

Reference: 2012/00065/01SRAP

Hearing:

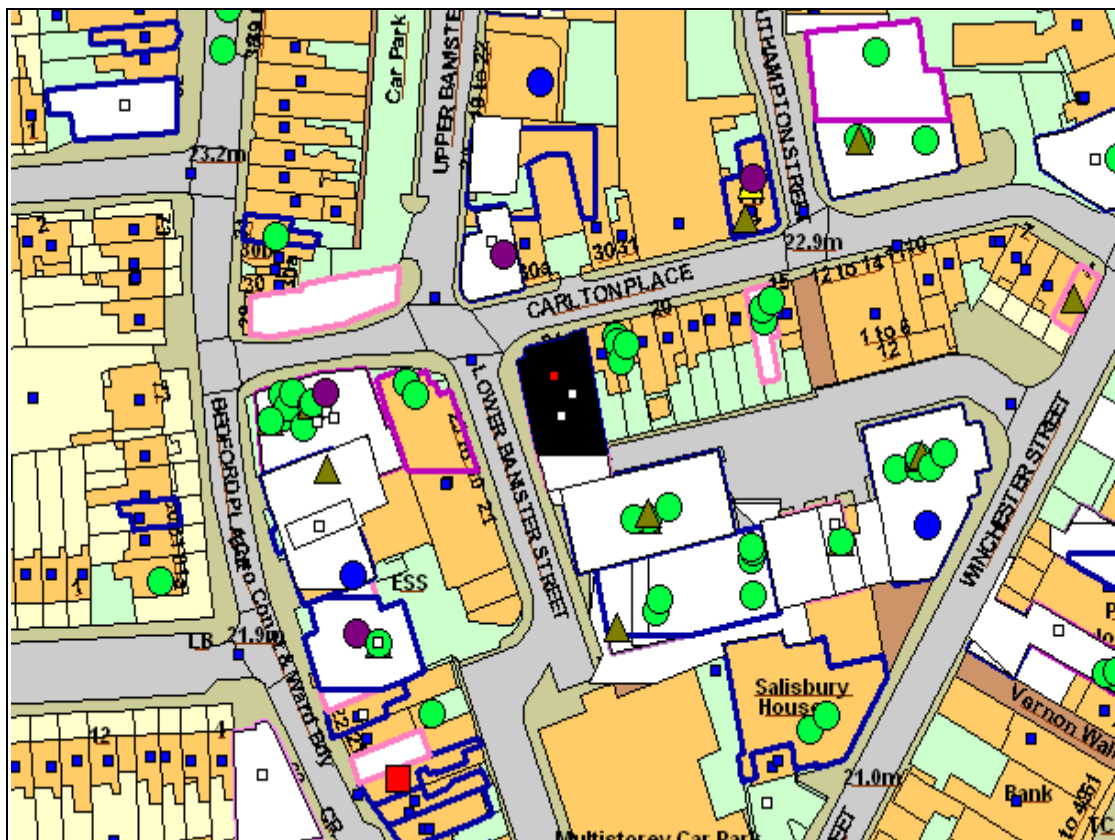
8th March 2012

Application for Review of Premises Licence

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

Application Date: 10th January 2012
Application Received Date: 12th January 2012

Application Valid Date: 12th January 2012



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Representation From Responsible Authorities

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

Other Representations

Name	Address	Contributor Type
None Received		

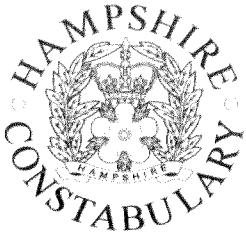
Legal Implications

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
Licensing Team
Southbrook Rise,
4-8 Millbrook Road East,
Southampton.
SO15 1YG

Southampton Central Police Station
Civic Centre
Southampton
Hampshire
SO14 7LG

Our ref:
Your ref:

Telephone: 0845 045 45 45

Direct 8

Fax 7

Deaf/speech impaired minicom: 01962 875000

Email: j hampshire.pnn.police.uk

12th January 2012

Dear Sir,

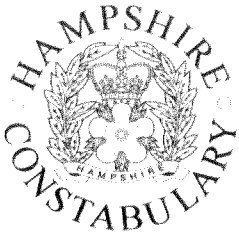
On behalf of Hampshire Constabulary, I submit the following application for Ninety Degrees, 24 Carlton Place, Southampton, in order to review their license.

The premises in question is situation in a cumulative impact zone in which you as a council have recognised and implemented into your policy. The cumulative impact policy was introduced by you because of the key findings and recommendations of the police's report. It 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-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance and



Hampshire Constabulary
Chief Constable Alex Marshall

- 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 Ninety Degrees.

Yours faithfully

PC 24288 Harris

Violent Crime & Licensing Department



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

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

*Select one or more
boxes*

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

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

This review is brought by Hampshire Constabulary as a responsible authority under the Licensing Act 2003. The premises licence for Ninety Degrees was only reviewed on 6th October 2011, due to a number of issues concerning the management of ninety degrees. A serious incident occurred at the premises involving door staff on 19th November 2011, which reiterates police concerns.

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

- 1) The current designated premises supervisor (DPS) is removed as DPS.
- 2) Revocation of licence

In summary, the police evidence to support this application is as follows:

On 19th November 2011 at 22:40 hours, Inspector Bates who was on foot patrol, heard via the Licensing Link radio that there was a dispute between door staff and 3 males at the rear doors of Ninety Degrees and this involved one of the males swinging a chair around. Ninety Degrees are also members of Licensing Link and have radios in their possession, but this incident was not reported by them, but by another venue. On the night, this incident was not attended by police, as a short time after the initial report, police were updated that the males had walked away and the incident was over.

