

LICENSING SUB-COMMITTEE – 19 AUGUST 2010

REVIEW OF A PREMISES LICENCE FOLLOWING A CLOSURE ORDER: RED LION, 96 COMMERCIAL ROAD, TOTTON

1. BACKGROUND

- 1.1 A Senior Police Officer may make a closure order in relation to any relevant premises licensed under the Licensing Act 2003 if he reasonably believes that there is, or is likely imminently to be disorder on, or in the vicinity of and related to the premises and their closure is necessary in the interests of public safety or a public nuisance is being caused by noise coming from the premises.
- 1.2 When a closure order is made the Magistrates Court must, as soon as reasonably practicable, consider the order and any extension of it. The Magistrates Court considered an order in relation to Red Lion, Totton on 23 July. The Court considered it necessary in the interests of public safety, because of disorder or likely disorder on the premises or in the vicinity of and in relation to the premises, to close the premises pending determination by the licensing authority.
- 1.3 The Police requested the closure order following an advert placed on Jacqueline Barclay's (Premises Licence Holder at time of closure order) social networking site stating, 'come and help me drink the pub dry'. It is understood that Enterprise Inns (freehold owner of the premises) were intending to take possession of the premises the following week.
- 1.4 The Police approached the court to obtain a closure notice due to their increasing concerns regarding the conduct of the premises on grounds based on all four of the licensing objectives. The report submitted by the Police shows numerous witness statements from Police officers attending the premises and also various compliance checks carried out, all of which provides evidence regarding the poor conduct of the premises.
- 1.5 A transfer to change the Premises Licence Holder was lodged with the Licensing Authority and the Police on the 27 July 2010 to change the Premises Licence Holder from Jacqueline Barclay to Enterprise Inns.
- 1.6 On the 28 July 2010, a form requesting the removal of the Designated Premises Supervisor was received in this office, signed by Jacqueline Barclay.

2. CONSULTATION AND RELEVANT REPRESENTATIONS

- 2.1 The Licensing Sub-Committee has responsibility for exercising the Council's powers in respect of the Licensing Act 2003. Determination by the Sub-Committee of the review appended to this report is required following the confirmation of the order by the Magistrates Court.
- 2.2 All statutory consultation requirements have been complied with by the Licensing Authority. Consultation with all responsible authorities has taken place. The review has also been advertised by way of public notice on and

near the premises. Aside from the representations made by the Police, the Council's Environmental Health Pollution has also made comments.

- 2.3 Environmental Health Pollution has had previous involvement with the premises. A Noise Abatement Notice was served on the licensees on 26 October 2006 with regard to noise from amplified music and amplified speech during outdoor events. This notice requires that measures are taken during events of this nature to ensure that noise levels at these events are kept within the requirements of the Noise Council's Code of Practice on Environmental Noise Control at Concerts. Since the notice was served, there have been two similar outdoor music events at the property on 26 May 2007 and 29/30 August 2009. The Department were not aware of any complaints, however on both occasions information required as part of the Abatement Notice was not provided.

Environmental Health has concerns regarding this premises licence in the use of the outdoor areas for music events at the property. However, the absence of complaints regarding recent events suggests that it might be possible to manage these in a suitable manner.

- 2.4 No other responsible authority has made representation.

3. CONSIDERATIONS

- 3.1 When considering the review, the Licensing Sub-Committee must have consideration of the Licensing Objectives, namely:

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

- 3.2 A Licensing Authority must hold a hearing following a closure order and consider, the closure and any extension of it, any Court order made and any relevant representations.

- 3.3 The Licensing Authority may take any of the steps (or none) set out in the Licensing Act 2003 Part 8 section 167 paragraph 6 it considers necessary for the promotion of the licensing objectives. The steps are: -

- (a) to modify the conditions of the premises licence,
- (b) to exclude a licensable activity from the scope of the licence,
- (c) to remove the designated premises supervisor from the licence,
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence.

A step taken under (a) or (b) above may be taken to have effect for a specified period not exceeding three months, or as a permanent modification or exclusion.

- 3.4 The Premises currently has the benefit of a Licence issued by this Authority for the following activities and times:

B - Films	07:00 - 01:00hrs Monday to Thursday & Sunday 07:00 - 02:00hrs Friday & Saturday
C - Indoor Sporting Events	07:00 - 01:00hrs Monday to Thursday & Sunday 07:00 - 02:00hrs Friday & Saturday
D - Boxing & Wrestling	11:00 - 24:00hrs Monday to Sunday
E - Live Music	07:00 - 01:00hrs Monday to Sunday (Live Music outdoors ceasing at 23:00hrs)
F - Recorded Music	07:00 - 01:00hrs Monday to Thursday & Sunday 07:00 - 02:00hrs Friday & Saturday
G - Performance of Dance	07:00 - 01:00hrs Monday to Sunday
H - Anything of a Similar Description to E, F, G	07:00 - 01:00hrs Monday to Sunday 07:00 - 02:00hrs Friday & Saturday
I - Facilities for Making Music	07:00 - 01:00hrs Monday to Sunday
J - Facilities for Dancing	07:00 - 01:00hrs Monday to Sunday
K - Entertainment of a Similar Description to I, J	07:00 - 01:00hrs Monday to Thursday & Sunday 07:00 - 02:00hrs Friday & Saturday
L - Late Night Refreshment	23:00 - 01:00hrs Monday to Thursday & Sunday 23:00 - 02:00hrs Friday & Saturday
M - Supply of Alcohol	07:00 - 01:00hrs Monday to Thursday & Sunday 07:00 - 02:00hrs Friday & Saturday
O - Opening Hours	07:00 - 01:30hrs Monday to Thursday & Sundays 07:00 - 02:30hrs Friday & Saturday

4. DECISION

4.1 Following determination of the hearing, the licensing authority must notify the following with their decision and reasons for it:

- (a) the holder of the licence
- (b) any person who has made relevant representations; and
- (c) the chief officer of police

The authority must make its determination at the conclusion of the hearing.

4.2 Where persons who made relevant representations in relation to an application contend that the licence should not have been granted, or that different or additional conditions should have been imposed on the licence, they may appeal to a Magistrates Court within 21 days of being notified of the decision.

APPLICATION TO TRANSFER PREMISES LICENCE

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

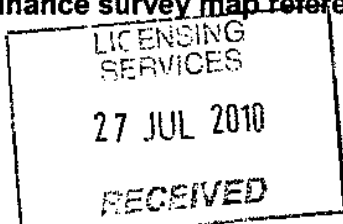
You may wish to keep a copy of the completed form for your records.

I/We ENTERPRISE INNS PLC
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description RED LION 97 COMMERCIAL ROAD		
Post town TOTTON	Post code SO40 3AF	
Telephone number at premises (if any)		

Please give a brief description of the premises PUBLIC HOUSE
--

Name of current premises licence holder JACQUELINE BARCLAY
--

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- | | Please tick yes |
|---|---|
| a) an individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname **First names**

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town **Post code**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname **First names**

I am 18 years old or over **Please tick yes**

Current postal address if different from premises address

Post town **Post code**

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

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

Name ENTERPRISE INNS PLC
Address 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ
Registered number (where applicable) 2562808
Description of applicant (for example partnership, company, unincorporated association etc) COMPANY
Telephone number (if any) 0121-7337700
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

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Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?
PLEASE NOTE THAT THE REGIONAL MANAGER FOR THESE PREMISES HAS BEEN UNABLE TO OBTAIN THE CONSENT OF THE PREMISES LICENCE HOLDER

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.
PLEASE NOTE THAT THE ORIGINAL PREMISES LICENCE COULD NOT BE LOCATED AND THEREFORE A DUPLICATE LICENCE FEE IS INCLUDED

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE , UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

 Date 26TH JULY 2010

 Capacity Solicitors for and on behalf of the Applicant

For joint applicants signature of 2nd applicant, 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

 Date

 Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) (REF: MCJ) GOSSCHALKS QUEENS GARDENS	
Post town HULL	Post Code HU1 3DZ
Telephone number (if any) 01482 324252	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) mandy_mighty@gosschalks.co.uk	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Dear Sirs,

REQUEST TO BE REMOVED AS DESIGNATED PREMISES SUPERVISOR

In accordance with section 41 of the Licensing Act 2003, I give notice that I wish to be removed as the Designated Premises Supervisor for **RED LION TOTTEN** with immediate effect.

I enclose parts A and B of the premises licence for my name to be removed



or

I do not have the premises licence but have advised the premises licence holder, to submit these to you within 14 days of receipt of this notice



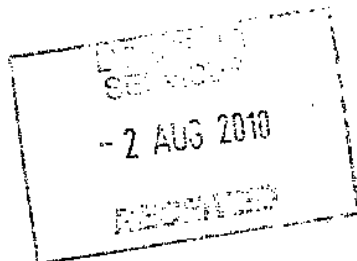
Yours faithfully,

27/7/2010

cc:

- Premises Licence Holder
- Hampshire Constabulary, Licensing Unit, 111 The Hundred, Romsey SO51 8BZ

Licensing Team
New Forest District Council
Appletree Court
Lyndhurst



Consent of premises licence holder to transfer

I/we JACQUELINE BARCLAY
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 411/2
[insert premises licence number]

relating to

RED LION, 97 COMMERCIAL ROAD, TOTTON SO40 3AF
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number
411/2
[insert premises licence number]

to

ENTERPRISE INNS PLC
[full name of transferee].

signed _____

name (please print) J BARCLAY

dated 27-7-2010



**REVIEW
FOLLOWING
CLOSURE
ORDER**

Police response with
respect to the review
of;

**Red Lion
Totton**

Contents

1 – G90 – Police response with respect to the review of the Red Lion, Totton.

