

Reference: 2011/01921/01SRAP

Hearing:

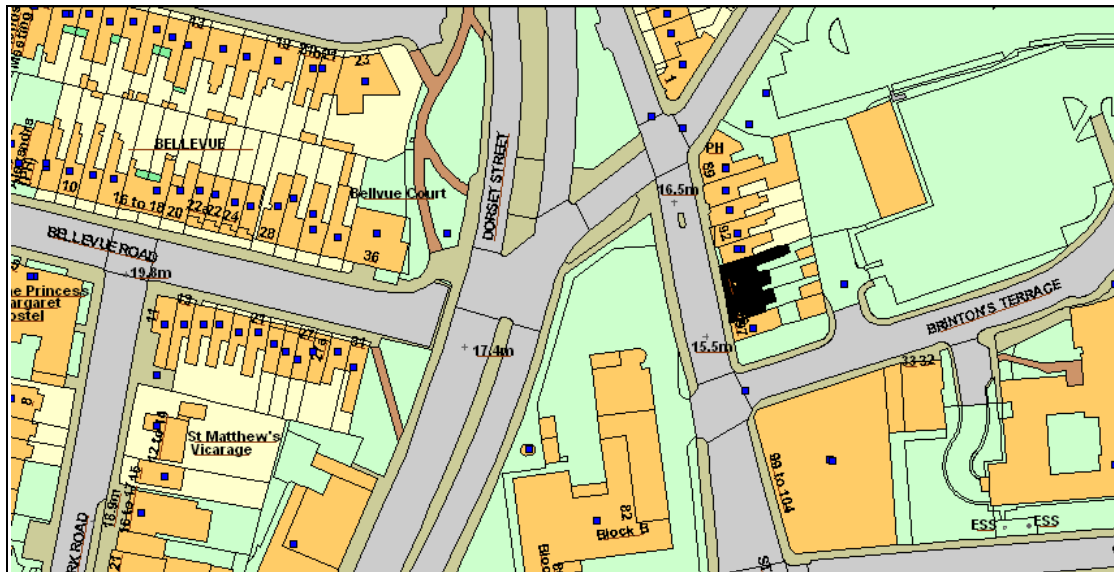
22nd September 2011

Application for Review of Premises Licence

Premises Name: Kaos
 Premises Address: 94-96 St. Marys Road
 Southampton
 SO14 0AH

Application Date: 2nd August 2011
 Application Received Date: 4th August 2011

Application Valid Date: 4th 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	No response received	
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
Mr. Stuart McPherson	22A Bellevue Road Southampton SO15 2AY	Resident
Mrs. Gemma Beardsmore	23 Bellevue Road Southampton SO15 2AX	Resident
Mr. Niall Fraser	Bellevue Road Residents Association 25 Bellevue Road Southampton SO15 2AX	Local Neighbourhood Group

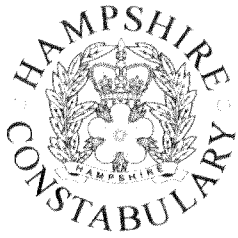
Legal Implications

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

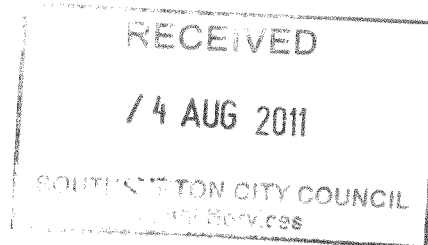
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council 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.



Hampshire Constabulary
Chief Constable Alex Marshall

Southampton City Council
Southbrook Rise,
4-8 Millbrook Road East,
Southampton,
SO15 1YG

Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN



Telephone: 0845 045 45 45

Direct dial: 023 8067 4768

Fax No: 08453660037

Deaf/speech impaired minicom: 01962 875000

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

4th August 2011

Our ref:
Your ref:

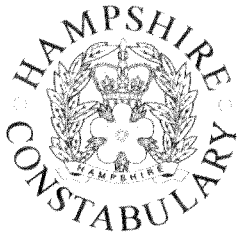
Dear Sir,

On behalf of Hampshire Constabulary, I submit the following application for KAOS, 94-96 St Mary's Road, Southampton in order to review their license. In our opinion it not supported the licensing objectives. The review is brought to uphold three of the licensing objectives i.e. the prevention of crime and disorder, public safety and the prevention of public nuisance.

The premise in question is situated in a cumulative impact zone, which you, as the council have recognised and implemented into your policy. The cumulative impact policy was introduced by you because of the key findings and recommendations of a police report. This report identified that there were three areas in which there is a record of violent offending that is disproportionately high in terms of the city as a whole. It identified the following-

- The peak times for violence are in keeping with peak times for the night-time economy
- Each of these locations record an above average level of offences flagged as having been influenced by alcohol.
- In terms of offences where a premise is directly involved, all three locations record multiple offences.
- The overall trend with regard to these offences is either steady or upward.
- Both the Above Bar and Bedford Place/London Road areas also record a disproportionately high level of criminal damage.

Following this report, Southampton City Council took the responsible action of implementing a policy covering the three areas of concern to be used as a tool to control violent crime and alcohol related offending. As I am sure your aware your own statement of licensing policy states that under the Licensing Act 2003 you have a duty to promote the four licensing objectives which are-



Hampshire Constabulary
Chief Constable Alex Marshall

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

Further to this, Section 17 of the Crime and Disorder Act 1998 imposes an obligation on every police authority and local authority to do all that it can to reasonable prevent –

- crime and disorder in its area including anti-social and other behaviour adversely affecting the local environment; and
- the misuse of drugs, alcohol and other substances in its area).

Therefore, I submit this application to review the licence of KAOS 94-96 St Mary's Road, Southampton.

Yours faithfully, /

PC 3942 Lindley

Violent Crime & Licensing Department
Southampton



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 PS3555 MARSHMAN, 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:	KAOS 94 - 96 St Marys Road Southampton
Postcode (if known):	SO14 0AH

Name of premises licence holder or club holding club premises certificate (if known)	Robert White and Irene White both of
	94 - 96 St Marys Road Southampton SO14 0AH

Number of premises licence or club premises certificate (if known)	2011/00032/01SPRD
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Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: PS
Surname: Marshman First Names: Ivan
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



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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 as the management have failed to ensure that the CCTV system installed is capable of recording images from all parts of the premises and they are unable to provide Police cctv on request. Furthermore they are not taking sufficient measures to prevent drunkenness on the premises which has lead to incidents of Crime and Disorder and Public Nuisance within the vicinity of the premises. Thus failing to support the licensing objectives with regards to the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

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

That a condition relating to the installation, operation and management of the CCTV system at the premises be added to the Premises Licence thus :

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



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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 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 023-80674768 immediately .

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.

Staff Training

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.

Dispersal Policy Condition

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 30 minutes of trading the service points at the bar will be reduced and certain staff reallocated to collect glasses
- music volume will be reduced during the last 30 minutes of trading . Lighting levels will be raised to encourage the gradual dispersal of customers



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- 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.

All areas of the premises will be checked at the end of each evening to ensure all customers have left safely and a signed record of these checks to be kept on the premises at all times and to be made available to the Police upon request.

Door staff wearing High Visibility fluorescent Upper Clothing will patrol the outside perimeter of the front of the premises at the end of each evening (for at least an additional 15 minutes or until persons are dispersed from the immediate area) 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.

Notices will be displayed in prominent positions at the exit of the premises requesting customers to leave quickly and quietly.

In summary the Police evidence to support this application is as follows :-

On the 27th April 2010 at 0030 hrs Police attended the premise as a male was alleging that excessive force had been used by Door Staff at the premises in order to eject him and his friends.

Occurrence - 44100169085 refers.

On arrival the attending officers found appx 7 males all drunk.

A male had been asked to leave as he was drunk and becoming a problem to other persons in the club.

One of his friends had then become aggressive towards door staff and swung a punch at him.