On 22nd November 2011, PC 24191 Wood attended Ninety Degrees on the request of Inspector Bates in relation to the above incident. PC Wood met with the DPS and viewed the incident book and the incident sheets in relation to 19th November 2011. The incident was recorded in the incident book timed at 2245 hours. This was a one line entry and said something similar to "3 males intoxicated being rude and aggressive rear exit - (names of door staff also listed). PC Wood noted that all the other incidents that had been recorded on the night had all been entered with more detail, including whether persons had been refused entry, or were ejected from the premises. The entry for this incident gave no indication as to what had happened and the DPS was informed this was unsatisfactory. The DPS explained that he was present during the incident and there was nothing to record. There had been no



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 24288 HARRIS, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

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



Premises or Club Premises details

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

Name of premises licence holder or club holding club premises certificate (if known)
Carltons (Bar And Restaurant) Ltd

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

Details of responsible authority applicant

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: HARRIS	First Names: Jon
Current postal address:	Southampton police station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 674768
E-mail address: (optional)	

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



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

physical force and therefore his staff had acted accordingly. The DPS confirmed the males were ejected, but PC Wood was concerned at the lack of clarity regarding this incident so requested to view CCTV from 22:40 hours. The DPS kept saying to play CCTV from 22:45 hours and PC Wood kept correcting him. The footage was started from just after 22:36, which was viewed by both DPS and PC Wood.

The footage clearly shows 3 males being ejected from the rear doors of the premises and the door staff returns inside. At this point the footage was stopped by the DPS and he advised that no physical force appeared to have been used. PC Wood requested to continue viewing the footage as the time on the CCTV had not reached 22:40 hours, which is when the incident was reported by Licensing Link. On further viewing, the three males that are ejected, one is seen to walk back to the closed rear door with a beer barrel in his hand and throw it at the door twice. The same three doorman that originally dealt with the males then came back out and two make their way very quickly up towards the end of the road where the males are now located. The third member of door staff picks up the metal beer barrel, runs to catch up his colleagues, lifts the barrel to head height and throws it between his two colleagues towards the three males. It appears on the footage that the barrel may have just caught the foot of one of the males that was running away.

The door staff is seen at the end of the road for a few minutes before the head doorman comes outside shortly followed by the DPS. A few moments later, all door staff return to the door where there is a conversation and ends with one of the males originally ejected from the premises, shaking hands with a member of door staff. No details are taken of the persons involved and no yellow cards were issued.

The DPS became very angry regarding the incident as it transpired that he and the head doorman were told by their staff that this was a minor incident. The DPS had not been present during the incident as he earlier advised PC Wood and the details recorded regarding the incident, did not truly reflect on what had happened. PC Wood arranged to collect a copy of the CCTV footage and when she returned learned that the door man responsible for throwing the metal beer barrel had been dismissed.

Therefore, as on the 29th May 2011, when a similar incident occurred, a violent offender has been allowed to leave the premises and wander off into the Bedford place area who could possibly assault other members of the public. The offender was never located and this clearly does not support the licensing objectives. Furthermore at the previous review, the panel were told and we were assured that they have a new head doorman and new policies in place so this poor practice would not happen again.

On the 2nd December 2011, PS Marshman held a meeting with the DPS and the owner of the security firm that supply the venue with door staff. Further concerns came to light including the incident log, (which was just one small line) had been signed off by the head doorman. In the previous review, the DPS was advised that the manager should sign the incident book at the end of each night following a de-brief with the door team. The condition was suggested in order for him to ensure he is aware of what has gone on each night.



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

Police now had a suspect for a public order offence, but no details had been recorded of the ejected males. The DPS advised that the other two doorman had been spoken to and one advised he didn't see the incident and the other admitted that he did see it, but didn't tell the DPS or head doorman. Both these door staff are still working at the premises even though they have deceived the DPS. The doorman responsible for throwing the barrel was interviewed by police and received an adult caution for a public order offence.

PS Marshman viewed the rear outside area of the premises on 01/12/11 and found there to be gas bottles, pallets, lumps of wood with nails poking out, glass bottles and a pole all outside the rear door. The bins outside the rear door although lockable were not locked and full of glass bottles. It was explained how much of a risk this was with door staff ejecting persons out the rear door. Despite the incident on 19th November 2011, the area had not been cleaned up and people were still being ejected via the rear door. During the meeting, the owner of the security firm also advised that he had walked around the outside area with the DPS and had started a risk assessment. This occurred on 24th October 2011 and the beer barrels and poles outside the rear door were highlighted as a hazard by the door company to the DPS. The DPS admitted that he was aware of this and advised that he had sat down with the security owner to discuss the hazards. Although the DPS was aware of the hazards, they were still ejecting persons out of the rear doors, which then resulted in the incident on 19th November 2011.

On 17/12/11, PS 3555 Marshman attended the premises with three Hampshire Fire and Rescue representatives. They went to the rear of the premises and found that the fire exit was partly blocked by a rubbish bin on its side. Other bins were wide open and one was half full with glass bottles and whilst inspecting, a person was ejected out the back of the property despite all these dangers being in the vicinity.

During the visit the door staff could not advise how many people were in the premises for about 15 minutes. As PS Marshman and the fire officers walked through the club to the rear fire exit, two fire doors were found propped open where a large number of wooden and fabric chairs were being stored. These were within a matter of feet of the fire exit and the fire officers explained that it was a fire hazard and should be moved immediately. The door man moved them with the DPS and put them outside the fire exit. They then later had to move them again having blocked outside the fire exit.

During the visit the DPS was advised that the doors from the upstairs bar and dance area, leading down to Lower Bannister Street had bolts on them that could be flipped down and locked by anyone. These doors lead to the fire escape and if locked in an emergency would prevent the public from evacuating the building. Additionally, the fire exit itself which opens to Lower Bannister Street opened inwards, which could have serious implications if there were to be a fire.

The DPS was asked by fire officers to produce the premises fire risk assessment. Initially it could not be located, but when the DPS did produce an A4 sheet which contained tick box information, fire officers stated this was not adequate. They further advised the DPS that it was the responsibility of the venue to have a suitable risk assessment and that any competent risk assessor would have picked up on these issues.



