEMENT

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

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

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

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

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

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

I had no dealings in the matter.

Signed

RICHARD MCWILLIAM

Signature witnessed by



RESTRICTED

WITNESS STATEMENT

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

Statement of: Sharon Conway  
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer  
URN: | | |

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:

Sharon Conway

Date:

3/10/10

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

On Saturday 3<sup>rd</sup> October 2010, I was on duty in full uniform. At about 02:00 hours, I was at The WHITEHOUSE CLUB, ABOVE BAR, SOUTHAMPTON. I was talking to a member of door staff, Sam CLEERE, DOB 19/05/89, about an incident which he had witnessed.

CLEERE and I were stood about 3 to 4 metres away from the door of The Whitehouse. Whilst I was talking to CLEERE, I could see the door of The Whitehouse, and could hear conversations taking place. CLEERE was also watching the door, as he spoke to his colleagues via his personal radio whilst I was with him.

After about 15 to 20 minutes, I heard a member of door staff say 'YOU'RE TOO DRUNK. YOU ARE NOT COMING IN.'

I looked over, and saw a member of staff, 'Fraser', with a group of males. One of the males, wearing a grey jumper, was objecting 'I'M NOT DRUNK, WHY WON'T YOU LET ME IN?'.

I continued watching, to see if police intervention would be required. Often, when a person is refused entry to a licensed premises, the door staff are able to talk to the person so that the decision is accepted, and the person involved leaves. If this does not happen, then door staff request police assistance.

Signature:

Signature witnessed by: .....



WITNESS STATEMENT

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

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

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

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

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

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

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

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

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

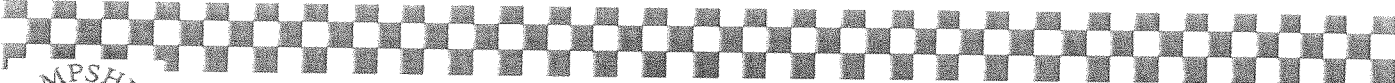
The group seemed to calm down. CLEERE was trying to speak with 'Fraser' using their personal radios, saying 'NOT URGENT FRASER. IT'S BEING SORTED. THEY HAVE SPOKEN WITH THE MANAGER. IT'S SORTED.' Again the name was mentioned, but I cannot remember what

the name was

Signature:

Signature witnessed by: .....





RESTRICTED

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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

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

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

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

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

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

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

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

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

Signature:

Signature witnessed by: .....