Annex

A – PS 2184 Smith statement

B – PS 405 Barry Statement

C – Occurrence summary (RMS)

D – Letter to the DPS and Premises Licence Holder dated 08/03/10

E – Recorded discussion with the DPS on 25/02/10

F – Compliance Check 13/03/10

G – Email from the DPS on 22/03/10

H – Closure notice issued 01/04/10

I – Compliance Check 10/04/10

J – Objection to the minor variation 19/04/10

K – Compliance Check 08/05/10

L – Letter to the DPS and Premises Licence Holder dated 26/05/10

M – Compliance Check 18/06/10

N – PC 3672 Pugh statement

O – Closure Order issued by Insp 5552 Langridge 23/07/10

P – Closure Order issued by Insp 7145 Newstead 24/07/10

Q – Closure Order issued by A/Insp 20320 Sandison 25/07/10

R – New Forest Magistrates order 26/07/10

Documents marked RESTRICTED have been edited where necessary to remove personal data allowing them to be used in these proceedings.

Hampshire Constabulary will also use other documents and information from police witnesses and records to support this application.



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 PS 1634 Adams, 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:	Red Lion 97 Commercial Road Totton
Postcode (if known):	SO40 3AF

Name of premises licence holder or club holding club premises certificate (if known)	Jacqueline Ina Philp Barclay
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Number of premises licence or club premises certificate (if known)	411/2
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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: Police Sergeant	
Surname: Adams First Names:	
Current postal address :	6 OCU Licensing Unit Romsey Police Station 111 The Hundred Romsey
Postcode:	SO51 8BZ
Daytime telephone number:	023 8067 0904
E-mail address: (optional)	western.licensing@hampshire.pnn.police.uk

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



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

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

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

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

Over the last twelve months the Licensing Team have been monitoring and reviewing incidents at The Red Lion. Serious concern has been raised over the frequency and severity of events at the premises, and the apparent total lack of control of the Designated Premise Supervisor (DPS). Police received information that the brewery were going to shut the premises on Tuesday 27 July 2010 and the DPS had been encouraging people via a social networking site to come to a party lasting the whole of the weekend, stating "come and help me drink the pub dry".

On Friday 23 July Hampshire Constabulary issued a closure order under section 161 of the Licensing Act 2003 because we believed there was a serious risk of disorder and the closure was necessary in the interest of public safety. The order was renewed again on Saturday and Sunday. The police attended the Red Lion during Sunday evening and found that the DPS had opened the pub and was serving alcohol in contravention of the closure order.

On Monday 26 July police attended New Forest Magistrates Court who ordered the premises to remain closed until such time as it could be heard by the Licensing Authority.

The Red Lion is situated at 97 Commercial Road, Totton. The current premises licence authorises the following licensable activities:

Films
Indoor Sporting Events
Boxing or Wrestling
Performance of Live Music
Recorded Music
Performance of Dance
Entertainment of a similar description to that falling within (e), (f) or (g)
Provision of Facilities for making music
Provision of facilities for dancing
Provision of facilities for Entertainment of a similar description to that falling within (I) or (J)
Late Night Refreshment
Supply of Alcohol



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under the Licensing Act 2003**

Sale of alcohol is licensed to take place during the following times with a 30 minute drinking up period;

Sunday – Thursday 07:00-01:00hrs

Friday – Saturday 07:00-02:00hrs

The Red Lion is one of two licensed premises in Totton to have a late night licence ceasing the sale of alcohol at 02:00hrs in the morning at the weekend, but is currently the only premise to utilise this late licence. It is the view of Hampshire Constabulary that The Red Lion can be directly linked to a disproportionate amount of drink related violent crime and anti social behaviour particularly late at night. Poor management and continued breaches of licensing legislation are contributing to crime and disorder, undermining public safety and creating public nuisance both at the premise and in the surrounding area. Officers are frequently required to attend the premise late at night, particularly at weekends, to deal with unacceptable numbers of drink related problems and alcohol fuelled violent offences. Police Sergeant Smith details the impact the Red Lion has within Totton in his statement which can be located at Annex A.

When offenders have been detained at the premise or within the surrounding area they often have to be held in police cells overnight as they are too drunk to deal with. Victims are also often unable to give a statement due to intoxication. This has a knock on effect on policing levels the following day, committing officers with interviews and tracing witnesses. This prevents them from dealing with other matters arising in their communities. There have been no CCTV images available to police, although it is a condition on the premise licence. CCTV is an invaluable tool for officers to be able to conduct a prompt and effective investigation and the lack of footage has inevitably led to officers not being able to identify offenders and follow vital lines of enquiries. Ms Barclay has been consistently unhelpful in relation to police investigations.

Officers from Hampshire Constabulary have engaged with the management at the premise and attempted to work with the DPS to prevent breaches of the Licensing Act 2003 and to promote best practice. Police Sergeant Barry's statement details the intervention, visits and meetings that have been held with the DPS during 2010. Meetings were held on 24 February, 1 April and 26 May and guidance has also been provided to the DPS by letter, email and telephone conversations. PS Barry's statement is located at Annex B.

Hampshire Constabulary's Record Management System (RMS) details incidents which have been reported to police, the occurrence summary outlines incidents directly linked to the Red Lion. A copy of the full document can be located at Annex C.

Below are details of a variety of recorded incidents taken from the occurrence summary indicating how each incident undermines the individual licensing objectives. Although they have been divided many undermine more than one objective and show clear breaches of the premise licence conditions relating to CCTV and the admittance of under 21's on the premise on Friday and Saturday evening.



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

Prevention of Crime and Disorder

ID 7 – 31/10/09 – Report of a fight outside of the Red Lion.

ID 10 – 21/11/10 – Male assaulted members of staff inside the premise and caused criminal damage by throwing around metal chairs, whilst being pushed out he wrenched off the door handle. No CCTV was available.

ID 18 – 13/02/10 – New Forest CCTV reported that 2 males were fighting in the street, the males were detained and stated they had been drinking at the Red Lion immediately prior to the incident.

ID 35 – 27/03/10 – Police had to attend the premises to show a visible presence and prevent public order issues at closing time. Two males were squaring up to each other, both under the age of 21 years. Police intervened and broke up the males who were warned about their conduct.

ID 38 – 28/03/10 – Police had to attend as there were around 50 people outside of the Red Lion, the majority of these were in drink and quite loud. Two males aged 19 were being aggressive and were arrested after police warnings. Due to the risk of further incident officers remained at the premise to keep the peace.

ID 40 – 28/03/10 – Female arrested for assault at the Red Lion, male also arrested for obstructing police after several warnings.

ID 44 – 10/04/10 – Female assaulted twice inside of the Red Lion, reported the next day.

ID 49 – 08/05/10 – Four males assaulted the door supervisors, the males left the premise and returned later and were refused entry by the door staff. The DPS over ruled this decision and allowed one of the males entry back into the premise. One male arrested for assault. No CCTV available.

ID 58 – 19/06/10 – Aggrieved punched by a male twice to the face and knocked to the floor with blood pouring out of his nose, nobody intervened and police were not called. The victim moved across the road opposite the pub where he was approached by the same male who further punched and kicked him. Officers were flagged down by friends of the victim to find him vomiting on the pavement. Unable to take statements at the time as all had drunk too much. The victim suffered a broken nose, tooth knocked out, black eye and swelling around his cheeks.

ID 60 – 21/06/10 – Police called to the Red Lion by the son of the DPS who feared for his safety after an assault took place during a lock in after permitted hours. Medics were on the scene who were tending to a female who had dislocated her shoulder. The two males fighting were both drunk, the DPS did not provide a statement to police and there was no CCTV available.

ID 74 – 25/07/10 - The Red Lion was subject of a closure order and has re-opened, in



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

breach of the order.

Prevention of Public Nuisance

ID 2 – 06/09/10 – A member of the public witnessed a male punch a female in the face outside of the Red Lion, he tried to assist but due to the aggressive demeanour of the male decided to continue on his journey and call the police.

ID 4 – 26/09/10 – A local resident reported being woken up by a large disturbance outside of the Red Lion.

ID 22 – 20/02/10 – Report of a fight outside of the Red Lion, on police arrival 2 males ran off.

ID 52 – 09/05/10 – A resident reported that there was a fight outside of the Red Lion and they were banging into a neighbouring property.

ID 53 – 15/05/10 – Female heavily in drink was shouting and swearing in the car park and being restrained by a male. The female was warned by police numerous times and told to stop swearing and calm down, she was arrested. The male was subsequently arrested for obstructing police.

ID 63 – 03/07/10 – An off-duty police officer witnessed groups of people heavily in drink shouting, swearing and some fighting in the street.

ID 67 – 17/07/10 – Officers witnessed people drinking from pint glasses on the road, several were fairly heavily in drink and two were 19 years old. When asked to move they wondered back into the Red Lion.

Public Safety

ID 5 – Female ejected from the premise, during which she punched the DPS in the head. No CCTV available.

ID 8 – 07/11/10 – Report of a fight in the street outside the Red Lion, one male was taken home because he was drunk. The male was then seen to come out of a house with a large knife, he was arrested.

ID 11 – 21/11/09 – 5-6 males fighting at the front of the Red Lion, some tried to get into the burger van where the informant was.

ID 28 – 26/02/10 – Member of the public reported that a female who was drinking in the Red Lion and was 'well in drink' would be driving home.

ID 30 – 12/03/10 – A drunk male ejected from the premise, he attempted to regain entry and



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the police were called to assist. They had to take the drunk male home.

ID 32 – 13/03/10 Report of a male detained at the Red Lion by security who had to sit on the male to restrain him. A lot of shouting could heard in the background. A first responder and ambulance attend as male had hit his head. Officers had to assist medical staff as male was in drink.

ID 43 – 10/04/10 – Call received from Hampshire Ambulance Service who were at the Red Lion to see to a male with a head injury. The male and his friend were both under 21 years old and very drunk. Police and medics faced verbal abuse trying to assist the drunk injured male.

ID 65 – 11/07/10 – The DPS reported that she had been assaulted by a female, on officer arrival the DPS declined to pursue any complaint. Female located nearby and was so drunk she had to be taken home by officers.

Protection of Children from harm

ID 1 – 27/08/09 – A report that a male had "kicked off" at the Red Lion and Police were required. There were a lot of children at the premise. The male was very drunk and had suffered a head wound and fractured finger.

ID 14 – 19/12/10 – A 17 year old male was ejected from the premise having been involved in a fight.

ID 21 – 13/02/10 – After drinking in the Red Lion the offender went to Asda and piled stolen items on top of two children in a push chair causing urgent concern for the welfare of all the children involved.