This resulted in all of them being ejected from the premises from the rear entrance.

The CCTV covering this area was not recording images and therefore could not be used by officers to establish if any excessive force had been used or not.

PC Sullivan from the Southampton Police Licensing Unit subsequently attended the premises and spoke with the DPS Chris Brady.

The CCTV Cameras covering this rear exit and the front door are monitored by a Door Supervisor in the front entrance lobby but wasn't recording.

It was pointed out that these areas are important as they are both areas of potential conflict and currently no evidence is being recorded should such allegations be made against staff.

The DPS stated that steps would be taken to resolve this issue.

Following this visit a letter was sent to the DPS by PC Sullivan.

This incident demonstrated that the Licensing Objectives were not being supported as persons were being allowed to become drunk in the premises and the CCTV system was not capturing images from a key area within.



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On the 2nd May 2010 a further issue involving a drunken person occurred at the premises when a male was ejected from KAOS for being drunk.

Occurrence 44100177431 refers.

Once outside this man tried to push a delivery rider from a nearby Pizza Take - Away off of his moped and swung a punch at the Take - Away's manager. He was detained by the Door Staff from KAOS and was subsequently arrested for drunk and disorderly behaviour by the Police. On his arrest he was found to be in possession of controlled drugs namely Amphetamine Powder.

This incident further highlights the need for staff training with regards to due diligence concerning drunkenness on the premises.

On the 1st October 2010 PC Sullivan spoke with Mr Robert White the co- premises licence holder of KAOS.

A letter of complaint from residents of Bellevue Road had been received by Insp Bates concerning Anti Social Behaviour issues in the road that they allege peak when the premises is open (i.e.during student term times).

Mr White was advised to keep an eye on the levels of drunkenness of his customers as this often determines the levels of Anti Social Behaviour displayed.

His attention was drawn to the letter sent to the outgoing DPS Chris Brady regarding the lack of recording capability for the cameras covering the entrance and exit of his premises, he was advised to ensure that these key areas are covered by a recording system as soon as possible and to let me know when this had been is done. No correspondence concerning this has been received.

On the 7th November 2010 a female customer was racially abused as she left the premises.

Occurrence 44100472427 refers.

As the female left the club a drunk male standing outside the entrance close to the doorstaff and who had been drinking in the premises previously racially abused her, and then followed her across the road continuing to do so, causing her to become distressed. He was detained by the Door Staff from KAOS and upon Police arrival was arrested, he was very drunk.

This is another incident involving a drunken person only 6 months later that once again



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highlights the need for due diligence staff training with regards to drunkenness on the premises.

On the 20th November 2010 a male and his girlfriend were assaulted outside the premises, causing actual bodily harm.

Occurrence numbers 44100491446 and 44100491671 refer.

The two aggrieveds had been in the premises and on leaving were stood in the road opposite the club. Following a verbal altercation a female punched both the aggrieveds causing ABH injuries.

The offender was arrested and she stated in interview that she had been very drunk and was unable to remember much and doesn't remember getting into a fight.

CCTV footage was provided by the premises but this could not be played on Police systems and was therefore of no use.

This highlights the need for the CCTV system at the premises to be able to produce footage on a format compatible with Police requirements, and once again highlights the need for staff training with regards to drunkenness on premises.

On the 29th December 2010 PC Harris and PS Marshman from the Police Licensing Unit attended a meeting at the premises with Mr & Mrs White and the manager Mr Eiken.

During this meeting the issue of incident books was raised, the manager stated that the premises had one but couldn't produce one for inspection.

It was agreed that they would now operate with one, recording end of night debrief with Door Staff at the end of each night, all incidents recorded and if no incidents occur then this too will be recorded and also drunks refused entry.

The manager was advised that any drunks of particular concern that hang around likely to cause more problems should be brought to police attention for consideration fo S27 dispersal/ yellow card.

He undertook to remind Door Staff and Bar Staff to be vigilant regarding drunks, as he accepted that persons are coming to the premises having "Pre- Loaded" with alcohol.

Concerns regarding CCTV were discussed, the issue whereby the cameras covering the entrance and exits were not recording has been addressed, but there is more than one operating system and the manager was not sure how to use a number of them.

He was able to review footage from cameras 1 to 4 on the new system but could not do so on the older systems.



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He undertook to refresh himself on the operation of the system and recontact the Police in the new year when the business re opens.

At this time the following cameras were operating correctly :

- Cam 1 - front door (Left)
- Cam 2 - Car park
- Cam 3- Front door (right)
- Cam 4 - Back garden

Therefore, even after 6 months of Police trying to resolve the CCTV issues at the premises it was still inadequate.

On th 6th January 2011 the Manager Mr Eiken sent an e mail to PC Harris detailing how the premises intend to upgrade the CCTV system with new hard drives, and asking for an opinion as to whether what they proposes would be satisfactory.

PC Harris replied by querying why they intended to have 4 small hard drives instead of 1 larger one and sent a CCTV Condition wording recommending that it be used as a guideline.

The subsequent reply explained that they were going to replace the existing hard drives that currently do not work.

On the 13th February 2011 PC Sullivan visited the premises and spoke to Mr Eiken who by now was the DPS, the Hard Drives required to ensure that all images viewable on the CCTV system are captured had not been delivered by one of the clubs owners Mr White as was promised.

He didn't know why but was asked to impress upon him the need for them.

On the 4th March 2011 PC Sullivan visited the premises with PC Prior and spoke to the DPS Mr Eiken regarding the CCTV system.

PC Sullivan noted that the CCTV system at the premises is quite complex in that it has evolved and therefore there are several monitors each one covering a different area of the premises and each one having its own hard drive as opposed to one large screen and one large hard drive covering them all.

The cameras that cover the step down to the rear garden area, the entrance lobby, an upstairs seating area, upstairs bar area and upstairs dance floor weren't able to record the images they showed.

These are key areas where conflict can occur and need to be covered.



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Mr Eiken was advised of the polices concerns regarding the inability to record footage from the cameras.

Not having these key areas covered by recordable CCTV highlights once more that the licensing objectives were not being fully supported.

On the 16th March 2011 & 25th of March 2011 PC Sullivan visited the premises to further check on any progress with the CCTV upgrade, he spoke to Mr Eiken the DPS and there had been no progress. This would indicate the lack of support for the licensing objectives by the venue.

On the 19th March 2011 Sgt Marshman from Police Licensing visited the premises. The dispersal of customers at the end of the evening was very poor. Sgt Marshman had to step in and move people out of the road and once he did this they themselves started to take steps to disperse customers.

This raises concerns over their dispersal policy and how seriously they are taking into consideration disturbances to local residents.

On the 10th June 2011 at Southampton Central Police Station the meeting was held between PC Sullivan, Robert & Irene White from KAOS and a representative of local residents concerning local Anti Social Behaviour issues. This meeting was very positive and measures were agreed to assist to ease the problems.

After this meeting PC Sullivan spoke to Mr & Mrs White regarding the CCTV issues and in particular the problem obtaining downloaded footage of any incident. PC Sullivan suggested that they could consider a minor variation of the premises licence in this respect and undertook to send them by email a copy of the CCTV condition for their consideration.

Unfortunately the reply from Mr White the proposed new DPS and owner of the venue stated that he wouldn't look to minor the vary the licence to assist in ensuring these problems were rectified.

On the 11th June 2011 PC Baker visited the premises and reported a problem with Kaos at closing time, reporting a large number of people coming from the club and a lack of control of them he reports that on his arrival at 02.05 hours there was people all over the street directly in front of the mains doors of Kaos.

There were doorman stood nearby but were NOT directing people from the road. They only started to control the crowd when Police started telling them to.



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

The Police first requested that the CCTV system be upgraded to a standard that would ensure that all images captured could be recorded and produced to the Police when required following an incident in April 2010(16 months ago).Despite repeated requests and further incidents this has not been done.In these circumstances the Police would suggest that this review is necessary in order to attach relevant licence conditions to ensure that the Licensing Conditions are properly supported.