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

It is evident that not only was the DPS aware of the potential problems concerning these hazardous items being left outside, as outlined in the door companies risk assessment, but nothing was done to remove the hazards even after the incident occurred. These clearly evidence police concerns about the management of the premises, which was highlighted by police in the previous review. A number of the same concerns including poor practice by door staff, poor procedures, and poor incident book entry still exist, despite reassurances at the previous review that the matters would be addressed. This is the third review of the premises licence, the last two have been in relation to glass related assaults, high levels of drunks coming from the premises and concerns in the management.

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

If yes please state the date of that application: 19 / 07 / 2011
Day Month Year

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

The last review was submitted in relation to the high number of drunks coming from the venue. A female was so drunk on the premises she had to be resuscitated in the toilets. A female under the age of 18 also seriously broke her leg in the venue after managing to get in. Police highlighted a number of failings by management and the panels decision is currently being appealed by the venue.

The first review was submitted in relation to a high number of assaults occurring at the venue where bottles or glass recepticles had been used by the offenders. Over a 16 month period there were 7 incidents. The review paperwork was submitted the the council, but both parties came to an agreement negating the need for a hearing.

Please tick

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

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

Signature of Officer Completing

Name PC HARRIS Collar Number: 24288
Signature: _____ Date: 10/01/2012

Signature of Authorising Officer (Inspector or above)



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

Name

INSP Doug Asimani

Collar Number:

3427.

Signal

Date:

12/1/12

PROTECTIVE MARKING (when complete)

WITNESS STATEMENT

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

Statement of: Philip Bates URN: | | |

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

This statement (consisting of 1 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.

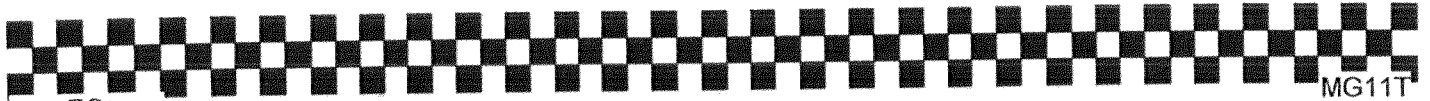
Signat _____ Date: 24/11/11
Philip Bates

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

At 2240 hours on Saturday 19th November 2011 I was on duty heading off from Southampton Central Police Station to conduct foot patrol in the city centre. I had with me a Licensing link radio, this radio is the system used by members of the city pub watch group and is linked to various partners including CCTV. The police have a number of the radios as well.

At 2240 I heard a message on the radio from POP, a bar in Vernon Walk, Southampton. They stated door staff from 90 Degrees were dispute with 3 males at their rear doors and this involved one of the males swinging a chair around. I was intrigued as it was not 90 Degrees that called this in. I made a note in my pocket note book concerning this at the time. After a short time it was reported the men walked off and the incident was over.

Signed : _____ Signature witnessed by : _____
Philip Bates



PROTECTIVE MARKING – For Police and Prosecution Only

Witness contact details

URN: | | |

Home Address: Central police Station, Southern Road, Southampton

Post Code : SO15 1AN

Home Telephone No: 08450454545

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Gender: male Date and Place of Birth: 23/05/1959 Devon

Former name: Ethnicity Code: 1 Religion / Belief: C of E

DATES OF WITNESS NON-AVAILABILITY:

Witness Care

- a) Is the witness willing and likely to attend court? Yes No
If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes No
- d) Does the witness have any particular needs? Yes No
If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice): Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable e.g. child care proceedings, CICA: Yes No N/A
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support. I consent to this:
I do not consent to this:
I wish to decline their services:

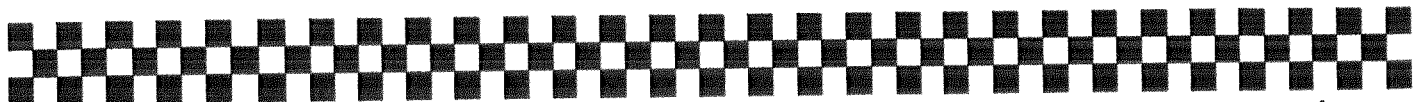
Signature of witness: _____ PRINT NAME Phil Bates

Signature of parent or other appropriate adult: _____ PRINT NAME _____

Address and telephone number if different from above: _____

Statement taken by: Self Station: SC

Time and place statement taken: 0900 SC



complete

WITNESS STATEMENT

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

Statement of: PC BETHAN WOOD
Age if under 18: O18 (If over 18 insert 'over 18') Occupation: Police Constable
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: PC BETHAN WOOD Date: 23/11/2011

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

I am PC 24191 Bethan Wood of Hampshire Constabulary currently stationed in the Violent Crime & Licensing Team for Southampton Central Police Station. This statement relates to my attendance at a licensed premises – 90 DEGREES, 24 CARLTON PLACE, SOUTHAMPTON on 22nd November 2011.

On 22nd November 2011 I was on duty in full uniform. I had been asked to attend 90 DEGREES in order to follow up a concern raised by Inspector BATES regarding an incident on Saturday 19th November. The information I was in possession of was simply that another premises had called up on the Licensing Link radio (a radio system that links licensed premises in the city centre with each other and the CCTV control room) that door staff at 90 DEGREES were involved in a scuffle with three males at the rear of the premises. My intention was to view the incident log book for the premises in order to establish what had occurred.

I attended the premises at 2200hrs and met the Designated Premises Supervisor, Nikolas RAFTOPOULOS (Nikos) at the main entrance. I know Nikos having met him on several occasions in the past. I explained what I needed to see and accompanied him upstairs to the office. He got out the incident book and pulled out all the sheets relating to the 19th November. On the front sheet, which is effectively a log of incidents which happened during the evening, towards the top of the list was one timed at 2245hrs. This was one line long, and read something similar to

“3 males Intox being rude & aggressive rear exit DOOR STAFF”

I briefly looked at other entries made that night and noticed that other entries had all detailed whether persons had been refused entry, or were being ejected from the premises – the entry for this incident gave no indication as to what had happened. I told Nikos that this was unsatisfactory. Nikos instantly jumped to the defence of his staff and started saying that he had been present at the incident and there was nothing to record, there had been no physical action and therefore his staff had done the right thing. Nikos confirmed that the males had been ejected from the premises.