ID 39 – 28/03/10 – The DPS ejected underage drinkers from the premise, she was then assaulted by a member of the group, the DPS was unable to make a statement as she claimed she was busy.

The pattern of offending and disturbance emanating from the premise over the last 12 months suggests that Friday and Saturday nights are by far the busiest, with customers consistently being described as extremely intoxicated and on occasions requiring medical attention for apparent intoxication or substance abuse.

The DPS has herself been observed by officers as being under the influence of alcohol. She has recently directed door staff to allow offenders back into the pub and has persistently allowed persons under the age of 21 onto the premise, where they have then been supplied with alcohol and gone on to commit offences within the town centre.

On Tuesday 27 July Enterprise Inns took possession of the Red Lion and submitted an application to transfer the premise licence into their name, the DPS was taken of the licence at this point.



RESTRICTED

G90

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

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[Empty rectangular box]

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

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: T. ADAMS Collar Number: 1634
Signature: _____ Date: 6/8/10

Signature of Authorising Officer (Inspector or above)

Name: Kery THORNS. As Supt 2181 Collar Number: 2181
Signature: _____ Date: 06/08/10

RESTRICTED

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: Ian Smith

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

Occupation: Police Sergeant

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: Ian Smith

Date: 5th August 2010

Ian Smith

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

I am PS 2184 Ian Smith and I am the Sergeant in charge of the Safer Neighbourhood Team based at Totton.

I write this statement with reference to the Red Lion Public house situated at 97 Commercial Road Totton.

The Red Lion has been a constant source of calls to police over the past few years, more recently my team have been involved with the premises as a result in the increase in calls. The calls have been made by the licensee and also members of the public reporting a number of issues involving Anti social behaviour and also assaults that have taken place at the premises and in the nearby area.

A lot of the calls were coming in during the early hours of the morning from 0200 onwards, as the premises was the only late opening establishment it is a fair assumption that the troublemakers had left the Red Lion and were on their way home. As well as general noise we also had a number of criminal damage offences being reported.

To add to this, for a few months there was a Kebab Van in the pub car park, this was a local agreement between Jackie Clapp and the van owner, further problems arose as a result of the Kebab van serving food at turn out time, this encouraged the drinkers to remain in the car park in

Signature: Signature witnessed by:





WITNESS STATEMENT

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

stead of dispersing, several fights broke out in the queue for food over the period of time the van was in business.

As mentioned earlier problems that occurred were as a result of the premises being the only one in Totton that stayed open past midnight. Word soon got around that you could obtain a drink up to 0200hrs and so this attracted a much younger crowd to the premises. This coupled with cheap drink promotions, spirits advertised on chalk boards outside for 69p as an example, began to see an increase in reported problems at the premises.

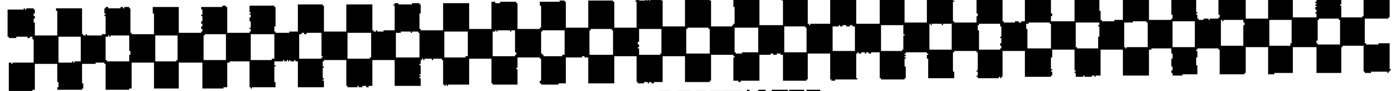
The premises licence had an over 21 rule for the weekends, Jackie Clapp approached me to see if she could try to have this removed from the license, she stated that she was losing money because she was having to turn away younger drinkers, also she discussed the possibility of extending her opening hours to 0400 hrs.

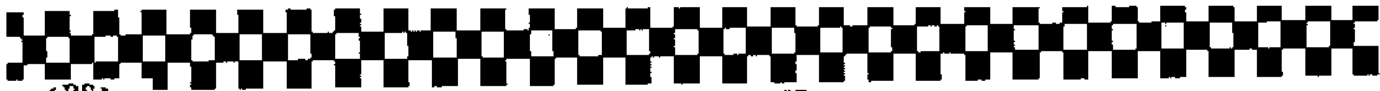
At the time I explained my objections to this as being that the late license is more suited to a night club type premises and not a local pub, also that she could not just remove one of the conditions attached to the licence for purely financial reasons. The variation for the license in relation to the over 21 rule was refused, Jackie as I understand it did not apply for the later opening.

In general the premises were still attracting a younger crowd and with it came anti social behaviour and assaults as mentioned earlier. The number of reported incidents accelerated to the point where the local licensing team became involved, regular visits were instigated and door staff checked etc, despite regular patrols problems were still being encountered, the premises did not have working CCTV and so this restricted evidence gathering, we were also made aware of incidents occurring at the premises that were not being reported to the police.

A decision was made to close the premises by the owners, as a result of information police decided to act and apply a closure notice to the premises, this prevented a large party at the premises in which Jackie advertised to "come and drink the pub dry".

Signature: Signature witnessed by:





RESTRICTED

MG11
Page 3 of 4

WITNESS STATEMENT

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

Since closure we have noticed an increase in trade at one other public house, The Farmhouse on Ringwood Road, this is being managed well by the licensee.

We have already seen a noticeable drop in anti social behaviour and reported alcohol related assaults in the area of the Red Lion, I would attribute this to the closure of the pub.

The closure has also assisted in not having patrol officers tied up having to "babysit" the premises at turn out time and so this frees off the officers to deal with more pressing problems. We are also able to support other licensees in the area.

Ian Smith

Signature: Signature witnessed by:





RESTRICTED (when complete)

WITNESS STATEMENT

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

URN: | | |

Statement of: PS AMANDA BARRY

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

Occupation: Police service

This statement (consisting of pa ge(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: 04/08/2010

PS AMANDA BARRY

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

I am a Police Sergeant in the Hampshire Constabulary based within the New Forest Safer Streets Team at Lyndhurst Police Station.

I hold a BIIAB level 2 National Certificate for Personal Licence Holders.

On February 24th 2010 I attended The Red Lion Public House, Commercial Road, Totton with PC Kingsnorth to meet with the designated premises supervisor Jackie Barclay. The purpose of the visit was to discuss recent incidents of crime and disorder at the premises and to agree actions with Ms Barclay to remedy the issues. My letter dated 8th March 2010 details the content of the meeting and the recommendations made to Ms Barclay.(review papers)

On Thursday 1st April 2010 I attended The Red Lion Public House with PC Witney to meet with Ms Barclay. The purpose of the visit was to review the progress of the recommendations made in the letter dated 8/3/10 and to clarify Ms Barclays understanding of her licensing objectives. During this visit I expressed my concerns to Ms Barclay as to her lack of understanding of the content of her premises licence. I quite clearly stated to Ms Barclay that her licensing objectives were not voluntary; that they form a part of her operating schedule and if she fails to perform her licensing objectives, then she is in breach of her licence.

At 1256 hours on 1st April 2010 I issued Ms Barclay with a G92 Closure notice under Section 19 of the Criminal Justice and Police Act 2001. The details of the unauthorised use are outlined within the document.(review papers).

On 1st April 2010 upon my return to Lyndhurst Police Station I emailed MS Barclay the home office website details of advice on the installation of CCTV.

On Wednesday 26th May 2010 I attended The Red Lion Public House with licensing officer Georgie Fice to meet with Ms Barclay and her son Jamie Pugi. The purpose of the visit was to discuss the failure of the premises to achieve

Signed :

Signature witnessed by :

PS AMANDA BARRY



HAMPSHIRE CONSTABULARY

RESTRICTED (when complete)

WITNESS STATEMENT

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

Continuation of Statement of: **PS AMANDA BARRY**.....

satisfactory improvement. Georgie Fice's letter dated 26th May 2010 details the content of the meeting and recommendations made to Ms Barclay (review papers).

On Friday 23rd July 2010 at approximately 1700 hours I attended Lyndhurst custody suite to hand a copy of a closure order to Ms Barclay. I understood that officers had issued the closure order upon staff at the Red Lion Public House earlier that day. Ms Barclay had yet to be informed of this fact. I explained in plain English that this meant she could not open her premises for the next 24 hours. I informed her that she would be visited the following morning by an officer of the rank of Inspector who would consider whether measures had been taken to remedy the reasons outlined on the closure order. Ms Barclay was very emotional and angry. I repeated what the closure order meant and consequences of breaching the order.

Signed : _____
PS AMANDA BARRY

Signature witnessed by : _____

Red Lion, Totton

- Occurrences which have been reported to the police Test Purchase Operations Intelligence
- Police interaction with the Designated Premise Supervisor & observations Closure Notice & Closure Order

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
1	Rowdy & inconsiderate	27/08/09 Thurs	23:41	Member of Public	<p>Call from informant stating there is a male who is part of a wedding party at the Red Lion who has kicked off and police are required. The male is currently outside of the premise and staff are trying to deal with him, by restraining him on the floor. Informant states that there are a lot of children here and staff are trying to keep them out of the way. Officers attended the premise where they were informed that the male was put in a taxi and went home.</p> <p>The male subsequently went into Bitterne Police Station the following day and showed the Officer various injuries including a large head wound at the rear of his head, fractured finger and three scratches down the side of his neck. In interview the male states that he told the officers that attended that he had been assaulted however he was very drunk at the time and therefore no details were taken from him. In the males statement he states;</p> <p><i>"I had been at the pub since 16:30 hours celebrating and by the time of the incident I had drunk about 20 double vodkas and was very drunk"</i></p>
2	Assault	06/09/09 Sun	23:15	Member of public	<p>A member of the public phoned the police control room to report that they had witnessed a male punch a female in the face outside of The Red Lion public house, Totton. The member of the public stopped the</p>

Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
3	Theft	12/09/09 Sat	22:30	Member of public	car to assist the female but due to the aggressive demeanour of the male decided to continue on his journey for his own safety. At the same time Police were called to the premise by the DPS Jackie Barclay (aka Clapp) requesting police assistance in removing some customers who are causing a problem. On officer arrival one male in particular was causing problems, he fitted the description of the male who had allegedly been responsible for the earlier reported assault and was arrested. The aggrieved could be located, there were no other known witnesses and no CCTV to assist in the matter.
4	Rowdy & inconsiderate	26/09/09 Sat	02:40	Member of public	Aggrieved was in the Red Lion last night, she had taken a phone call on her mobile and then place the phone back on the bar. It wasn't until the morning she realised it was missing. Aggrieved call the premise who confirmed the phone has not been handed in. Large disturbance outside of the Red Lion, Informant states they are fighting and crying which has just woken the informant up. Officers from Southampton attend the premise and search the surrounding area, unable to trace any person(s).
5	Assault	28/09/09 Mon	16:25	Member of staff	Female already barred from the Red Lion was ejected by the DPS, during ejection female punched DPS in the head and pulled her hair. CCTV from the premise

Hampshire Constabulary
6 OCU Licensing Team

Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
6	Burglary other than in a dwelling	21/10/09 Wed	00:48	DPS	is unavailable to support the investigation, adult caution issued. This incident was reported as a burglary at The Red Lion, Totton. Unknown persons have entered the pub and smashed the fish tank causing 1400 litres of water to spill into the bar area and resulting in the death of 2 high value fish. Scenes Of Crime Officers have attended and found nothing and New Forest District Council CCTV shows no persons walking near the pub at the time of the incident. There is no CCTV inside of the premise.
7	Rowdy & inconsiderate	31/10/09 Sat	22:46	Member of public	Informant reporting of a fight is happening outside of the Red Lion, Totton. Informant then hung up as call taker tried to clarify the details.
8	Public order	07/11/09 Sat	01:00	Member of public	Informant reporting that two males were punching and kicking each other in the middle of the road outside of the Red Lion. Officer attends the Red Lion, one male has had a bit to drink, the other can not be located. Officers decided to take the male home due to being drunk. Officers dropped the male at the end of the road near his home address. No complaints were made but male stated he will find the other male at a later stage. Officer wanted to make sure male got home so drove 200 meters down the road. They witness the male exit a house with a large knife. Officers were in close proximity of the male and

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
9	Theft	07/11/09 Sat	11:00	DPS	feared for their safety, Officers used CS spray on male who was then detained. The DPS at the Red Lion has been informed by numerous members of staff that an employee has been under-ringing the till for food orders. As there is no direct evidence available and no CCTV of the offence, no further action was taken.
10	Criminal damage Public order Burglary in a dwelling Assault Assault Offensive weapon	21/11/09 Sat	01:10 - 02:00		The DPS flagged down a passing patrol car to inform them that a male had caused damage inside of the Red Lion. The male was arrested and taken to custody. Further enquiries revealed that the male had been stopped by the DPS and her son from entering the private area of the pub, he had become aggressive pushing the DPS and throwing around metal chairs and condiment containers prior to being ejected from the pub. Shortly afterwards he returned to the bar area and been told to get out by a member of staff. The male responded by grabbing the member of staff by the upper body and forcing him to the floor where there was a struggle. The male was then ejected from the pub, as the male draws level with the exterior door he grabs the door handle and wrenches it off prior to being pushed out. There is no CCTV at the premise to assist with the investigation.
11	Rowdy & inconsiderate	21/11/09 sat	02:45	Member of public	Report that there are 5-6 males fighting at the front of the Red Lion. Further call member of the public reporting lots of people fighting outside of the Red Lion. Informant is in his burger van at the front of the

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
12	44080433594 Operation BACCHUS	11/12/09 Fri	22:00	Officer on patrol	<p>premise, reporting there is a female on the floor, some tried to get into his van at one point. On officer arrival, no complaints made, 2 groups sent on their way.</p> <p>Officer spoke to the DPS of the Red Lion and enquired where the members of door staff were, the DPS said that she was a registered door staff as well as the DPS. No other door staff were present. The Officer then asked the DPS if she was enforcing a condition on the premise licence and only admitting customers over 21 on Friday and Saturday evenings. The DPS stated that she did not know that she was supposed to be doing that. There was evidence of enforcement of over 18's within the premise. The DPS said that she was happy to enforce over 21's only, but did not realise it was necessary!</p> <p>The DPS also said that she is intending to apply for a variation to the premise licence to open until 4am on Saturday and Sunday mornings.</p>
13	44080433594 Test Purchase Operation	19/12/09 Sat			<p>The Red Lion was included on the Police Test Purchase list for two volunteers under the age of 18 to enter and attempt to buy alcohol. The police abandoned the operation at the premises as the officers felt it was unsafe to allow the volunteers in the premise.</p>
14	44090543233 Rowdy & inconsiderate	19/12/09 Sat	00:30	Member of Public	<p>A member of the public who was driving past the Red Lion called to police to report around 15 people</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
15	Theft	16/01/10 Sat	21:11 - 23:45	Member of Public	fighting outside. On officers arrival there was no fight in progress. Officers spoke to the DPS who confirmed that a male had just been ejected from the premises for disorderly conduct. It was alleged that the male (who is 17 years old) had been involved in a fight on the premises with another male prior to being ejected. No complaints made.
16	Intelligence	05/02/10 fri			Informant reporting that whilst he was on a night out at the Red Lion, his mobile phone and jacket have been stolen. His mobile phone was in his jacket pocket and his jacket was on the back of the chair that he was sat on. Person(s) unknown have picked them both up and taken them. The pub was very busy on the night and the informant did not see anyone do this. Informant has been back to the pub a couple of times since and no one has handed in the items.
17	Dispute other	06/02/10 Sat	02:12	Member of public	There are two males who are dealing/taking cocaine at the Red Lion pub in Totton Informant states a group are fighting outside the Red Lion, they are not sure on numbers involved. Officers conduct an area search and see a group indicating no obvious problems. Officer attends the Red Lion and spoke to a member of door staff who indicated there was a verbal argument between 2 people who have now left.
18	Assault	13/02/10 sat	02:30	New Forest	CCTV reporting that they are watching two males

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
19	Theft	13/02/10 Sat	02:00 - 03:00	CCTV	fighting in the street, Force Support Unit Officers attended the incident and two males were detained. In interview the next day one suspect states he attended the Red Lion around 22:00 and left at closing time at 02:00. When in the pub he drank about 8/9 Vodka & cokes, he puts himself at an 8/9 on the scale 1-10 (10 being drunk) and being very drunk. Male is unable to remember leaving the pub or the fight he was involved in.
20	Dispute other	13/02/10 Sat	15:20	Member of public	Between the times specified times unknown person(s) have stolen aggravated coat and mobile phone. Civil dispute between taxi driver and female customers after they realised that they had left their purse and money at the Red Lion Public House. The females asked to be returned to the premise so that they could make the payment. The taxi driver was concerned that the females would try to avoid payment so bought the females to the Police station. Details obtain from all parties with females stating that they had full intention of paying for their journey.
21	Other crime Theft Public order	13/02/10 Sat	16:14	Member of Public	Theft of clothing, food and alcohol from Asda. Female offender detained by staff. Offender very drunk, aggressive and verbally abusive towards staff and police. Offender went to The Red Lion public house at Totton where she both became extremely drunk. The

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
22	Rowdy & inconsiderate	20/02/10 Sat	01:25		female then went to Asda where the offence was committed. The theft occurrence was dwarfed by the urgent concern for welfare for the four children. A member of security staff, stated that he was not aware that there were two children in the pushchair until he started to recover stolen items which had been piled on top of them. Following considerable efforts to calm the drunk female and console the children, who were distraught, Officers arranged for a taxi to transport the family back to their home addresses. Enquiries are to be made at The Red Lion public house to determine if the female was plied with drink and sold alcohol whilst obviously drunk and in charge of four small children.
23	Rowdy & inconsiderate	20/02/10 Sat	01:55		Report of a fight outside of the Red Lion, Totton. On Officer arrival both males starburst and ran off. No complaints made to the police, area check completed.
24	Licensing visit	24/02/10 Wed			Report of a fight at the Red Lion, on police arrival there are no complaints being made and no one wants to talk to police. PS Barry and PC Kingsnorth attended the Red Lion, Totton to discuss recent incidents at the premise. During the visit the premise licence conditions and breaches of these conditions were discussed as well as current practices and procedures. Below are recommendations which were put forward

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
					<p>to the DPS to ensure compliance and due diligence;</p> <ul style="list-style-type: none"> - Ensure that your CCTV system is in working order and available upon request by the police in a viewable format. - Ensure that customers under the age of 21 are not allowed on the premise on Friday and Saturday evenings. - Keep a record of door staff used at the premise including their SIA registration. Door staff should sign on and off duty. (The refusals log could be used for this) - Premises to keep a written refusals log showing age verification challenges and person refused due to drunkenness. I recommend an A4 bound diary. This can be used for recording all refusals and any incidents at the premise. - Report all incidents of crime and disorder at the premises to the police. - Record staff training, which should be signed and reviewed every 3 months. - You attend a nationally recognised licensing course. I believe that having current training reduces the incidents of licensing breaches. - The present promotion of 69p house spirits "All day, every day" is irresponsible. It is recommended that these cease. <p>A letter outlining the visit and recommendations sent</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
25	Telephone discussions with DPS	25/02/10 Thurs			<p>to the DPS and Premise Licence Holder can be located in Annex D.</p> <p>The DPS called the police licensing unit and left an answer machine asking to call her urgently in relation to a minor variation. On 25 February Georgie Fice from the Licensing Unit called the DPS and explained various aspects of the licensing act 2003. This included the original premise licence application, conditions and breaches of these, minor variations, full variations, good practices and due diligence.</p> <p>A full copy of the discussion can be located in Annex E.</p>
26	Meeting with DPS	26/02/10 Fri	19:15		<p>A?PS Jordon and PS Smith met with DPS from the Red Lion at Totton Police Station to discuss compliance with the licensing conditions, particularly in relation to CCTV, door supervision, and admission of under 21s on Friday and Saturday nights.</p> <p>The DPS is in the process of requesting a variation to the premise licence to allow under 21's admittance into the premise.</p> <p>Officers discussed issues of potential neglect of duty of care whereby a drunken female in charge of four children under seven was ejected from the pub, and on another occasion failure to report a fight/bottling</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
27	44100079134 Intelligence	26/02/10 Fri			<p>which took place within the premise.</p> <p>Officers reiterated the fact that they wish to help and support the DPS and that calling the police to incidents would not be a 'black mark' (DPS words) against the premise but rather the opposite.</p> <p>The DPS is now keeping a diary as recommended by PS BARRY to include refusals, etc, and has agreed to get the CCTV system looked at.</p>
28	44100080580 Impairment	26/02/10 Fri	23:01	Member of Public	<p>On a Friday evening in the last 2 weeks, at The Red Lion Pub, Commercial Road, Totton, a customer has glassed another customer over the head. This has caused injuries and there was lot of blood. It was sorted out in house and no report made to police</p>
29	44100106004 Intelligence	12/03/10 Fri		Police Officer	<p>Member of the public reporting that a female has been drinking in the Red Lion and is 'well in drink' and will be driving home. Believes she will leave the premise at approx 23:30 hours.</p> <p>Police attended the Red Lion, Totton for a on-going incident involving a male that had been asked to leave. The DPS was clearly in drink and insisting that police were not needed. A number of youths were outside including two aged 17.</p>
30	44100101505 Drunkness	12/03/10 Fri	21:49	DPS	<p>The DPS has removed a male from the Red Lion, Totton. She states that he is constantly attempting to</p>

Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
31	Premise visit	13/03/10 Sat		Police Officers	<p>regain entry to the premise. He has been standing there for over half an hour and is currently with door staff, DPS requesting police attendance. Officer attends the premise and takes the drunken male back to his home address.</p> <p>A compliance check was made at the Red Lion on 13 March, the full check can be located at Annex F. Below is a summary of the officers report;</p> <p>Are noise levels from either music inside the premise or customers outside acceptable? If so what noise can be heard? How far away from the premise can the noise be heard? <i>Inside the music was loud. I could not communicate with someone when I was shouting at their ear at a distance of 6 inches...how can door staff constructively communicate with patrons or other staff in that sort of environment?</i></p> <p><i>The people outside were making a lot of noise. The empty barrels were being stacked in the smoking area and the customs were pushing them over.</i></p> <p>In your professional opinion please provide a brief description of the atmosphere at the premise <i>Generally friendly but most patrons were heavily intoxicated. The doormen appeared to have little or no control of the patrons inside the smoking area or the car park. There were a bank of taxis lined up outside</i></p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
32	Rowdy & inconsiderate	13/03/10 Sat	00:04	Member of Public	<p>the premises with a kebab van serving food to 3-4 at a time providing a constant stream of people. There was a male walking around in the car park who had a bloodied face and was periodically loosing consciousness to the concern of attending paramedics. Jackie said that he had been involved in trying to start some sort of fight inside the premises, but that the door staff had ejected him and 'was sat on'. The male looked like he had been beaten across the head and was still on the licensed premises in the car park mingling with patrons and staff who were taking no action to remove him from the premises car park. I instructed to leave in a taxi when he refused the care paramedics who feared he may have a serious head injury. Other than his name being 'Tony' no other information was disclosed to me.</p> <p>00:04 Caller is reporting a male is detained at Red Lion, Totton. Security are currently sat on the male as he is being aggressive towards them. No further details could be obtained due to the large amount of shouting heard in the background.</p> <p>00:15 Officer reports no complaints are being made, male has bumped his head and is being checked over.</p> <p>00:20 First responder is with officer, Ambulance needed as male is fitting.</p> <p>00:22 Ambulance attends.</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
33	44100087513 Email from DPS	22/03/10 Mon			<p>00:58 Call from Ambulance requesting police re-attend, male refuses to go to hospital, he is in drink. Ambulance can not leave male in this state, request police to assist.</p> <p>01:13 Officer attends the premise and speaks to the male.</p> <p>01:32 Male goes home in a taxi, no offences or complaints made.</p> <p>The email from the DPS is in response to the meetings on 24 & 26 March 2010, which includes;</p> <p>The incident regarding a customer striking another with a bottle at the premise. Written statement authorising bar staff to serve alcohol. Recording of all incidents and refusals. CCTV. Door staff. Under 21s condition on Fri and Saturday night. Possible premise licence variation</p> <p>A full copy of this email can be located at Annex G.</p>
34	44100118312 44100121224 Intelligence	24/03/10 Wed			<p>The DPS at the Red Lion has been advertising on a social net work site that the Red Lion, Totton will be hosting under 18's clubs each week on a Thursday evening starting 25/03/10. The advertisement mentions that alcohol will not be sold to underage customers, although it seems the premise will still be open for customers over the age of 18.</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
35	Rowdy & inconsiderate	27/03/10 Sat	01:45	Officer on patrol	Police were in attendance at the Red Lion to show a visible presence and to quell any possible public order issues that may arise. A disturbance broke out outside the pub right in front of police. This amounted to two males squaring up to each other and grabbing hold of each other swearing. Police quickly intervened and broke the males up. Males were warned about their conduct, both were under the age of 21 years old.
36	Rowdy & inconsiderate	27/03/10 Sat	02:11	Officer on patrol	Officers out side the Red Lion requesting more police units to attend, large group dispersed, no complaints made, extra police units stepped down.
37	Premise visit	28/03/10 Sun	00:15	Officer on Patrol	Officers visited the Red Lion and spoke with the DPS and asked her if she was aware that she would have to close in around 45 minutes due to the clocks going forward. The DPS seemed unaware that she only had 45 minutes left to trade and questioned whether or not officers had the right information. She told me that she has made enquiries with other pubs in Southampton who were all intending to trade until 03.00 hours. Officer spoke with Insp 2840 Proctor who checked the Red Lions licence and informed officers that there was no provision for the Red Lion to trade past 02.00 hours even with the clocks going forward. With advice from Insp Proctor Officers informed the DPS that Officers were telling her to close at 02.00

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
38	44100124365 44100124366 Public order Public order	28/03/10 Sun	02:05	Officer on patrol	<p>hours but that if there was a subsequent breach that it would be reported. Around 30 minutes later the DPS approached officers whilst outside the premise and told them that she was closing as the Square Balloon in Southampton was also closing at 02.00 hours. Officers again re-iterated that they were telling her to close.</p> <p>Officers were trying to deter any incidents outside of the Red Lion with a visual police presence as it was near closing time. There were around 50 people outside the pub milling around and a majority of these were in drink and quite loud. Two males were seen in a fighting stance, officer could see one male was just about to punch the other male, who was then arrested for using threatening behaviour. As the male who is 19 years old was arrested the officer noted he could smell intoxicants on his breath and the males eyes were watery and bloodshot. A second male who is 19 years old started shouting and swearing, officers warned him on several occasions about swearing in a public place. There were still about 40-50 people stood in the locality, male was arrested for public order. Due to the risk of further incidents officers had to remain at the scene to keep the peace.</p>
39	44100125328 Assault	28/03/10 Sun	21:30	Member of staff	<p>DPS attempted to eject underage drinkers from the premise, the group became aggressive and the licensee was assaulted by 3 members of the group, suspects left the premise and were detained by police</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
40	Other crime	28/03/10 Sun	22:00	Officer on patrol	shortly after. The DPS stated that she was busy in the pub and explained she would not be able to make a statement on the evening as requested by the attending officer, and requested that an officer calls her tomorrow to arrange taking a statement. Officers left messages for the DPS and have attended the premise with no response. DPS unavailable as she is out shopping requesting an officer calls back later to see if she is available then.
41	Closure Notice	01/04/10 Thurs	12:56		Whilst a female was being arrested for an assault at the Red Lion against the DPS, her brother was obstructing the police and being verbally aggressive and swearing trying to get to his sister. After various warnings his behaviour did not improve and he was arrested for drunk and disorderly. Closure notice made under Section 19 of the Criminal Justice and Police Act 2001 (Premises used for unauthorised sale of alcohol in breach of Section 137 Licensing Act 2003). - CCTV is not in full working order - Admitting patrons under the age of 21 on Friday and Saturday evenings A copy of the closure notice can be located in Annex H.
42	Licensing Visit Closure Notice	01/04/10 Thurs	12:56		A pre-arranged visit took place with PS Barry and the

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
43	Collapse/ Illness/Injury	10/04/10 Sat	02:27	HAS	<p>DPS. The letter outlining the visit on 24 February was discussed in order to gage the DPS' understanding of her licensing objectives and the recommendations made within. Concerns remain as to the DPS' interpretation of her licence and her continued claims that parts of it are only voluntary. To further illustrate and formalise the requirements made within the letter a closure notice was issued to the DPS at 1256 1/4/10 by PS Barry.</p> <p>It is recognised that the installation of a new CCTV system is going to place financial burden upon the DPS. She will make contact with in the next 7 days and provide details of the installation date.</p> <p>Email sent to the DPS outlining CCTV code of practice.</p> <p>A call was received from Hampshire Ambulance Service stating they had been called to the Red Lion, Totton to see to a male with a head injury. It was thought he had been assaulted.</p> <p>Once on scene the male was in the ambulance being treated. The DPS approached officers and explained that the male may have been assaulted and any offenders had already left. No customers had seen the male being assaulted, only fall over. The DPS seemed very sheepish and tried to explain to officers that the pub had a good trouble free night prior to this</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
					<p>incident.</p> <p>The doors to the pub were still open at 0230hrs and customers were milling in and out of the pub. The DPS was not encouraging the left over customers to leave the area.</p> <p>The injured male was very drunk and had been verbally abusive to the ambulance staff. He refused to explain what happened and how he got his head injury. The male stated he had been drinking in the Red Lion prior to the incident. Male's friend was also very drunk and also stated he had been drinking in the Red Lion prior to the incident. Both males were under 21, one of the males stated he was not challenged for ID and he did not have any with him!</p> <p>Officers left the Red Lion at 0250hrs where there was still a large queue at the kebab van in the car park and the lights were still on in the bar area to the Red Lion. Officers could see a number of people in the pub and there were still people inside the pub when officers drove back past 15 minutes later.</p> <p>This is another drink related incident linked to the Red Lion taking up the time of both the police and ambulance service of which the medics faced verbal abuse trying to assist a drunk injured male.</p>
44	Assault	10/04/10	23:00	Member	Member of public reported that she had been