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

If yes please state the date of that application:

/ /
Day Month Year

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

N/A

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

Signature:

Collar Number: PS 3555

Date: 2/8/11

Signature of Authorising Officer (Inspector or above)

Name P. BATES

Signature:

Collar Number: 1WSP 5012

Date: 3/8/11

KAOS Review – Document Index

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E -	Working Sheet re ASB Complaints and CCTV
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- O – Licensing Visit 13/02/11 Re CCTV at Premises
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- Q – Visit 16/03/11 Re Noise/Nuisance Complaints
- R - Working Sheet re Licensing Visit 18/03/2011
- S – Working Sheet re Licensing Visit 26/03/2011
- T - E Mail sent following Meeting 10/06/2011
- U - Licensing Visit 10/06/2011
- V – Visit by PC Baker 11/06/2011
- W – E Mail reply from Mr White

ITEM - A

Occurrence summary

Hampshire Constabulary

Printed: 06/07/2011 10:41 by 2193

Occurrence: **44100169085 Rowdy and inconsiderate @27/04/2010 00:30**

Date/Time: between.... 27/04/2010 00:15 and 27/04/2010 00:30

Clearance status: Filed

Involved person(s): 1)
2)

3)

Involved address(es): 1)

- 2) [Dispatch address; Occurrence address] 94-96, ST. MARYS ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO14 0AH (KAOS NIGHT CLUB) (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SE CENTRAL SOUTHAMPTON EAST, Beat: 5SE03 NEWTOWN)

Involved vehicle(s):

Involved officer(s): 1) #24468 DALLEY, K. (Officer in case)

Flag(s):

Summary: INFMT REPORTING THAT BOUNCERS ARE USING EXCESSIVE FORCE AND HAVE ASSAULTED HIS FRIEND. SOUNDS OF DISTURBANCE IN THE BACKGROUND - ONE MALE IN PARTICULAR SHOUTING FRIEND IS CALLED [REDACTED] VS - NOTHING HAS BEEN REPORTED ON RADIOS VS - ALL Q ON CAMERA FURTHER CALL FROM INFMTS FRIEND REQUESTING POLICE ATTENDANCE AS HIS FRIEND HAS BEEN ASSAULTED BY THE BOUNCERS SC71 - CAN RSH BY CONTACTED - DO THEIR CCTV COVER THIS AREA NEAR CUSTOMER LOADING BAY AT THE BACK CWUN - RSH SECURITY SPOKEN TO AND CAMERAS MAY HAVE PICKED INC UP - OFFICERS CAN ATTEND TO CHECK TAPES WHENEVER THEY ARE FREE SC71 - DETAILS HAVE BEEN TAKEN FROM ALL PARTIES HERE - GOING TO SEE RSH CCTV *** RESULT *** ALL DETAILS OF THOSE INV TAKEN FURTHER ENQ FROM CCTV

Remarks:

ITEM - B

Working Sheet

Hampshire Constabulary

Printed: 06/07/2011 09:08 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author: #2193 SULLIVAN, M.

Report time: 12/06/2010 17:29

Entered by: #2193 SULLIVAN, M.

Entered time: 12/06/2010 17:29

Remarks: Update re Intel on CCTV

Sir

This intel is not entirely accurate, the cctv system installed at the premises does record, however 2 cameras do not and are monitored by a door supervisor situated at the till point in the front entrance.

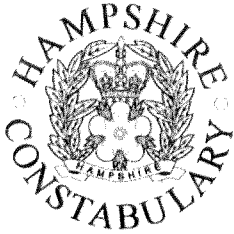
These are the ones covering the front door and the rear exit, as both of these are conflict points i.e. either for refusing entry or for ejecting persons i do not consider this to be wise.

I visited the premises at 2230 hrs 11/06/10 and spoke with the DPS having spoken with him he agrees as there is no recorded evidence here should allegations be made which is the case here.

This is a student only venue which is closing for the summer after Sat 12/06/10 as all the students go home, i am writing to him requesting the work be done over that time to ensure that these cameras are routed through to be recorded.

He assures me that it will be done.

M.Sullivan PC 2193



Hampshire Constabulary
Chief Constable Alex Marshall

Mr C. Brady
KAOS
94-96 St.Mary's Road
Southampton
Hampshire
SO14 0AH

Hulse Road
12-18 Hulse Road
Southampton
Hampshire
SO15 2JX

Telephone: 0845 045 45 45
Direct dial: 023-80674374
Fax No: 023 8059 9943
Deaf/speech impaired minicom: 01962 875000
Email:

Our ref:
Your ref:

June 23, 2010

Dear Chris

Re – CCTV Recording

I write as promised concerning the discussion we had during my visit to KAOS on Friday 11th June 2010 regarding the above.

This was in response to a report from a colleague who attended following an incident on 27/04/2010, where persons who had been ejected from the premises initially alleged that your door staff had used excessive force.

These individuals were all in drink at the time and in the end no subsequent substantive allegations were made.

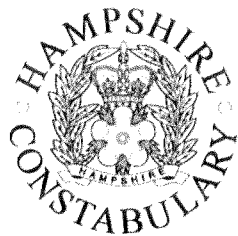
However, when making enquires at the premises they have reported to me that they could not obtain CCTV images to assist them in their enquiries as the images were not being captured.

On speaking with you I now understand that you do have the capability of recording and storing images at the premises but not currently from the cameras covering the front and rear entrance and exit.

In our view the entrance and exit points of late night licensed premises are key points of potential conflict and in are areas that should be covered by a recordable CCTV system.

The Police believe that CCTV provides invaluable assistance in our joint effort to reduce incidents of crime and disorder and thus assists to promote one of the four licensing objectives, it can be of great help in protecting staff from assaults and spurious allegations and in aiding identification of individuals should there be a need.

I would therefore be obliged if you would take the necessary steps to enable those cameras to be connected to your recording systems.



I understand that you are now closed for the summer but would appreciate it if you could update with any progress in this matter.

Thank you for your support with regard to enforcing the licensing objectives.

In the meantime if I can be of any assistance please feel free to contact me on the number shown above.

Yours faithfully

Mike Sullivan PC 2193
Licensing Officer

ITEM 1

Occurrence summary

Hampshire Constabulary

Printed: 13/07/2011 11:52 by 2193

Occurrence: **44100177431 Drunkeness @02/05/2010 01:05**

Date/Time: between.... 02/05/2010 00:45 and 02/05/2010 01:05

Clearance status: Filed

Involved person(s): 1)
2)

3)

Involved address(es): 1) [Dispatch address; Occurrence address] 94-96, ST. MARYS ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO14 0AH (KAOS NIGHT CLUB) (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SE CENTRAL SOUTHAMPTON EAST, Beat: 5SE03 NEWTOWN)

Involved vehicle(s):

Involved officer(s): 1) #3493 ALDERTON, M. (Arresting officer; Assisting officer; Detecting officer; Officer in case)
2) #10896 MCMILLAN, P. (Detention officer; Witness)

Flag(s):

Summary: ARRESTED SUS D&D. CALLED TO KAOS NIGHTCLUB WHO EJECTED THE DP. DP CLEARLY IN DRINK. DP THEN SEEN TO GO TO THE PIZZA SHOP A FEW DOORS AWAY WHERE THE DP WAS SEEN TO PUSH ONE OF THE DELIVERY LADS OFF A MOPED. HE THEN STOPPED ANOTHER ONE. HE THEN PREVENTED ANOTHER DELIVERY DRIVER FROM LEAVING THE SHOP INSISTING THAT THEY CALL A TAXI TO GO TO BANBURY. AT THIS POINT THE MANAGER TRIED TO MOVE HIM AWAY. THE DP THEN TOOK A SWING AT THE MANAGER AND WAS RESTRAINED BY DOOR STAFF AT KAOS.