Signed : PC BETHAN WOOD Signature witnessed by : _____

HAMPSHIRE CONSTABULARY



(en 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 BETHAN WOOD

I was concerned at the lack of clarity of the log, and the speed at which Nikos jumped to the defence of his door staff. To satisfy myself that there was nothing missing from the log I asked to view the CCTV for 2240hrs. Nikos agreed.

Despite having asked to view 2240hrs, Nikos kept saying "SO, 2245 HOURS, LETS SEE" I corrected Nikos each time he said this and he did start footage at just after 2236hrs.

We watched together three males being ejected from the rear doors of the premises and door staff returning inside. As Nikos had said, no physical force appeared to be used. He stopped the recording, and went back to his incident book. He looked through all the other papers for the evening, which included more detailed entries by various members of door staff for other incidents, but none related to this. I asked that we continued to view the footage as the clock hadn't reached 2240hrs at the point that he stopped it. Nikos did do this. What I saw on the footage shocked me.

The footage clearly shows one of the three males who had been ejected come back and twice throw a metal beer barrel against the rear door. The three door staff who had originally dealt with the males come back out. Two make their way very quickly to the end of the road where the males now were. However, at almost exactly 2240hrs one member of door staff picks up the metal beer barrel, runs to catch up with his colleagues, lifts the barrel to above head height and throws it, between his colleagues, towards where the three males are. It appears on the footage that the barrel connects with the feet of one of the males. This member of staff then goes to a row of wheelie bins and moves one. I thought for a minute that he was going to throw this. However, thankfully he just moved the bin and then walked to where his colleagues were. The staff are seen on footage to be there for a few minutes before the head door man, who I know to be Dan CURTIS arrives, closely followed by Nikos.

A few moments later all members of staff return to the door. They are seen to have conversation of some sort, and conclude with one of the members of door staff shaking the hand of one of the males originally ejected from the premises.

It took a while for Nikos to really react to the footage that we had watched, but he slowly became incredibly angry. Dan CURTIS the head door man was called up to the office. It then transpired that both Dan and Nikos had been told by their staff that it was a minor incident. Nikos, had clearly not been present, as he had originally advised. Dan advised me that he had told ~~██████████~~ ^{DOORMAN} the member of door staff who he identified to me as throwing the barrel at the customers, to write the incident up in the incident book. Dan expressed his concern that the entry was clearly inadequate, and stated clearly that he was not happy having behaviour like that on his team. When I asked Dan why the incident wasn't called up on Licensing Link radio by himself he told me that he believed he had, but that it would only have been what he knew of the incident – three males ejected for being drunk and recommending no entry to other premises.

Signed : PC BETHAN WOOD

Signature witnessed by :



HAMPSHIRE CONSTABULARY

[(then 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 BETHAN WOOD

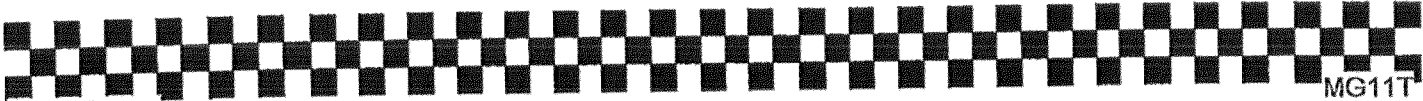
I agreed that I would return later to collect the CCTV and then left Dan and Nikos discussing the appropriate course of action.

When I returned at about 2245hrs Nikos, Dan CURTIS, and another male, who I know as Adam WYNDER, who is area manager for Securidoor were in the office. I was advised that ^{DOORMAN} [redacted] had been dismissed instantly. I was provided with a copy of the CCTV by David WALKER, who produces it bearing reference 901911A.

When I initially attended the premises that evening I had never envisaged that I would witness such a mindless and unnecessary act. I was shocked. Nikos had been absolutely adamant when I first spoke to him that his door staff would have recorded everything that was necessary. I am concerned that Nikos' was not only dishonest in advising me that he had been present at the original incident, but that his actions when I attended were deliberately evasive.

Sigr
.....
PC BETHAN WOOD

Signature witnessed by :



RESTRICTED – For Police and Prosecution Only

URN: | | |

Witness contact details

Home Address:

Post Code :

Home Telephone No:

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Gender: FEMALE

Date and Place of Birth:

Former name:

Ethnicity Code:

0. Unknown

Religion / Belief:

DATES OF WITNESS NON-AVAILABILITY: AS PER CARMS

Witness Care

- a) Is the witness willing and likely to attend court?
If 'No', include reason(s) on form MG6. Yes No
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes No
- d) Does the witness have any particular needs? Yes No
If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice): Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable e.g. child care proceedings, CICA: Yes No N/A
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

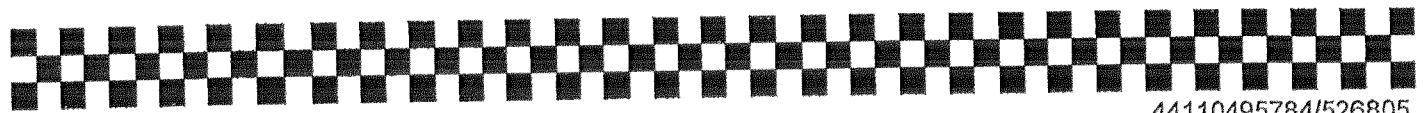
Signature of witness: < _____ PRINT NAME BETHAN WOOD

Signature of parent / guardian appropriate adult: _____ PRINT NAME

Address and telephone number if different from above: _____

Statement taken by: Constable 24191 B WOOD Station:

Time and place statement taken:



Working Sheet

Hampshire Constabulary

Printed: 06/12/2011 13:43 by 24288

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

Author: #24191 WOOD, B.