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
		Sat		of Public	<p>assaulted twice by known female whilst in the pub. The first time was at the bar, when after a verbal argument, other customers moved out of their way and the female pushed her to the chest causing her to fall over. They parted and for 30 minutes there were no repercussions.</p> <p>During this time the DPS approached the aggrieved and said that she had seen what had happened and did not want any more trouble so suggested that the two girls avoid each other. Neither person was ejected and police were not called.</p> <p>A further incident then occurred between the same females whilst in the toilets, during which the informant received a cut lip. This was reported several days later at Totton Police Station.</p>
45	Premise visit	10/04/10 Sat	23:20	Police Officers	A compliance check was made at the Red Lion on 10 April, the full check can be located at Annex I.
46	Email from DPS	15/04/10 Thurs			Just to let you know I have now purchased all the equipment to get the CCTV up and running again. I just have to wait for the person who is installing it to come back from his holiday. If you want to pop in and see it all in the boxes - feel free.
47	Application for a Minor Variation	19/04/10 Mon			The DPS of the Red Lion, Totton submitted an application for a minor variation to the premise licence. The request was for the removal of a

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
48	44100175735	30/04/10 Fri	23:06	DPS	<p>condition in Annex 2, Section E) Protection of Children from Harm stating:</p> <p><i>'Admittance to the premises during Friday and Saturday evenings will only be allowed to persons over the age of 21 years. The only exception to this being persons who are part of a family or friends of that family which are dining at the premises'.</i></p> <p>Hampshire Constabulary raised an objection to the application for a minor variation, this can be located at Annex J.</p>
49	44100186141 44100186419	08/05/10 Sat	00:26	DPS	<p>Officers attended the Red Lion after a call from the DPS requesting assistance. On officer arrival they spoke to the DPS who explained that a male had been asked to leave and then removed his shirt and started to threaten her. The male has now left the premise threatening to come back tomorrow.</p> <p>A group of four males assaulted the two door men, causing both to have injuries. One member of door staff ask the DPS to call police once the incident was over. One male was detained by police nearby.</p> <p>A short time later three men arrived back at the pub. The door man refused them entry believing them to have been involved in the initial incident. The DPS over ruled this decision and allowed one of the males entry back into the pub.</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
50	44100087513	08/05/10 Sat		Police officers	On being booked into custody the arrested male is described as in drink, and says that he has had 'a fair few beers'. No CCTV is available which has significantly affected the prospect of conviction.
51	44100187412	08/05/10 Sat	23:17	DPS	A compliance check was made at the Red Lion on 8 May, the full check can be located at Annex K. The DPS has called the police asking for assistance as a male who is banned on Totton pubwatch is refusing to leave the front of the premise. Male has become abusive when asked to leave and the DPS is afraid to confront him as he always causes problems and becomes violent. Officers attend and remove the male taking him to a family members address.
52	44100187485	09/05/10 Sun	00:21	Member of Public	Neighbour reporting that it looks like a group of males outside the pub are fighting. They are banging into the neighbouring property. Officers arrive at the premise where members of staff advised officer 2 males left prior to their arrival.
53	44100197069 44100197077	15/05/10 Sat	01:42	Member of Public	A female heavily in drink was shouting and swearing in the car park outside the Red Lion public house in Totton, she was in the company of a male who appeared to be her boyfriend who had his arms around the waist of the female and initially appeared to be restraining her and trying to calm her down. There was a large gathering of people but many of them were leaving and waiting for taxi's to arrive.

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
54	Licensing Visit	26/05/10 Wed			<p>This being a public place the female was warned by police numerous times to stop swearing and calm down, these warnings were ignored and the female was arrested for section five public order. The male refused to let go of the female at police request and after warnings was subsequently arrested for obstructing police.</p> <p>A Licensing visit was conducted on 26 May by PS Barry and Georgie Fice. The aim of the visit was to discuss problems associated with the premise and initiatives which aim to reduce crime and disorder.</p> <p>A full copy of the letter sent to the DPS and premise licence holder can be located in Annex L.</p>
55	Theft	29/05/10 Sat	02:30	Member of public	<p>Informant reporting her mobile phone placed in her jacket pocket was stolen by unknown person whilst she sat at a bench at the Red Lion.</p>
56	Theft Burglary	01/06/10 Tues	12:30	DPS	<p>DPS reporting that two males informed a member of staff that they had arrived to collect old white goods from the premise instead they took a bike and large bar unit. Initially it was stated that CCTV covered the outside area, the DPS viewed the CCTV and stated that it did not capture the incident, so did not produce it, although requested by the police.</p>
57	Premise visit	18/06/10 Fri	21:30	Officer on Patrol	<p>A compliance check was made at the Red Lion on 18 June, the full check can be located at Annex M.</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
58	Assault	19/06/10 Sat	02:41	Member of Public	Aggrieved had been drinking in the Red Lion for the majority of the evening. As the aggrieved was preparing to leave at the end of the night he was punched by a male twice to the face and knocked to the floor with blood pouring out of his nose. The Aggrieved was asked by a doorman if he was ok, although nobody intervened and nobody called police in relation to the assault. The aggrieved left the pub and was on the opposite side of the road when the same male approached the aggrieved and punched him in the face causing the aggrieved to fall to the ground where he was then kicked. Officers were flagged down by the aggrieved friends, all were in drink, and the aggrieved was sitting on the pavement vomiting. An ambulance was called but no units were available to attend, the aggrieved and friend got a taxi to Southampton Hospital and advised to attend the Police station the next day when sober make a formal report of the incident. The aggrieved received a broken nose, tooth knocked out, black eye and swelling around his cheeks.
59	Drunk & Disorderly	20/06/10 Sun	02:22	DPS	Police called by DPS of the Red Lion stating that she had been assaulted by a male. The male was detained. However, numerous independent witnesses then stated that there had been no assault and that actually the male had fallen over and cut his nose due to his intoxicated state. As a result of this false

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Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
60	44100255110 Assault	21/06/10 Mon	01:43	Member of staff	<p>allegation the male was de-arrested. Due to the male's continued aggressive and drunken behaviour on leaving the pub he was detained for Drunk & Disorderly and issued with a fixed penalty notice the following morning in custody.</p> <p>Phone call received from the invited some friends round for drinks at the pub and that they have been fighting and she has been assaulted.</p> <p>On police arrival the DPS states that she has not been assaulted. States she had three friends to stay at the pub after closing for drinks. The female friend fell over and hurt her shoulder. The officer is then informed by a colleague, not DPS that two other persons are currently being tended to by the Ambulance Service in another room. The officer describes what greeted him "I walked through the bar area and found a male slumped on the floor clearly very drunk. The female was lying on her back complaining of a sore shoulder. I was then informed by a paramedic that she had dislocated her shoulder and she was given gas and air and was unable to speak"</p> <p>The female gave officers a verbal account prior to hospital treatment, that her partner, another male,</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
61	Other crime	23/06/10 Wed	16:25	Member of public	and the DPS had been drinking in the bar area of the premise. The two males were drunk and started fighting. The female's partner landed on the floor so she intervened. In doing so, she was pushed over and hurt her shoulder as she landed. The DPS does not wish to provide a statement or disclose what occurred at the premise. There is no CCTV available because it is turned off after hours.
62	Intelligence	28/06/10 Mon			Police received a call stating there was a fight in the beer garden. 4 officers deployed but no trace of a fight could be found on arrival. 3 males are dealing coke and various other substances in the Red Lion pub, Commercial Rd, Totton. They have been seen to go to the back of the pub with various people quite late most evenings and it is believed that this is where the dealing takes place. They are believed to buy the drugs from the Shirley area and then cut the drugs up themselves. The landlady of the pub is fully aware that this is going on.
63	Observations	03/07/10 Sat	02:25	Off Duty Officer	Report by off-duty police officer into incidents/persons witnessed in the vicinity of The Red Lion: <i>"Whilst returning home from work in plain clothes on a pedal cycle I saw 3 distinct groups of people who had all clearly come from the Red Lion Public House. 0225 hours Sat 03/07/10.</i>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
64	Theft	04/07/10 Sun	00:00	Member of Public	<p>The first group were heavily in drink and shouting and swearing in Library Road, a place that is lined with residential addresses - group of 5 males.</p> <p>The next group were heavily in drink and shouting "taxi" into the road towards my position (4 people). There were no cars on the road (Commercial Road on the North side - again near residences) so I assume they were shouting at me on my pedal cycle.</p> <p>The third group consisted of 10 people in their late teens and early 20's. Mainly males, but some females. All heavily in drink outside the Suzuki Garage on Commercial Road, Totton. 3 males were fighting with one and other whilst the rest of the group were trying to pull the fighting parties apart.</p> <p>Once again this fell just out of view of the CCTV cameras in Totton town."</p> <p>Officers statement can be located at Annex N.</p>
65	Drunkness	11/07/10 Sun	02:26	DPS	<p>Whilst in the pub aggrieved has had her handbag stolen. DPS advised police that CCTV was useless due to the flashing disco lights, so did not provide a copy as requested.</p> <p>Call received from the DPS at the Red Lion stating she had been assaulted by a female. Police attended and it was claimed that a female had been causing</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
66	Email from DPS	14/07/10 Wed		DPS	<p>problems but had left before police arrival. It was alleged she was responsible for a historic theft of a handbag. The DPS declined to pursue any complaint. The female was located nearby and found to be very drunk she denied any wrongdoing and said she was manhandled out of the pub by the door staff. She was so drunk she had to be taken home by officers.</p> <p>Extract from email sent by DPS to the local policing team in response to a request for CCTV for the incidents on the 20th and 21st June 2010:</p> <p><i>"As far as CCTV footage requested by Inspector Smith is concerned I have checked our system and the one on the Sunday night is after hours and so no recording - and the other one is not available as it seems that because of the high volume of traffic and lights that the movement recordings have used far more memory than it should have. This has now been remedied by installing a larger hard drive at much more expense. This system is a good one but as I am a technophobic I did not realise that this could happen and it was set up to record for 28 days and then overwrite, so it should have all been fine. I can only apologise and am now know what to watch for as the installer has made it easier to see what the hard drives are using by putting an idiot proof extra box at the bottom of the screen and also an alarm set to go off before over write. This will enable me to transfer</i></p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
67	Observations	17/07/10 Sat	00:30	Officer on patrol	<p><i>data to a cd prior to over write.</i></p> <p>At 0030 hours on Saturday 17/07/10 Patrons were drinking from glasses along Commercial Road. Several were fairly heavily in drink and wandering to and fro across the road onto the opposite side of the road from the Public house on the bus stop for the Train Station next to the Suzuki garage.</p> <p>Included in this group of 10 + (both with pint glasses filled or partially filled with beer) were two 19 year olds (breach of premise licence condition)</p> <p>No one was causing major problems, although they were heavily in drink. When asked they eventually wandered back onto the licensed premises of the Red Lion.</p>
68	Intelligence	21/07/10 Wed			<p>The Red Lion Public House, Commercial Road, Totton is closing. The licensee of The Red Lion has stated on facebook that there's an all weekend party 23/07-25/07 where they will drink the pub dry at The Red Lion and she has received 100's of replies.</p>
69	Intelligence	23/07/10 Fri			<p>On 23/07/10 whilst attending "The Red Lion" public house, Commercial Road, Totton. The landlady was heard talking to local about the pub holding a party on Sunday night (25/07/10). The public house is closing in 4 days. The landlady has appeared in local papers promoting this as well as messages on FACEBOOK.</p>