Remarks:

FM E

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:21 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author:	#2193 SULLIVAN, M.	Report time:	06/10/2010 16:43
Entered by:	#2193 SULLIVAN, M.	Entered time:	06/10/2010 16:43
Remarks:	Licensee to re CCTV/Drunks/ASB re Local Residents		

On 01/10 2010 i spoke to Mr Robert White co-owner and co- premises licence holder of the premises when he served the vary DPS notice at SH.

As requested by Insp Bates i informed him of the complaints made by residents of Bellevue Road about ASB issues that they allege peak when the premises is open (i.e.during student term times), he was advised to keep an eye on the levels of drunkenness of his customers as this often determines the levels of ASB displayed.

In addition i advised him of the letter i had sent to the outgoing DPS Chris Brady regarding the lack of recording capability of the cameras covering the entrance/exit of his premises, currently they do not record however he has a digital recorder in the premises that records other areas of the bars, i have advised him to ensure that these key areas are covered by a recording system asap and to let me know when this is done.

I also advised him that on my recent visit on 24/09/2010 i saw 2 females that were very drunk and reminded him of his legal and social responsibilities in that regard.

M.Sullivan PC 2193

ITEM F

Occurrence summary

Hampshire Constabulary

Printed: 07/07/2011 18:30 by 2193

Occurrence: **44100472427 Public order @07/11/2010 02:00**

Date/Time: between.... 07/11/2010 02:00 and 07/11/2010 02:05

Clearance status: Filed

Involved person(s): 1)
2)

3)

4)

Involved address(es): 1) [Dispatch address; Occurrence address] 94-96, ST. MARYS ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO14 0AH (KAOS NIGHT CLUB) (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SE CENTRAL SOUTHAMPTON EAST, Beat: 5SE03 NEWTOWN)

Involved vehicle(s):

Involved officer(s): 1) #20129 SLOCOMBE, D. (Arresting officer; Assisting officer; Detecting officer; Officer in case)
2) #23258 WHEELER, D. (Attending officer; Assisting officer)
3) #2166 LAI, A. (Interviewing officer)
4) #1630 HOWLETT, P. (Supervising officer)

Flag(s):

Summary: Whilst leaving KAOS nightclub. Aggrieved reports that a male was racially abusive to her calling her a 'FUCKING PAKI' Male arrested at scene by police.

Remarks:



Record of Adult Caution

ITEM 9

Poli
 Sur
 For
 A/S number
 Place o
 National
 PNC appearance
 Address:

Custody record number: CR1000045888
 Date of I
 Age:
 Occupat
 Pre-charge advice:
 Height:

E 1

Offence: (1) Racially / religiously aggravated intentional harassment / alarm / distress - words / writing 07/11/2010

Occurrence Number: 44100472427

Full circumstances and officers comments:

D/P was out for drinking in Chaos Nightclub, with his friends. He admitted that he was heavily intoxicated. About 1.50am on Sunday 7th November 2010, D/P was standing at the front entrance, when a group of people walked past him. D/P suddenly made some racial comments on a female agg'd. As a result, the agg'd was very distressed and upset. The D/P was apologetic in interview.

Any Previous Convictions / Cautions?

If 'yes' please detail below:

Justification for use of caution in this case (to include the views of victim):

Note: Indictable only offences require CPS authority to issue caution.

Cautioning Officer

I confirm that:

- There is a clear and reliable admission in this case which is PACE compliant and recorded as a: tape recorded interview.
- All the legal elements of the offence are met: Yes.
- I have fully explained the meaning of the caution and the consequences of it: Yes.
- Gravity score is 2, aggravating/mitigating factors 0, tot

Cautioned by: Ps 1066 Boyles

Signed:

Station:

Date: 07/11/10

Now plea:

team



RMS ITEM 9
44100472427 PAGE 2

ACKNOWLEDGEMENT OF ADULT CAUTION

I OLIVER
of Epsom

consent to be cautioned for the offence(s) of (1) Racially / religiously aggravated intentional harassment / alarm / distress - words / writing 07/11/2010.

- I admit to the offence(s) listed above, I have read and fully understand this form and I agree to be cautioned.
- I understand that this caution forms part of a criminal record and will be kept on the Police National Computer.
- I understand that this caution may be cited if I should subsequently be found guilty of an offence by a court.
- I understand that my details may be passed to any aggrieved party in this case should they wish to pursue civil action.
- I also understand that in certain circumstances it may be disclosed for employment vetting purposes

Signed (person cautioned)

Date: 07/11/10 Time: 1130

Caution Witnessed by appropriate adult / Legal representative / Police Employee

Name: PC 2166 - LA1

Signed: PC216

Sexual Offences Act 2003 Registration

I acknowledge that this offence has a requirement for me to register with the Police under the terms of the Sexual Offences Act 2003 and failure to do so will instigate further proceedings in relation to this offence.

Signed (person cautioned): n/a

Signed (witness): n/a

PLEASE READ AND ENSURE YOU FULLY UNDERSTAND THE BELOW NOTES BEFORE SIGNING THIS CAUTION.

- A caution is not a criminal conviction, but a record of it will be kept by the police.
- If new evidence comes to light suggesting that the offences are more serious, legal action may still be taken against you.
- If you are charged with another crime in the future and go to court, the court may be told that you have received this caution.
- If you work in a job which is included in the list of notifiable occupations (jobs where you are in a position of trust or responsibility), your employer may be told about this caution.
- If you apply for certain jobs (paid or unpaid) that need a Criminal Records Bureau check your new employer may be given information about this caution as a result of it.
- If this offence is included in the Education (Prohibition from Teaching or Working with Children) Regulations 2003 (as amended), accepting this simple caution means you will not be allowed to do certain jobs which involve working with children. A list kept by the Department for Children, Schools and Families of people who are not allowed to carry out jobs involving children and young people. You will be committing an offence if you carry out (or try to carry out) any of those jobs.

Now please fax

ITEM H1

Occurrence summary

Hampshire Constabulary

Printed: 07/07/2011 18:17 by 2193

Occurrence: **44100491446 Assault @20/11/2010 02:10**

Date/Time: between.... 20/11/2010 02:10 and 20/11/2010 02:15

Clearance status: Filed

Involved person(s): 1)

2)

3)

4)

5)

6)

7)

8)

Involved address(es): 1) [Dispatch address; Occurrence address] 94-96, ST. MARYS ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO14 0AH (KAOS NIGHT CLUB) (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SE CENTRAL SOUTHAMPTON EAST, Beat: 5SE03 NEWTOWN)

Involved vehicle(s):

- Involved officer(s):
- 1) #5 TEMPLE, H. (Arresting officer; Assisting officer; Witness)
 - 2) #24108 SAVAGE, C. (Assisting officer)
 - 3) #21928 ALLAN, M. (Assisting officer)
 - 4) #648 WOODFIELD, C. (Interviewing officer; Witness)
 - 5) #2846 TRUSSON, A. (Detecting officer; Officer in case)
 - 6) #8760 JACKSON, T. (Other assisting employee; Witness)
 - 7) #11362 HART, S. (Other assisting employee; Witness)

Flag(s):

Summary: Verbal altercation between group of people who had come out of a night club resulted in one female punching another in the face, causing a bleeding nose and cut lip.