Report time: 23/11/2011 01:37

Entered by: #24191 WOOD, B.

Entered time: 23/11/2011 01:37

Remarks: Incident involving door staff 19/11/11

90 Degrees

Following on from Insp Bates' email at the weekend I visited tonight (23/11/11) just to look at the incident book for about 2240hrs on the 19th November. Another premises had reported on Licensing Link that staff were having a 'scuffle' with three males at the rear door. 90 Degrees hadn't called up.

The incident log read:

"3 males Infox being rude & aggressive rear exit [REDACTED]" DOOR STAFF.

This was vague and caused me some concern as other one line entries at least indicated whether the persons had been inside the premises or not, and the action taken. Nikos argued for a short time and so we compromised and agreed to view the CCTV. The footage shows three males being ejected from the rear door. Nikos stopped the CCTV and said that he remembered it, they didn't use any force in ejecting them, there needn't have been a more detailed entry. Then I asked to keep watching, as the time had not yet reached 2240hrs. The three males come back seconds later. One picks up a metal beer barrel and starts chucking it around. It narrowly misses a car, and one of the other males is instrumental in preventing this. However, he then picks it up and throws it twice at the closed rear door. The same three door staff come back out. Two head straight off down the road to where the three have scarpered too, the other, incredibly, picks up the barrel, runs to catch up, and then prior to quite making up the ground throws it with considerable force towards the three males, narrowly missing his colleagues. They then return, without ever apprehending the three original offending males. There was absolutely no way that this could be construed as self defence. The males had thrown the barrel at a closed door. They were then running away from the premises when the doorman throws the barrel at them. It is incredibly fortunate that nobody was injured.

It took a while for the gravity of this to sink in, but when it did Nikos was furious. I have never seen anything like it! Dan Curtis was called up to the office. It transpires that both Nikos and Dan were told by the other door staff that it was a minor incident. Dan had told [REDACTED] to record it in the book. Nikos was unwilling to make a decision as to what to do and wanted Dan to make it for him. Dan kept telling him that he was the boss, it was his decision. In fairness to Dan he said that he did not want that doorman (Darren) working on his team and immediately contacted Adam Wynder (Securidoor area manager) who arrived within minutes. I disappeared to go to Buddha Lounge, and by the time I returned Adam, Dan and Nikos were upstairs, [REDACTED] had been dismissed and I am informed he will not work for securidoor again. CCTV footage seized and

SIA no obtained for report to be sent.

24191



SECURIDOOR (UK) LIMITED
NIGHTLY REPORT

PAGES	DATE	TIME	VENUE	LOCATION	DOOR SUPERVISOR SIA NO.
	4-11-11		90s	SOUTHAMPTON	

DETAILS OF THE SHIFT

2131 1x1 M1 MALE STRIPPY JUMPER NO ENTRY INTOX
 2245 3x M1 Males INTOX BIG RUBE + AGGRESSIVE! REAR EXIT
 2352 1x1 M1 MALE DENIM SHIRT NO ENTRY INTOX
 2351 2x1 M1 Males OUT REAR DOOR INTOX IN CHECK SHIRTS A
 2355 2x1 M1 Males LEATHER JACKETS ESCORTED OUT REAR EXIT BY
 2359 1x1 M1 MALE BLUE SHIRT NO ENTRY INTOX
 0002 1x1 M1 MALE BLUE SHIRT ROLLED UP SLEEVES ESCORTED
 OUT REAR EXIT BY
 0006 1x1 F3 FEMALE LEAFED TOP ESCORTED THROUGH
 MAIN DOOR BY
 0076 1x1 M1 MALE ESCORTED OUT SMOKING- AREA BY PAL WITH
 2052 1x1 M1 MALE ESCORTED OUT THRU BACK DOOR BY
 BLACK CARTRIGAN BLUE STRAPS, IVAN → INTOX
 0046 2x1 F1 FEMALES, REA \$ BLOWNE HAIR +
 REA \$ CREAMIE TOPS ESCORTED THRU BACK DOOR
 BY , USING MENS TOLKETS
 2050 1x1 M1 MALE INTOX FRONT DOOR A
 102 1x1 M1 MALE, BLACK CARTRIGAN, GREY TSHIRT ESCORTED
 OUT OF BACK DOOR BY → INTOX

PRINT NAME: D. CURRIS
 MANAGER NAME: SIGN:

base either fax to: 02380866

Occurrence summary

Hampshire Constabulary

Printed: 09/01/2012 11:49 by 24288

Occurrence: 44110495784 Public order @23/11/2011 15:53

Date/Time: between.... 19/11/2011 22:35 and 19/11/2011 22:45

Clearance status: Under investigation

- Involved person(s):
- 1) [Other] RAFTOPOULOS, NIKOLAS [REDACTED] M [REDACTED]
ROAD SOUTHAMPTON, HAMPSHIRE United Kingdom SO16 7AE (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SP PORTSWOOD, Beat: 5SP05 BASSETT) (Land line) [REDACTED], Id #:282067
 - 2) [Other] CURTIS, DANIEL JOHN STEPHEN [REDACTED] M (24 CARLTON PLACE SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 2DY (90 DEGREES) (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SW CENTRAL SOUTHAMPTON WEST, Beat: 5SW03 POLYGON)), Id #:693
 - 3) [Aggrieved] THE STATE (HAMPSHIRE CONSTABULARY HEADQUARTERS, ROMSEY ROAD 44CQ, WINCHESTER, HAMPSHIRE United Kingdom SO22 5DB (POLICE) (OCU: 1 CENTRAL, District: W WINCHESTER, Sector: WC WINCHESTER WEST, Beat: 1WC01 WINCHESTER CITY)), Id #:73234
 - 4) [Cautioned; Suspect] [REDACTED] M [REDACTED] (OCU: 5 SOUTHAMPTON, District: A BITTERNE, Sector: AS BITTERNE SOUTH, Beat: 5AS04 WESTON)), Id #:4
 - 5) [Witness] [REDACTED] [REDACTED] SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SE CENTRAL SOUTHAMPTON EAST, Beat: 5SE03 NEWTOWN) (Mobile) [REDACTED], Id #:18