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
70	Closure Order	23/07/10 Fri	16:50		Closure Order issued by Inspector Langridge 23/07/10 16:50 to 12:00 24/01/10 Please refer to Annex O
71	Closure Order	24/07/10 Sat	12:00		Closure Order issued by Inspector Newstead 24/07/10 12:00 to 25/07/10 12:00 Please refer to Annex P
72	Intelligence	25/07/10 Sun			The son of the licensee of The Red Lion Totton has found away around the recent Police Closure Order by holding a 'Private Party' in the marquee in the pub rear garden on Sunday 25th July where any persons are welcome to drink the pub dry.
73	Closure Order	25/07/10 Sun	11:00		Closure Order issued by Acting Inspector Sandison 25/07/10 11:00 to 26/07/10 11:00 Please refer to Annex Q
74	Other crime	25/07/10 Sun	21:05	Officer on patrol	The Red Lion is subject of a Closure order and has re-opened, in breach of the order. The DPS was present as well as 11 members of possible family and 25 friends of the DPS.
75	New Forest Magistrates	26/07/10 Mon	10:00		New Forest Magistrates ordered that the Red Lion, Totton to remain closed until the matter is determined by the licensing authority. Please refer to Annex R
76	Dispute	27/07/10 Tues	09:45	Member of public	The Red Lion was formally reposed by Enterprise Inns on this day and therefore tensions and emotions were running high. The aggrieved and Mrs Barclay got into a confrontation within the pub during which Mrs Barclay "goes" for the aggrieved. No contact was made as other people got in between them. The

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Red Lion, Totton

Occurrence Number	Occurrence Type	Date	Time	Person Reporting	Summary
					aggrieved made no formal complaint and no further action was taken.



Hampshire Constabulary
Chief Constable Alex Marshall

Ms Jackie Barclay
The Red Lion Public House
97 Commercial Road
Totton
Southampton
Hampshire
SO40 3AF

Lyndhurst Police Station
Pikes Hill
Lyndhurst
Hampshire
SO43 7NR

Our ref: 44080433594

Telephone: 0845 045 45 45

Direct dial: 023 80670903

Fax No: 023 8067 4200

Deaf/speech impaired minicom: 01962 875000

Email:

March 08, 2010

Dear Ms Barclay

On February 24, 2010 PC Kingsnorth and myself made a visit to the Red Lion, Totton to speak with yourself about recent incidents at the premise. During the visit we discussed the premise licence conditions and current practices and procedures being used.

During our discussion you disclosed an incident of violence and disorder that had occurred on February 19, 2010. The incident involved a customer striking another with a bottle within the premise, causing injuries which was witnessed by yourself. This incident was not reported to the police.

One of the mandatory conditions on the premise licence "Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence" is currently not being adhered to. It is recommended that a written authorisation is produced and available for police inspection.

Challenge 21 was discussed and you informed me that you currently operate Challenge 25, challenges are made at the door, if people do not have identification on them then their hand is stamped so staff are aware they are under 18, (but still allowed onto the premise). The only identification accepted is a driving licence and passport, checks and refusals are not currently recorded. It is advised that records of refusals are kept, which should also include refusal to a customer who is drunk, ejection of a customer from the premise, to name but a few.

Staff should be trained to challenge customers who look under the age of 25, and the basic laws of the Licensing Act 2003. Training should be recorded, dated and signed.

It was noted that your CCTV system is not in use, this is in breach of one of your premise licence conditions "CCTV (9 cameras) has already been installed and recorded images will be kept for at least 21 days" and should be rectified immediately to ensure compliance.



"Accredited door staff must be provided on Friday and Saturday nights and each Christmas Eve and New Year's Eve" To ensure compliance with this condition on the premise licence it is recommended that a log is kept recording the date, full name of licence holder, SIA badge number and expiry date.

May I take this opportunity to remind you of a current condition on the premise licence. *"Admittance to the premises during Friday and Saturday evenings will only be allowed to persons over the age of 21 years. The only exception to this being persons who are part of a family or friends of that family which is dining at the premises"*

You informed us that you are looking into applying for a variation of the licence to extend the sale of alcohol until 04:00. It is most likely that the police would object to the extension of hours under the crime and disorder objective.

I understand that you were granted your personal licence via grandfather rights and that you have not attended a nationally recognised licensing course. I would recommend that you attend a National Certificate for Personal Licence Holder, this will give you a better understanding of the Licensing Act 2003 and your responsibilities.

The following recommendations are made in order that you can fully illustrate your due diligence in upholding the licensing objectives.

- Ensure that your CCTV system is in working order and available upon request by the police in a viewable format.
- Ensure that customers under the age of 21 are not allowed on the premise on Friday and Saturday evenings.
- Keep a record of door staff used at the premise including their SIA registration. Door staff should sign on and off duty. (The refusals log could be used for this)
- Premises to keep a written refusals log showing age verification challenges and person refused due to drunkenness. I recommend an A4 bound diary. This can be used for recording all refusals and any incidents at the premise.
- Report all incidents of crime and disorder at the premises to the police.
- Record staff training, which should be signed and reviewed every 3 months.
- You attend a nationally recognised licensing course. I believe that having current training reduces the incidents of licensing breaches.
- The present promotion of 69p house spirits "All day, every day" is irresponsible. It is recommended that these cease.

The Licensing Act 2003 places a legal duty upon you to take steps to promote the four Licensing Objectives; these recommendations should assist you in doing so.

Yours sincerely

PS Amanda Barry
Safer Streets

24/02/10 Message left by Jackie Clapp on the answer machine to call her urgently in relation to a minor variation. Email also received by PS Barry informing me that the current licence is not correct.

25/02/10 I called Paul Weston and we went through the police and council file in relation to the Red Lion, Totton premise licence.

On 21/07/05 an application to convert the existing licence to a premise licence under the Licensing Act 2003 was received, requesting 24hour sale of alcohol 7 days a week. This application outlines the conditions the existing licence has (Annex A) and additional steps the applicant intends to take (Annex B).

On 28 July 2005 Insp David Moore sent an email to NFDC licensing stating agreed times for the sale of alcohol & Regulated entertainment

07:00 – 01:00 Monday – Thursday with 30 minutes drinking up time

07:00 – 02:00 Friday & Saturday with 30 minutes drinking up time

An application dated 21/09/05 was submitted followed by an application the next day (dated 22/09/05) to vary the premise licence, both of these applications have not been accepted by NFDC, so the original conversion application is the only one valid.

As the licence stands the only thing which was not completed at the time of issuing the premise licence was to remove the embedded restrictions inherited from the Licensing Act 1964, the remainder of the current premise licence that we have is correct including hours and conditions on the operating schedule.

After my discussion with Paul Weston from NFDC the confirmation about the premise licence I called Jackie Clapp on: _____ at about 10:30. I discussed the application process in 2005 and explained all of the above details to her, she is fully aware that alcohol sales should cease at 02:00 Friday & Saturday evenings and

"Admittance to the premises during Friday and Saturday evenings will only be allowed to persons over the age of 21 years. The only exception to this being persons who are part of a family or friends of that family which is dining at the premises"

I explained to Ms Clapp that Paul Weston has informed me that he would consider the removal of this condition by way of a Minor Variation and he would consult the police. If the police were to object to this with reasonable crime & disorder grounds there is no option for an appeal and she would lose the application money. Ms Clapp enquired if the police would object to the variation, I informed Ms Clapp that the police would have to look at the incidents occurring at the premise etc and until the application is submitted I am not in a position to answer this question. I have informed Ms Clapp that if she is looking to remove the condition then she should look to add a condition she is able to comply with ie Challenge 21.

Ms Clapp informed me that she currently operates Challenge 25, challenges are made at the door, if people do not have identification on them then their hand is stamped so staff are aware, (but still allowed into the premise). The only identification accepted are driving licenses and passports, checks and refusals are not recorded.

Ms Clapp explained that PS Barry left a licensee support pack at the premise and that if it was ok she would like to adapt the refusals template. I explained that this is a guide and that she may consider other options, for example an A4 diary, this can be used to record refusals of alcohol to person(s) who are underage/drank, ejections from the premise, recording of door staff Name, SIA badge number and expiry date et. I explained the benefits of this in relation to her due diligence under the current licensing act.

We discussed searching people before entry, as Ms Clapp is concerned that people are bringing in their own alcohol. I explained that she should not do physical searches on potential customers but could request to look in their bag for alcohol as a condition of entry, if they refuse then she would not have to permit them entry to the premise. I made sure that Ms Clapp understood that she should not tip away any alcohol as it is still the customers possession, although she could opt to give it back at a later date. Ms Clapp informed me that

she often gets people who have no id trying to gain entry and they are already drinking bottles of beer, again I informed Ms Clapp she should not dispose of this alcohol if they are not entering the premise and she should call the police on the 101 number to report underage drinking.