ITEM 1

Occurrence summary

Hampshire Constabulary

Printed: 13/07/2011 12:00 by 2193

Occurrence: **44100491671 Assault @20/11/2010 10:35**

Date/Time: between.... 20/11/2010 02:10 and 20/11/2010 02:15

Clearance status: Filed

Involved person(s): 1)

2)

3)

4)

5)

Involved address(es): 1) [Occurrence address] 94-96, ST. MARYS ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO14 0AH (KAOS NIGHT CLUB) (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SE CENTRAL SOUTHAMPTON EAST, Beat: 5SE03 NEWTOWN)

Involved vehicle(s):

Involved officer(s): 1) #5 TEMPLE, H. (Officer in case; Reporting officer)
2) #648 WOODFIELD, C. (Interviewing officer)

Flag(s):

Summary: OIC TO UPDATE

Remarks:



ITEM J
PAGE 1

MG15T
Page 1 of 2

RECORD OF INTERVIEW

44	SP	10246	10
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Contemporaneous Notes / SDN / ROTI / ROVI (delete as applicable)

Person interviewed:



Place of interview:

SOUTHAMPTON
CENTRAL POLICE
STATION

Date of interview: 20/11/10

Police exhibit no:

Number of pages: 2

Signature of interviewing officer producing exhibit: _____

Time commenced: 12:39

Time concluded: 13:11

Duration of interview: 0:32

Audio tape reference nos. (♦):

Visual image reference nos. (♦):

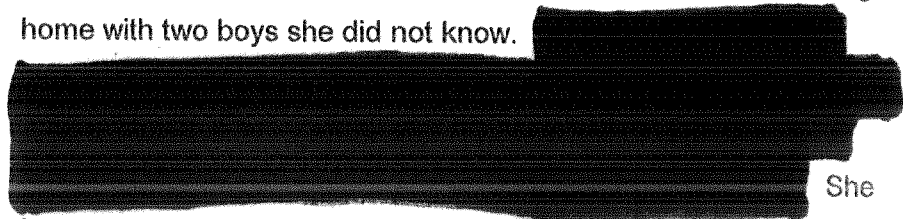
Interviewing Officers:

PC 648 WOODFIELD

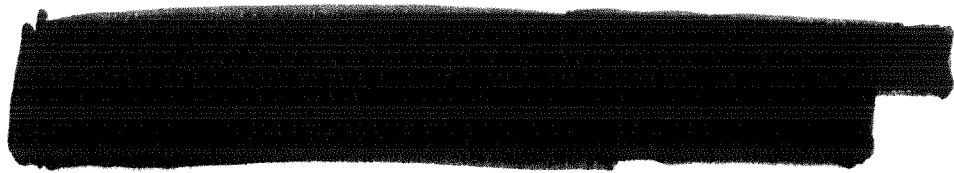
Other persons present:

Tape Counter Times(♦)	Person Speaking	Text
-----------------------	-----------------	------

D/P very drunk last night and unable to remember much. she did go to Kaos night club with a group of friends and remembers walking home with two boys she did not know.



She has scratches on her face and a bruised index finger on her right hand but she does not know how she got these injuries. She did not remember hitting anyone or getting in any fights with anyone.



Signature(s): _____

(Contemporaneous notes only)

Blank space for contemporaneous notes



HAMPSHIRE CONSTABULARY

ITEM J
MG15T
PAGE 2
Page 2 of 2

F

Tape Counter Times(*)	Person Speaking	Text
		[REDACTED]

Signature(s): _____

(Contemporaneous notes only)

_____ want for contemporaneous notes

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:28 by 2193

Occurrence: 44080537598 Z Prem Licence (Management Occurrence)

Author: #24288 HARRIS, J. Report time: 29/12/2010 11:42
 Entered by: #24288 HARRIS, J. Entered time: 29/12/2010 11:42
 Remarks: Licensing meeting re variation in hours.

PS MARSHMAN and i attended a meeting at Kaos today with the DPS irene White, Bob White, Harry Eiken (manager) and Jon Wallsgrove (solicitor) to discuss their potential request to extend their hours.

A number of matters were discussed around this request and the obvious hurdle is the location of the premise where it falls under the CIP. The fact that the venue would have to prove that its alteration in hours would not have an adverse impact on the area will be very difficult. We highlighted that there are already a number of complaints from residents, including one addressed to the Chief Superintendant about noise, damage to vehicles, persons urinating on premises/front doors which can be linked with their premise and other night time venues in Bevois Valley.

Harry was spoken to about an incident book and although he did say that he had one, he was not able to show one to us so we could compare the incidents we have recorded on RMS. It was agreed that they would now operate with an incident book, Harry will debrief all door staff at the end of each night, all incidents recorded and if no incidents this will be clearly marked. Refusals will also be added detailing drunks refused entry. Harry was told that any drunks of particular concern that hang around likely to cause more problems should be brought to police attention for consideration fo S27 dispersal/ yellow card.

CCTV was of concern, although the previous problem where the entrance and exits was not being recorded has been addressed, there is more than one operating system and Harry was not clear and how to use a number of them. He could only revview footage from camera 1 to 4 on the new system but could not do so on the older systems. He has my contact details and said he will have a refresher course and then get back to me. This will be after new year when the business reopens. So far the following cameras were operating sufficiently:

Cam 1 - front door (Left)

Cam 2 - Car park

Cam 3- Front door (right)

Cam 4 - Back garden

Harry will also reiterate to

ilant for drunks.

ITEM K

PAGE 2

He accepted himself that persons are coming to their premise having 'pre loaded' on alcohol as it is likley to be cheaper.

PC 24288 HARRIS

ITEM L
PAGE 1

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:28 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author: #24288 HARRIS, J. Report time: 20/01/2011 11:01
Entered by: #24288 HARRIS, J. Entered time: 20/01/2011 11:01
Remarks: Correspondence with Manager Harry Eiken

From: Harris, Jonathan
Sent: 13 January 2011 17:05
To: 'harry eiken'
Subject: RE: Kaos Nightclub C.C.T.V

Hi Harry

Just to clarify, are you able to play footage off the three hard drives that you are going to be changing or are you changing as you are not able to do this. Were not trying to catch you out, its just that we wanted to view recorded footage off the system initially and at least then we could tell you if we think the cameras are in order based on the playback. If not, no worries it will probably be better to view the cameras once the new hard drives are in.

Regards

Jon
PC 24288 HARRIS
Violent Crime & Licensing Department
DD: 02380 670981 ext: 327

From: harry eiken
Sent: 10 January 2011
To: Harris, Jonathan
Subject: RE: Kaos Nightclub C.C.T.V

Hi Jonathan

The hard drives that we were unable to access are the ones that are going to be replaced so there will be one method for all of the cameras, so it would be worth visiting when that change over has happened. You are more than welcome to view the system now if you would like, on the premise that it will be changed, but that may just add to your work load. How much notice do you require before a visit could be arranged?

RESTRICTED

ITEM 4
PAGE 2

Before your visit I will also work out a way of converting the files so they are accessible on your system without any installation of software and check everything is in line with the guidelines you sent.

I believe the reason we will be buying separate hard drives is that there are not enough inputs for the cameras on the new hard drive that we have.

I have a query regarding the CCTV guidelines you forwarded; If I keep a log book, with daily records of the CCTV functioning correctly, the time and date of any incident recorded and on what camera/hard drive it can be found, will this be sufficient? How should I demonstrate that it is being securely retained? If I write in the book that it is password protected and locked away in a cupboard, is this Ok? is there anything else that needs to go into these records?

Thanks for your help with this matter, it is greatly appreciated.

Harry

To: [REDACTED]

Date: Thu, 6 Jan 2011 15:58:30 +0000
Subject: RE: Kaos Nightclub C.C.T.V

Hi Harry

Thanks for your email. I do remember the issues with the CCTV and that there is a mixture of old and new. I think changing / updating the hard drives would make sense on the basis it should ensure that you are always able to download footage and it will retain footage for up to 30 days. This is generally what we expect of all venues as a minimum and some even have particular wording on their licence. I do not think I would have any issue with the hard drive as it only records what the cameras see. The only issues that could arise are with the cameras and if they provide poor images. It is of course up to you if you spend the money on the hard drives. I am confused as to why you need 4 though. Can they just not give you one to cover all the cameras?

I have included the wording below for your information to give you some idea of what we expect from venues CCTV. If you use this as a guideline you should not go too far wrong.

(1) 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.

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

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

(iv) There shall be sufficient members of trained staff available during operating hours to be able to provide viewable copies at the request of the Police or authorised officer. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any windows based program acceptable to the police, or DVD player. This will be without the requirement for additional software to be installed.