Involved address(es): 1) [Occurrence address] 24 CARLTON PLACE SOUTHAMPTON, HAMPSHIRE United Kingdom SO15 2DY (90 DEGREES) (OCU: 5 SOUTHAMPTON, District: S CENTRAL SOUTHAMPTON, Sector: SW CENTRAL SOUTHAMPTON WEST, Beat: 5SW03-POLYGON)

Involved vehicle(s):

- Involved officer(s):
- 1) #8832 TAYLOR, S. (Call taker)
 - 2) #24191 WOOD, B. (Reporting officer)
 - 3) #5012 BATES, P. (Assisting officer)
 - 4) #25070 SPENCER, S. (Detecting officer; Officer in case)

Flag(s):

Summary: Incident involving three males ejected from rear doors of night club. One of males picks up a beer barrel and throws it at the rear doors. Door staff come back out and one of the staff picks up the barrel and throws it back at the males, narrowly missing his own colleagues.

Remarks:

Working Sheet

Hampshire Constabulary

Printed: 06/12/2011 13:39 by 24288

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

<i>Author:</i>	#3555 MARSHMAN, I.	<i>Report time:</i>	01/12/2011 16:09
<i>Entered by:</i>	#3555 MARSHMAN, I.	<i>Entered time:</i>	01/12/2011 16:09
<i>Remarks:</i>	Gas bottles out side rear doors of premises.		

Spoke to Nikos on the 30/11/11 and arranged a meeting for the 2/12/11 at 1400 hours at the venue. Nikos explained the barrel incident saying that he wasn't aware of the incident. He was there for part of it and the door staff had told him that someone had kicked the door.

Today 1/12/11 I checked the rear door of the premises and there appears to be a mop type handle on the floor, loose wooden pallets(about 3) and two calor gas typ bottles out side the door. These could be used as weapons if people are ejected from this door. This will need to be discussed with the venue tomorrow.

PS3555 MARSHMAN

Working Sheet

Hampshire Constabulary

Printed: 09/01/2012 11:46 by 24288

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

Author: #3555 MARSHMAN, I.

Report time: 02/12/2011 15:44

Entered by: #3555 MARSHMAN, I.

Entered time: 02/12/2011 15:44

Remarks: Meeting 2/12/12 [REDACTED]

Meeting held at Ninety Degrees with Nikos and Jason McCarthy(owner of Securidoor).

[REDACTED]

I checked the incident book and as PC Wood advised there was one line about the beer barrel throwing incident . it mentioned rude and aggressive males. I pointed out that this does n't say what happened at all and as discussed they need to say what happened. It was signed off by Dan Curtis the head doorman? Why didn't he pick up on this? Nikos said that he read every door incident sheet. I asked why he didn't sign them... he then asked if thats what i wanted him to do. I explained that this had been explained to him before.

I asked why he didn't pick up on the poor entry especially as the door team had advised him that the door had been kicked by the suspects. He couldn't answer this.

Once more i explained that we now had a suspect for the offence(member of public) and no details of him as his door team had not yellow carded the male or called the police or used W1 at the time of the offence. This had been brought up in the review before.

Apparently Dan Curtis called it in once he went to the back of the building after the main incident.

They explained that although they had trained all the door team prior to the last review that they had now done it again. They had sacked the door man who had thrown the barrel . I asked about the other two who had lied to the Head door man and Nikos and they were still working for the premises. I suggested risk assessming this and they said they had.

Both Nikos and [REDACTED] advised that they still eject people from the rear of the premises since the incident with the barrel if the incident happens near to the back door and it is busy. I asked if they assessed the outside back area and initially the answer was no and very fague. [REDACTED] had a risk assessment of the premises and policy. it wasn't covered in this. I then explained the dangers of ejecting people out the back if there is barrels , bottles etc. I explained that when i saw the back of the premises yesterday there were wooden pallets, gas bottles and pole lying about.

We went down to check and there were still gas bottles , pallets lumps of wood with nails poking out , glass bottles and a pole out side the rear door. I explained the risk of these items once more. I explained my concerns over the fact that it was now two weeks after the barrel incident and it still hadn't been cleaned up or decided not to eject from the rear of the premises. At this point i explained we would be going to review once more as these weren't the actions of a responsible DPS.

We continued to discuss the issue and Nikos advised it was n't his fault regarding the incident etc. It then came out that [REDACTED] had started the risk assessment of the venue two days before the licensing link meeting at the premises which was on the 26/10/11 (the barrel incident occurred on the 19/11/11). I asked if out side exit points were discussed. Nikos answered a sperate question and tried to change the subject. I repeated the question and [REDACTED] said he had mde rough notes about the beer barrels outside and the poles etc being a hazzard. It was then admitted that Nikos was aware of this as he had accompanied Nikos around whilst this was happening. They had also sat down to discuss the hazzards.

Nikos then started to say that the pallets were dropped there yesterday and should have been picked up and he would get the area cleared. I expressed my concerns that it hadn't been addressed before the incident or after. I asked if his bottle bins were locked and he said they didn't lock them. Again advice given. I suggested that they should consider not ejecting people out the back with all the "weapons" waiting for the people ejected.

Shortly after the meeting [REDACTED] rung and advised that he had now been given the nod from Nikos to allow the head doorman to chekc these areas and if they are not clear to make the decision not to eject via the back doors.

Once more it appears that the action is only taken once police have pointed out the areas of concern.