(v) 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.

(vi) CCTV warning signs to be fitted in public places.

(vii) Recordings to be kept for a minimum of 28 days.

(viii) 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

(ix) All systems, signage, hardware and procedures are to be installed and implemented to the reasonable satisfaction of Hampshire Constabulary.

It would make sense if I came to look at the system once you have got the extra work completed. Please just keep me updated.

Jon
PC 24288 HARRIS
Violent Crime & Licensing Department
DD: 02380 670981 ext: 327

TE M M

From: harry eike
Sent: 06 January
To: Harris, Jonat
Subject: Kaos Nightclub C.C.T.V

Hi Jonathan,

Not been able to get in touch via phone, I must keep missing you, so I thought I would send an e-mail.

Last week during our meeting regarding an extension of the trading hours for Kaos we agreed that you could come and take a second look at the C.C.T.V and check it is all in acceptable working order.

I don't know if you remember the system here but there are four different hard drives with different methods of downloading the software from each. What we have decided to do now is remove the three older hard drives and replace them with the newer style so we have four identical hard drives recording all the cameras, leaving us with just one simple method of getting the data off. The hard drive that I gave you a demonstration of when you were here is the one that we will be using for all. It is a month long loop recording, data is taken off with a memory pen and then put onto C.D/D.V.D via a laptop.

If you think this will be a good step for us we will put the order in for the hard drives and they should be ready to go in a week or so, once they have been delivered. Did you want to come round and view the system as it is, obviously with the view that the old ones will be replaced with new? Or would it be more sensible to view the system once the new gear has turned up? The only foreseeable downside to this second option is that if we order the new hard drives and then you view them and say for some reason they are not good enough we will be left with three brand new but useless hard drives.

If you could let me know your thoughts then we can arrange either a suitable time for you to come and look at the cameras, or I can put the order in for the new hard drives and you can have a look when it is all done.

Thanks for your time.

Harry

Kaos Manager

ITEM N

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:29 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author:	#2193 SULLIVAN, M.	Report time:	23/01/2011 03:43
Entered by:	#2193 SULLIVAN, M.	Entered time:	23/01/2011 03:43
Remarks:	CCTV Update & Licensing Visit 23/01/2011		

Premises visited at 0020 hrs with PC Prior.

The current CCTV system is divided into 4 units each unit has coverage of certain areas. One of these areas is the front and rear exits and the rear garden, until recently these cameras only viewed and did not record, in response to Police requests new cameras have replaced the old and there is a modern flat screen monitor, these cameras feed into a hard drive from which there is a usb port that a disc burner can be attached should a disc be required.

Another 3 of these hard drives have been ordered for the other 3 units and should arrive on the 1st February 2011.

A further visit will be required from then to check the progress of the upgrade, currently the drives for these units record but it requires tech assistance to retrieve cctv footage.

Whilst there we toured the premises and found that all appeared in order, lots of customers, good atmosphere and no drunk.

Plenty of doorstaff on duty at relevant posts, while we were there a male and a female were caught together in a cubicle in the male toilets, they were ejected as is the premises policy, this was a romantic liaison rather than one involving drug use.

M.Sullivan PC 2193

TEM

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:30 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author:	#2193 SULLIVAN, M.	Report time:	13/02/2011 01:13
Entered by:	#2193 SULLIVAN, M.	Entered time:	13/02/2011 01:13
Remarks:	CCTV Update from Licensing Visit 13/02/2011		

Premises visited 13/02/2011 @ 005 hrs, DPS Harry Eiken seen.

The Hard Drives required to ensure that all images viewable on the CCTV system are captured have not been delivered by one of the clubs owners Mr White as was promised.

Harry could not explain why as Mr White was due to bring them on the 1st february but has not done so, i have asked him to impress upon him the need for them and in the meantime will make contact with him myself when next on days.

Harry Eiken is not the owner and has no mandate to purchase such equipment himself on behalf of the club.

M.Sullivan PC 2193

TEM P

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:31 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author: #2193 SULLIVAN, M.

Report time: 18/03/2011 11:25

Entered by: #2193 SULLIVAN, M.

Entered time: 18/03/2011 11:25

Remarks: Licensing Visit 04/03/2011

Premises visited 04/03/2011 at 2315 hrs with PC Prior, DPS harry Eiken seen and spoken to regarding the CCTV system.

The CCTV system here is quite complex in that it has evolved and therefore there are several monitors each one covering a different area of the premises and each one having its own hard drive as opposed to one large screen and one large hard drive covering them all.

There is a camera and monitor covering the step down to the rear garden area, images from this camera are not being recorded.

There monitor showing images from cameras covering the entrance lobby, an upstairs seating area, upstairs bar area and upstairs dance floor but these images are not being recorded.

I advised him that these gaps in recording images should be closed asap as i believed had been promised, he told me that he has mentioned this to the owner who controls the budget for the premises and would do so again.

It is apparent to me that the DPS would like the additional hard drive but it is the owner who would have to purchase it.

I will follow this up and if needs be contact the owner direct.

M.Sullivan PC 2193

TEM Q

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:32 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author:	#2193 SULLIVAN, M.	Report time:	18/03/2011 11:51
Entered by:	#2193 SULLIVAN, M.	Entered time:	18/03/2011 11:51
Remarks:	Licensing Visit 16/03/2011 re Noise/Nuisance complaints		

Premises visited on 16/03/2011 at 2115 hrs, premises was not open but i saw the DPS Harry Eiken.

CCTV position hasnt changed but he has spoken to the owner so i will check again on lates to see if the owner has taken the action required.

I informed the DPS of the complaints concerning noise and anti social behaviour that residents in Bellevue Road are attributing to KAOS customers.

He stated that since they have had TENS to a later time he has noticed customers leave in smaller groups rather than all at once, he has on these nights monitored this area himself at appx every 15 minutes after what would have been the premises usual closing time of 0200 hrs, he states that he has noticed any issues with customers from his premises.

I raised too the complaints concerning KAOS customers urinating on the walls of Orion Point across the road from the club, he has agreed that he will obtain a Hi Vis Jacket and will get one of his door staff to monitor this area and Bellevue at closing time to try and assist.

VCS Briefing has also been updated to include requests for officers patrolling this area on VCS to monitor Orion Point.

M.Sullivan PC 2193

ITEM R

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:32 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author:	#3555 MARSHMAN, I.	Report time:	19/03/2011 19:49
Entered by:	#3555 MARSHMAN, I.	Entered time:	19/03/2011 19:49
Remarks:	18/3/11-19/3/11 TEN-- CLOSED EARLY 0200		

Very few people in the club. Although there dispersal wasn't the best i.e the appeared to kick start into action once they realised i was hanging about.

Initially i had to move people out of the road- i got the impression the door staff didn't wish to get involved.

Public left quite quietly.

PS3555 MARSHMAN

TE M S

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:32 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author: #2193 SULLIVAN, M.

Report time: 26/03/2011 02:44

Entered by: #2193 SULLIVAN, M.

Entered time: 26/03/2011 02:44

Remarks: Licensing Visit 26/03/2011

Premises visited and DPS seen at 0145 hrs 26/03/11.

No progress with CCTV additional Hard drive not in place yet.

Premises interior lights were on, and were not very busy, was considering closing despite having a TEN to extend the premises hours.

M.Sullivan PC 2193

ITEM T.
PAGE 1

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:37 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author:	#2193 SULLIVAN, M.	Report time:	13/06/2011 12:14
Entered by:	#2193 SULLIVAN, M.	Entered time:	13/06/2011 12:14
Remarks:	E mail sent 13/06/2011 re - CCTV & other conditions		

Following discussion with Bob and Irene White on 10/06/2011 after the meeting we held with [REDACTED] i spoke with them regarding the CCTV issues and suggested that they could consider a minor variation of the premises licence.

I promised to send them by email a copy of the CCTV condition for consideration.

Since then Sgt Marshman visited the premises and has suggestd that the email contain a raft of other relevant conditions for their consideration.

The email has been sent today and is shown below.

M.Sullivan PC 2193

Dear Bob and
Irene,
Sent - Mon 13/06/2011 12:13

ITEM T

PAGE 2

We also discussed the CCTV at your premises and in particular the problems with obtaining downloaded footage of any incident, we spoke about the possibility of you applying for a minor variation of the premises licence for KAOS in order to attach a condition relating to the installation and operation of a CCTV system at your premises.

I promised I would send you a copy of the current condition relating to CCTV and its operation and following your discussions with Sgt Marshman at the weekend I also attach some other relevant conditions for your consideration.

I would be obliged if you could contact this office by Friday the 17th June 2011 and let me know whether you have decided to apply for a minor variation to attach any conditions to the premises licence and if so when any such application would be made.

The conditions are set out below.

Yours faithfully

Mike Sullivan PC 2193

Police Licensing Officer

Southampton Police

Direct Dial - 023-80674768

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 at the request of the Police or authorised officer. Any images recovered must be in a format that can be readily

1 ITEM T
PAGE 3

taken away and viewed on any computer operating on any Windows based program acceptable to the police, or DVD player. This will be without the requirement for additional software to be installed.

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.

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

Refusals book

A refusals book to be kept detailing numbers , dates and times of incident and description of people refused service of alcohol with reasons why(Including incidents relating to disorder)to the reasonable satisfaction of Hampshire constabulary. The incident book will remain on the premises at all times and will be available to police upon request.

Challenge 25

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.

Training

All staff who sell alcohol will be trained to APLH(EDI Level 2 Award for Personal License Holders) level. All sales of alcohol must be directly supervised and authorised by a personal licence holder until such staff have achieved training to APLH level.

Staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; 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.

The DPS should also complete a nationally recognised **Level 2** DPS course

Authorisation of supply of alcohol in absence of DPS

A record will be kept at the premise of any persons that the DPS has authorised to supply alcohol. Further to this when the DPS is absent from the premise a list will be made available stating who will be managing the venue.

Licence Link/ pub watch

The premise holder or his nominated representative will maintain membership of any existing Barwatch scheme, or join any future scheme, which is not currently in existence and approved/supported by the local police. He she will ensure co-operation with the relevant scheme, abide by any rules and ensure meetings are regularly attended.

ITEM u.

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:36 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author:	#3555 MARSHMAN, I.	Report time:	11/06/2011 20:27
Entered by:	#3555 MARSHMAN, I.	Entered time:	11/06/2011 20:27
Remarks:	Kaos visit can't operate cctv etc deadline		

I visited Kaos at 2320 hours 10/6/11. Two doorman on the front door and DPS. I didn't see any SIA badges at all(doorman did have jackets saying security). I spoke to the owner Bob and thanked him for attending the meeting and the help his door team offered in detaining a offender(not related to the venue). I asked if they could download CCTV and Bob advised they could for 4 camera's and not for the rest. He stated that he would have a new ssystem by the end of August as last night was their last night open until the return of the students. I explained that Mike would provide a list of conditions for them to consider and he was aware of this. However, I think he sees this as a guide.

I pointed out the SIA breaches no badges and one door man then lifted up his jacket(to which I eplained it needs to be on display- unfortunatelly I then had to explain to him how to obtain a arm band i.e look on the internet, go to a shop or have the management buy one for them). I wouldn't say Bob was that interested. The second door man said his was always on display as he now had his jacket open. I'll have to review BWV as it was all recorded.

It was the DPS last night and to be honest his heart wasn't in it all.... He had little interest.

We need Bob to get back to us by Friday to see if he does intent to vary his licence - if not we will look at the evidence we have to instigate a review to ensure these issues are addressed.

PS3555 MARSHMAN

ITEM

V

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:36 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author:	#3555 MARSHMAN, I.	Report time:	11/06/2011 20:29
Entered by:	#3555 MARSHMAN, I.	Entered time:	11/06/2011 20:29
Remarks:	More issues from PC Baker		

Sgt

As requested tonight we conducted brief checks at Kaos and The Edge.

Both seemed to be all in order but were not particularly busy venues tonight. The only problem seemed to be with Kaos at closing time. Again they had a large number of people coming from their club and seemed to lack control of them. When we arrived at 02.05 hours there was people all over the street directly in front of the mains doors of Kaos.

There were doorman stood nearby but were NOT directing people from the road. They only started to control the crowd when we started telling them too.

FYI

Kindest Regards

Richard

ITEM W

Working Sheet

Hampshire Constabulary

Printed: 13/07/2011 12:38 by 2193

Occurrence: **44080537598 Z Prem Licence (Management Occurrence)**

Author: #3555 MARSHMAN, I.

Report time: 17/06/2011 08:34

Entered by: #3555 MARSHMAN, I.

Entered time: 17/06/2011 08:34

Remarks: Owners response to e mail sent

From: 

Sent: 16 June 2011 18:50

To: Sullivan, Michael

Subject: Re: meeting on 10/06/2011 & CCTV issues

Hi Mike,

Thank for your email as we said at the meeting we would consider your proposal to apply for a minor variation to our licence, and we have decided not to apply.

The CCTV issue I am working on now and I will be looking to install a new system with all the requirements you ask for, and as I said it will be in place and ready for inspection if required by the middle of August.

Incident book has been in place since the beginning of this year, and is available for inspection by the police if required.

Refusals book the same as the Incident book.

Challenge 25 is not necessary as we have a strict entry system in place, nobody gains entry to the club if they are under 18 and no matter how old they may look they must have I.D.

As you know we are closed until the end of September and the new DPS will be in place by then.

We will stay a member of the Licence Link/ Pub Watch scheme so long as it does not get too expensive to be a member of.

The Yellow Card scheme we are not interested in and will not be participating, I have had reports from Harry about it and if he has told me it is a waste of time.

Regards

Bob White

From: Gemma Beardsmore
Sent: 31 August 2011 18:22
To: Licensing
Cc: Bellevue Road Residents Association; Ant
Subject: 2011/01921/01SRAP - Kaos Nightclub, St Mary's Road
Dear Licensing team,

Having reviewed the information available on your website regarding the review of Kaos Nightclub's premises licence, I am writing on behalf of myself and my husband, Anthony Beardsmore, as interested people who live in the vicinity of Kaos Nightclub. Although the majority of incidents have been reported to the local police force, to date the occurrence of incidents of drunken and disruptive behaviour has been so frequent and the responses of the local police force so dismissive that we have ceased to keep a log. PS Marshman's report summarises the majority of recent incidents which have been linked to Kaos. Unfortunately, we are unable to directly link every incident to the opening hours of Kaos, but since moving to Bellevue Road in November 2009 we have noticed a far greater rate of incidents, noise, disruption and damage to property during the period of the year which Kaos has opened than over the period it is not trading. In general, Bellevue Road suffers from high levels of noise, disruption and damage to property and we believe that a large proportion of this can be attributed to Kaos's poor dispersal practices. As the club opens both during the week and at weekends, the amount of noise and disruption is disturbing on an almost daily basis. Additionally, the recent increase of drink-fuelled violent assaults in the area is worrying and makes residents feel unsafe.

On another note, we were very disappointed to find that whilst PS Marshman has very sensibly raised our concerns in his notice of review document, he neglected to notify the Residents' Association of his review thereby seriously reducing our ability to comment on these matters. I am sure that many other of the local residents would have been willing to contribute to this review if they had been made aware it was happening.