PS3555 MARSHMAN



HAMPSHIRE CONSTABULARY

RECORD OF INTERVIEW

R-----

URN

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Contemporaneous Notes

DOOR MAN

Person interviewed: [REDACTED]

Place of interview: **Southampton Central Police Station**

Date of interview: **19 December 2011**

Time commenced: **2008** Time concluded : **2018**

Duration of interview: **10 MINUTES**

Audio tape reference nos. (♦) Visual image reference nos. (♦)

Interviewing Officers: **PC 25070 Simon SPENCER**

Other persons present: **NONE**

Police exhibit no.:	SRS/DP/01
Number of pages:	
Signature of interviewing officer producing exhibit:	

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

25070		I am PC 25070 SPENCER stationed at SOUTHAMPTON CENTRAL POLICE STATION. I wish to ask you some questions about an incident of Public Order that occurred on the 19 th November 2011 at 90 Degrees, Carlton Place, Southampton.
-------	--	--

25070		Firstly I must caution you that you do not have to say anything, but it may harm your defence, if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand? Yes
-------	--	---

Signature: _____

contemporaneous notes



HAMPSHIRE CONSTABULARY

RECORD OF INTERVIEW

Continuation Sheet No : 1

Record of interview of: [REDACTED]

Tape Counter Times ♦	Person Speaking	Text
		[REDACTED]

25070

What I propose to do is carry out a contemporaneous note interview; that means I will ask you a question and write it down, I will then write down your answer. You will be invited to sign each page in acknowledgement that it is a true and accurate record of interview. Do you understand?

DP

Yes

25070

I should also point out that you are not under arrest and are free to terminate this interview and leave the police station whenever you wish. I must warn you, however, that if you decide to terminate this interview and leave the police station before I have asked you all the questions that I consider relevant I will reconsider whether your arrest is necessary for the effective investigation of this offence and you may be arrested.

25070

If you wish you can consult with a solicitor free of charge before continuing with this interview. Do you require the services of a solicitor?

DP

No

Si

| for contemporaneous notes



HAMPSHIRE CONSTABULARY

RECORD OF INTERVIEW

Continuation Sheet No : 2

Record of interview of: [REDACTED] [REDACTED]

Tape Counter Times	Person Speaking	Text
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25070		Were you at 90 Degrees on the 19/11/11 as a member of door staff?
-------	--	---

DP		Yes
----	--	-----

25070		Did you eject any body out the rear door?
-------	--	---

DP		Yes
----	--	-----

25070		Why were they ejected?
-------	--	------------------------

DP		It wasn't me that ejected them it was Ivan, I suspect it was because they were drunk and they were friends, I patrol inside and saw them heading towards the door. I suspect it was one particular male that was being mouthy but the other two became involved.
----	--	--

29070		What happened outside?
-------	--	------------------------

DP		Basically a bit of verbal abuse they would not go away, bit of a stand off, we went back in and shut the door. Almighty bang on the door, from a beer barrel being thrown at the door. Went back out and confronted them again to get them to go away. One of them picked up a chair from behind a skip and I picked up a barrel. Which I threw in his direction.
----	--	---

29070		Why did you pick up the barrel?
-------	--	---------------------------------

DP		I really don't know.
----	--	----------------------

25070		Did you hold the barrel above your head and chase anyone?
-------	--	---

DP /		No didn't chase, picked it up above my head, he was around 20
------	--	---

Signature: _____

contemporaneous notes



HAMPSHIRE CONSTABULARY

RECORD OF INTERVIEW

Continuation Sheet No : 3

Record of interview of: [REDACTED]

[REDACTED]

Tape Counter Times ♦	Person Speaking	Text
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feet away I threw it at his feet. It wasn't my intention to cause my harm.

29070
DP

Why did you do this?

Can't explain it, out of character. Never done anything like that in 19 years working on doors.

29070
DP

Did you throw the barrel to scare them?

Basically yeah, more like tit for tat. They picked up stuff so I did.

29070
DP

Do you think this put them in fear of violence picking up the barrel?

No, I think that was what they wanted.

29070
DP

Do you think they would have been alarmed and distressed by your actions?

I don't think so they done the same thing.

29070
DP

How do you fell following this incident?

Different emotions really, upset I lost my job.

29070
DP

Do you have anything else to add?

No.

29070

Do you think your actions of picking up a barrel could have been interpreted as threatening?

Do you think your actions of picking up a barrel could have been interpreted as threatening?

ND

Yes probably.

t for contemporaneous notes



Record of Adult Caution

Police station:	SC	Custody record number:	
Surname:	[REDACTED]	Date of birth:	[REDACTED]
Forenames:	[REDACTED]	Age:	[REDACTED]
A/S number:	[REDACTED]	Occupation:	Doorman
Place of birth:	[REDACTED]	Pre-arrest advice:	No
Nationality:	United Kingdom	Height:	
PNC appearance:	White		
Address:	[REDACTED]		
Offence:	Section 4A POA	Occurrence Number:	44110495784

Full circumstances and officers comments:

[REDACTED] was working as door staff at 90 degrees. After ejecting 3 males he is then seen to react to their behaviour and lift a barrel above his head and throw it at the feet of one of the males, the barrel did not hit the male.

Any Previous Convictions / Cautions? No

If 'yes' please detail below:

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

[REDACTED] has given a full admission in contemporaneous interview to his actions and is sorry for what he has done.