Yours faithfully,

Gemma Beardsmore
23 Bellevue Road
Southampton
SO15 2AX

Bellevue Road Residents' Association

Licensing Department
Southampton City Council
Civic Centre

31/08/11

Dear Sir/Madam,

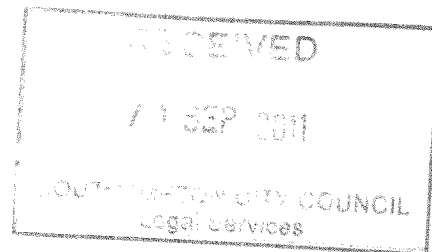
License Review - Kaos Nightclub

Please find enclosed a DVD of CCTV footage of issues on Bellevue Road.

We were only informed of the license review yesterday so our time in preparing comment has been extremely limited. I will email later tomorrow to detail the content of the DVD, the issues and the residents represented.

Yours sincerely,

Niall Fraser



From: Bellevue Road Residents Association
Sent: 01 September 2011 10:27
To: Licensing
Subject: Kaos Nightclub - License Review 2011/01921/01SRAP

Dear Sir/Madam,

I am writing this on behalf of the Bellevue Road Residents Association which represents the following people:

Bob Fleming, Moore Blatch Solicitors, 64 London Road / Bellevue Road Brenda Knopf, Unitarian Church, Bellevue Road Deborah Harris, Bellevue Hostel, 5 Bellevue Road Joe Khalil, The Alexandra, 6 Bellevue Road William Gillan, Bon Voyage, 16-18 Bellevue Road Janice Milward, Harcourts, 11 Kings Park Road / Bellevue Road Stuart McPherson, 22a Bellevue Road Anthony Beardsmore, 23 Bellevue Road Gemma Beardsmore, 23 Bellevue Road Niall Fraser, 25 Bellevue Road Tom Clifford, 26 Bellevue Road Chris Clifford, 26 Bellevue Road William Spalding, 27 Bellevue Road Keith Sekree, 27a Bellevue Road Karen Sekree, 27a Bellevue Road Lee Stevenson, 28 Bellevue Road Isobel Waldron, 32f1 Bellevue Road Catherine Baker, 32f4 Bellevue Road Jane Loveless, 32 Bellevue Road Steve Loveless, 32 Bellevue Road Ginga Roderick, 34 Bellevue Road Salomé Gião, 36f9 Bellevue Road Trevor Wenham, 36f14 Bellevue Road

The Residents Association was only informed of this review on the evening of 30th August giving us extremely little time to put together our comments. I have attempted to do the best I can below in the very limited time available.

Bellevue Road is regularly used as a shortcut between the bars on London Road and Bedford Place and the clubs on St Marys Rd and Onslow Rd. Because of this residents are subjected to noise from shouting, chanting and screaming, cars are damaged, residents doorways are urinated and vomited in, residents are verbally abused, houses are graffitied and on several occasions the balconies of houses are climbed up.

Our concerns regarding this license are on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

These problems occur on every night of the week from approximately 9pm til 4am, the early incidents being people already drunk coming from the bars to the clubs and the later incidents being them leaving the clubs and returning home. The fact that issues occur before people enter the clubs suggests that people are being allowed in who are already too drunk.

Residents have recorded an increase in incidents on the nights that Kaos is open (Monday, Wednesday, Friday and Saturday) with a particular increase just after 2am when Kaos closes. Around this time there are regularly large groups travelling up Bellevue Road from St Marys/Onslow Road waking up residents by shouting and knocking over bins. Groups have been seen by residents leaving Kaos before reaching Bellevue Road. Several months ago we had a positive meeting with the owners of Kaos in which they agreed to position door staff on Bellevue Road just before the club empties out at 2am. We hope that this will reduce the 2am issues when the club reopens although the lack of compliance highlighted in PS Marshman's report is a concern.

The issues above have been ongoing for several years and have been reported previously (specifically mentioning Kaos) to Richard Black at the licensing department, the ASB team at Southampton City Council and Inspector Bates and others in the police.

I have today handed in to the civic centre a DVD of CCTV footage taken from two cameras on the front of my house at 25 Bellevue Road. One camera points down the road towards St Marys and Onslow Rd and the other points up towards London Rd. There are two sets of recordings on the disk; Misc shows a selection of incidents and 2am shows groups of people travelling up Bellevue Road from St Marys/Onslow Road at 2am. This disk is an example selection of recordings and is in no way an exhaustive list.

For periods of time residents have listed incidents and passed these to the police but as the incidents have continued without signs of any action we have stopped doing this. We would be happy to provide these lists.

Below is the content of the CCTV:

Misc

-7 examples of people urinating on driveway, coming from both ends of Bellevue Road. This occurs several times a week at several houses. As can be seen in the recording this is right beside or in front of residents front doors and on their property.

-person banging on door in the early hours of the morning -person kicking garage door at around 2am -examples of a group who repeated came around the same time late on wednesday nights over 2 months. group came up steps on to front door to have their picture taken causing noise and waking me up. Presumably because one of them had been told to get off the driveway after causing a disturbance on a previous occasion. On one occasion one of the group was recorded urinating on a neighbours driveway before taking pictures. On another occasion I followed this group to Kaos nightclub after they had their picture taken on my steps in front of my front door. NB These steps do not lead directly onto the pavement, people have to come onto my driveway to reach them and they must be aware that this is private property.

-several examples of bins being knocked over and in one instance a car being kicked -examples of large groups of people in fancy dress chanting, jumping on residents bins and cars. On several occasions these groups have been so large that they have blocked traffic on the road - heading towards St Marys/Onslow Rd.

2am (people coming from St Marys/Onslow Rd direction) -person kicking garage door -group chanting -shouting, bins knocked over -shouting -shouting and running around in street, screaming

I will likely be unable to attend the hearing myself due to work but I have asked for one of our councillors to represent us. They have attended our residents meetings in the past and are familiar with the issues.

Yours sincerely,

Niall Fraser
25 Bellevue Road
Vice-Chairman
Bellevue Road Residents Association

From: Licensing
Sent: 01 September 2011 13:02
To: Licensing
Subject: PublicAccess for Licensing - Application Comments
(2011/01921/01SRAP)

PublicAccess for Licensing - Application Comments (2011/01921/01SRAP)

Niall Fraser has used the PublicAccess website to submit their comments on a Licensing Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for PublicAccess comments submissions.

Comments were submitted at 01/09/2011 13:02:16

Application Summary

Application Number:
2011/01921/01SRAP

Address:
94-96 St. Marys Road
Southampton
SO14 0AH

Customer Details

Name:
Niall Fraser

Address:
25 Bellevue Road
Southampton

Postcode:
SO15 2AX

Comments

Representation Type:
Local Neighbourhood Group

Objection Type:
Licensing Objectives

Comments:
Dear Sir/Madam,

I am writing this on behalf of the Bellevue Road Residents Association which represents the following people:

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I will likely be unable to attend the hearing myself due to work but I have asked for one of our councillors to represent us. They have attended our residents meetings in the past and are familiar with the issues.

Yours sincerely,

Niall Fraser
25 Bellevue Road
Vice-Chairman
Bellevue Road Residents Association

PublicAccess for Licensing - Application Comments
(2011/01921/01SRAP)

Stuart McPherson has used the PublicAccess website to submit their comments on a Licensing Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for PublicAccess comments submissions.

Comments were submitted at 01/09/2011 11:36:46

Application Summary

Application Number:
2011/01921/01SRAP

Address:
94-96 St. Marys Road
Southampton
SO14 0AH

Customer Details

Name:
Stuart McPherson

Address:
22A Bellevue Road
Southampton

Postcode:
SO15 2AY

Comments

Representation Type:
Local Neighbourhood Group

Objection Type:
Licensing Objectives

Comments:

As a resident of nearby Bellevue Road I object to the continued operation of the nearby KAOS student nightclub. We suffer long term continued late night street noise, drunken vandalism and street urination which coincides with the nights where KAOS opens. The Bellevue Road Residents' Association have raised the matter several times to Southampton Police but nothing has been done to restrict the opening of KAOS. I believe that the continued opening of this nightclub, with its emphasis on cut-price alcohol to students is having a negative impact on our local area.