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

Cautioning Officer	
I confirm that:	
<ul style="list-style-type: none"> • There is a clear and reliable admission in this case which is PACE compliant and recorded as a: contemporaneous note 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, total score is 2. 	
Cautioned by:	PS 3273 KING
Signed:	[Signature]
Station:	SC
Date:	19/12/11



RECORD OF ADULT CAUTION

ACKNOWLEDGEMENT OF ADULT CAUTION

I [redacted] [redacted]
[redacted]
[redacted]

HAMPSHIRE, United Kingdom, [redacted],
consent to be cautioned for the offence(s) of

- 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: 19/12/11 Time: 20:34

Caution Witnessed by (Appropriate Adult / Legal Representative)

Name: PC 25070 SPENCER

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):

Signed (witness): [redacted]

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.



en 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: PS IVAN MARSHMAN
Age if under 18: Over 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: 7/1/12

PS IVAN MARSHMAN

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

I am Police Sergeant 3555 Ivan MARSHMAN based at Southampton Central Police station. On Saturday the 17th of December 2011 I was in company with three fire officers from Hampshire Fire & Rescue conducting visits with regard to fire Safety in licensed premises.

At approximately 0005 hours on Sunday the 18th of December 2011 we had all left Buddha Club via the rear door that goes into a service road behind several clubs. During this time I could see the rear door of Ninety degrees which was our next port of call. There was a rubbish bin lying across the fire exit. At this point a male was ejected from the rear door of the premises and the door man picked the bin up before going back inside. The DPS Nikos Raftopoulos came out of the rear doors and came to speak to us all. I introduced the fire officers and explained that we intended to come next to his premises.

I was acting to introduce the Fire Officers to the premises and followed the Fire Officers around the building. Prior to entering the venue I asked the head door man Dan Curtis how many people we had in the premises. He struggled to answer the question. Several doormen came over as they tried to determine how many people they had inside. The DPS was present at the time. Eventually we started the inspection before we found out the numbers in the venue to avoid the delay. It was approximately 10-15 minutes later that we were given the exact numbers which were close to capacity. This raised concerns with me regarding public safety.

As we went through the club to the rear fire exit there were two fire doors propped open where a large number of wooden and fabric chairs were being stored. These were within several feet of the fire exit. It was pointed out by the fire officers that this was a fire hazard and the chairs should be moved immediately. They were placed outside the

Signed : PS IVAN MARSHMAN Signature witnessed by :



HAMPSHIRE CONSTABULARY

en 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: **PS IVAN MARSHMAN**

fire exit initially. It was explained that if there was a fire in those rooms because of the chairs in side and the doors were propped open that the fire could quickly spread to the rest of the building. Later it was realised by the DPS that the chairs were now outside the fire exit and Dan Curtis was asked to move them. I went with Dan to show him where they were. I checked the bins adjacent to the fire exit and they were wide open and it was half full of glass bottles. I pointed out to Dan the dangers of ejecting people out the rear doors if the bottle bins were unlocked. He said that he didn't want to eject people out of the rear doors because of the bottles etc available to people ejected. He further went on to say that "It's a god send when you come round to this venue".

During the visit it was mentioned to the DPS that the doors from the upstairs bar and dance area leading down the back to Lower Bannister Street had bolts on them that anyone could flip down and lock the doors leading to the fire escape rendering it inoperable. It was suggested that these bolts should be able to be locked into position to avoid this situation. Furthermore, it was pointed out that the fire exit itself that leads out on to Lower Bannister Street opened inwards which could have serious implications if there were to be a fire. It was advised that this would need to be altered to an opening outwards door (as all fire exits should).

The fire risk assessment was requested and the DPS struggled to find one. It was initially found and the fire officer pointed out that the one A 4 Sheet which contained tick box information was inadequate. He went onto say that it was the responsibility of the venue to have a suitable risk assessment and that any competent risk assessor would have picked up on these issues.

It was left that a further full assessment would be conducted the following week.

Sig
.....
PS IVAN MARSHMAN

Signature witnessed by :



RESTRICTED – For Police and Prosecution Only

Witness contact details

URN: | | |

Home Address:

Post Code :

Home Telephone No:

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Gender: MALE Date and Place of Birth: 19/11/1971

Former name: Ethnicity Code: 1. White - North European Religion / Belief:

DATES OF WITNESS NON-AVAILABILITY: N/A

Witness Care

- a) Is the witness willing and likely to attend court? If 'No', include reason(s) on form MG6. Yes No
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? If 'Yes' submit MG2 with file. Yes No
- d) Does the witness have any particular needs? If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?) Yes No

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice): Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable e.g. child care proceedings, CICA: Yes No N/A
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: PRINT NAME IVAN MARSHMAN

Signature of parent / guard appropriate adult: PRINT NAME

Address and telephone number if different from above:

Statement taken by: Sergeant 3555 I MARSHMAN Station: Southampton Central

Time and place statement taken:

Working Sheet

Hampshire Constabulary

Printed: 09/01/2012 11:44 by 24288

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

Author: #3555 MARSHMAN, I.

Report time: 23/12/2011 13:53

Entered by: #3555 MARSHMAN, I.

Entered time: 23/12/2011 13:53

Remarks: Fire Visit 17/12/11

90 degrees

Prior to going in we had left via Buddha fire exit . The fire exit at 90 degrees was partly blocked by a rubbish bin on its side. At this point they ejected a person out the back of the property. All the bins wide open and one was half full with bottles!

During the visit they couldn't tell us how many people were in the premises for about 15 minutes. At the rear fire exit fabric chairs were stacked next to the fire escape opening up the fire door and were told they had to be moved immediately as if they caught on fire the whole place could go up. The door man moved them with Nikos and put them outside the fire exit?? They then later in the visit had to move them again as they realised what they had done. I then found the same thing in another room and advised them. One door that lead down to a fire exit had locks that could be put on by the public if this happened it felt there would be loss of life. Once passed these doors their fire exit opened inwards(they were addressed this would have to be changed to outwards. I suggested looking at their fire assessment and at first he couldn't find it and then one was found and fire advised it was inadequate and was just a tick box of little value.

They explained numerous times to Nikos they offer advise but he needs to take responsibility for all of this and should get a proper risk assessment completed which would have picked up on these issues. Dan Curtis advised he was concerned about the fire exits etc and Nikos . He said he would give a statement to this effect. Fire are revisiting early next week and will probably give an enforcement notice. All of this highlights issues with Nikos and will have to be added to the review.