I enquired about a possible variation to extend the sale of alcohol until 04:00 at the weekends, Ms Clapp confirmed that she is looking into the idea, currently at last orders the premise is still full and she would be able to make more money by staying open for later. I informed Ms Clapp that it is most likely that the police would object to the extension of hours under crime and disorder objective. With this Ms Clapp stated that a local officer has said that she is currently doing a good job and that the police were unlikely to object, I explained that I would consult local officers in the decision but I would also look at the crime linked to the premise and as an application has not been submitted this is not something I would currently worry about.

Ms Clapp informed me that she is looking to take over the Keys in Totton, if this goes through she would then have complete control of that side of Totton. She would remove the current management and bring in her own manager to run the premise.

I spoke to A/PS Chris Jordan and clarified the position we were in, in relation to the premise licence and informed him of the discussion I had with Ms Clapp. It transpires that there are currently several breaches of the premise licence;

- (a) Admitting persons under 21 years of age on Friday and Saturday nights.
- (b) CCTV (schedule states 9 cameras and footage retained for a period of 21 days) broken and no measures currently being taken to get it fixed.
- (c) Requirement to have SIA approved door staff. It is alleged that her son is the only person performing this role and that he is not properly attired and does not hold a SIA licence.

There are also concerns that customers are being served alcohol until uncontrollably drunk, 44100061106 refers. Customers leaving the premise and the level of drunkenness which is associated to an increase of crime and disorder near to the premise. There are incidents occurring at the premise which are not being reported to the police, most recently a bottling (12/02/10)

New Forest District Council, Licensing Services, Appletree Court, Lyndhurst,
Hants. SO43 7PA

Describe the conditions subject to which your existing licence(s) has/have been granted (please read guidance note 2):

a) General – all four licensing objectives (b,c,d,e)

See the conditions and restrictions attached to the Public Entertainment Licence, Children's Certificate and S.77 certificate copied herewith. Those conditions that clearly apply to the new licensing objectives are set out as below. Also such conditions and restrictions as are inherent in the Licensing Act 1964.

3 AWP machine permits under the Gaming Act 1968

Continuation of recorded music, TV and radio broadcasting permitted under S.182 of the Licensing Act 1964.

Then insert below, any specific conditions attached to the licence(s):

07-04-03 Undertaking to produce BII certificates before transfer (Undertaking now met).

b) The prevention of crime and disorder

Accredited door staff must be provided on Friday and Saturday nights and each Christmas Eve and New Year's Eve.

c) Public safety

The number of persons admitted at any entertainment, (including performers, presenters, employees and customers) shall not exceed 360.

Safety procedures should be in place to ensure that the two exit doors fitted with security bolts are unbolted during the course of any public entertainment functions.

d) The prevention of public nuisance

The music noise shall not be audible at any time within noise-sensitive premises with windows open in a typical manner for ventilation and in this respect shall not be audible when observed from the position marked with a red line on the attached plan. Noise sensitive premises refers to premises used for residential purposes.

e) The protection of children from harm

Children's Certificate permits children under 14 years of age to be present from opening time until 21.00 Monday – Saturday, and until 22.00 on Sundays, with meals and beverages other than intoxicating liquor available for sale and consumption throughout this time.

Admittance to the premises during Friday and Saturday evenings will only be allowed to persons over the age of 21 years. The only exception to this being persons who are part of a family or friends of that family which is dining at the premises.

Q Please describe any additional steps that you intend to take in order to promote the four licensing objectives if the proposed variation is granted:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 15)

The types of regulated entertainments proposed re-instate and then enhance the normal pub entertainments that were previously unregulated, with the benefit to enhance the local facilities for social entertainment and reduce the focus on alcohol.

No new steps have been identified by risk assessment in relation to the four licensing objectives, except as below

I have considered the terms of your local licensing policy in preparing this application

b) The prevention of crime and disorder

All staff will be briefed on drugs awareness as part of their induction.

CCTV (9 cameras) has already been installed – recorded images will be kept for at least 7 days.

c) Public safety

The management and staff will monitor the numbers of customers on the premises during entertainment events, and prevent further entrance when the total capacity of 360 is met.

Fire fighting equipment has been installed and is maintained in accordance with Fire Authority recommendations.

Para. 86.1 of the Additional Conditions attached to the Public Entertainments Licence, "Safety procedures should be in place to ensure that the two exit doors fitted with security bolts are unbolted during the course of any public entertainment functions", shall apply.

Notices warning that smoking is permitted throughout the premises are present at each entrance.

Toughened glasses are used on the premises.

d) The prevention of public nuisance

Notices reminding customers to respect our neighbours and leave the premises quietly will be affixed adjacent to each exit.

Para. 86.2 of the Additional Conditions attached to the Public Entertainments Licence, "The music noise shall not be audible at any time within noise-sensitive premises with windows open in a typical manner for ventilation and in this respect shall not be audible when observed from the position marked with a red line on the attached plan. Noise sensitive premises refers to premises used for residential purposes", shall apply.

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply.

Where age-restricted films classified according to the British Board of Film Classification are exhibited, steps will be taken to ensure that younger children are not present.

Admittance to the premises during Friday and Saturday evenings will only be allowed to persons over the age of 21 years. The only exception to this being persons who are part of a family or friends of that family which is dining at the premises.

All staff will be briefed on acceptable ID proving age, and steps to take if they suspect its validity.

Red Lion – compliance checks

Officer(s) attending / Date / Time
3672 PUGH and 24379 AHERN

How many customers are outside of the premise including the car park/smoking area?
20-30

Are customers drinking outside of the premise?
No

Are door staff identifiable at the premise, if so how?
(high-vis, SIA badge displayed) (Door staff must be provided on Friday & Saturday nights)
SIA Badges and Black jackets – details not taken. 2 door staff seen.

Full Name	Licence No	Expiry	DOB	Start/Finish time

Is the capacity of customers being monitored & recorded? if so how?
Jackie CLAPP was out with a note book – unsure if she was recording numbers

Is there a refusals log being used either on the door or behind the bar?
Admittance to the premises on Friday & Saturday evenings will only be allowed to persons over the age of 21 years.
(Please state the last entry and what it is for ie. ID check, refuse service, ejection from premise)
Did not ask

Is CCTV available upon request? If not why not?
(images should be kept for 21 days)
Did not ask

Are noise levels from either music inside the premise or customers outside acceptable?
If so what noise can be heard? How far away from the premise can the noise be heard?
(music noise shall not be audible at any time within noise sensitive premises)
Inside the music was loud. I could not communicate with someone when I was shouting at their ear at a distance of 6 inches...how can door staff constructively communicate with patrons or other staff in that sort of environment?
The people outside were making a lot of noise. The empty barrels were being stacked in the smoking area and the customs were pushing them over.

In your professional opinion please provide a brief description of the atmosphere at the premise (level of intoxication, any abuse/hostility?)
Generally friendly but most patrons were heavily intoxicated. The doormen appeared to have little or no control of the patrons inside the smoking area or the car park. There were a bank of taxis lined up outside the premises with a kebab van serving food to 3-4 at a time providing a constant stream of people. There was a male walking around in the car park who had a **bloodied face and was periodically losing consciousness** to the concern of attending paramedics. Jackie said that he had been involved in trying to start some sort of fight inside the premises, but that the door staff had ejected him and 'was sat on'. The male looked like he had been beaten across the head and was still on the licensed premises in the car park mingling with patrons and staff who were taking no action to remove him from the premises car park. I instructed to leave in a taxi when he refused the care paramedics who feared he may have a serious head injury. Other than his name being 'Tony' no other information was disclosed to me.

Dear PS Barry

Thank you for your letter dated 8th March 2010 regarding our meeting with yourself and PC Kingsnorth. I would like to clarify some of the points you raised in this letter as I believe, after a further meeting with Inspector Ian Smith, that it is mutually beneficial if we all work together and communicate more.

Therefore -

1. The very rare incident regarding a customer striking another with a bottle - you say that this was not reported to the police. In actual fact the police were passing as my doorman escorted the people involved out of the premises - and they immediately attended. There were two police cars in attendance. No statements were taken, however, as the situation was resolved quickly. The police on the scene did talk with doorman, and myself. If the police had not been passing, I would have called you at the earliest possible convenience.

2. Re - supply of alcohol - There is a written statement authorising my bar staff to serve alcohol - signed by myself - as well as listing all names of all bar staff. This has always been done - since the new licensing act and changes came into force a few years ago. New members of staff are also automatically added at induction. This was not, as I recall, asked for at our meeting.

3. We have a hard backed book which we use, and the doorman, to record all incidents, as well as refusals. We have always been extremely strict on underage drinking, and even if a young person has the appropriate ID ie driving licence or passport, and I am not convinced it is that person, I will do further checks - eg - speak to my sons who are aged 16 and 20 and know most of the local young people. They know how important it is not to lose their home due to underage drinking fines. I also ask further questions - eg - their starsign, and also ask them to sign a piece of paper to check signatures. If I am still not convinced - or my doorman or staff are not sure, we refuse to stamp their hands to show they are over 18 on busy nights. We only stamp OVER 18s hands - so it is visible to my bar staff. We also ensure that any drinks bought by an over 18 is not then passed to an under 18 - by being vigilante and walking around the pub with a straw - in order to test any drinks on a table that is occupied by under 18s. We also serve soft drinks in different glasses to alcoholic drinks - eg a half pint of coke is served in a half pint glass. A vodka and coke is served in a 6oz short glass. If we find any under 18 drinking alcohol on the premises - they are asked to leave immediately and their drink taken off them. We also reiterate to under 18s both at the bar and on the door, that we will confiscate any alcohol they attempt to drink, and they will be asked to leave. As I said - some people think we are over the top - but I dont think so, as I will never risk my home and that of my kids. All staff are continually reminded about under age, as part of ongoing training - its all about experience which can only be properly achieved on the job. Yoound peoples handbags, etc are also checked for bottles and any other illegals substances.

4. CCTV - After discussion with Inspector Ian Smith and Paul Weston (Licensing Officer) NFDC - it was confirmed that CCTV was a voluntary option we put forward and not a compulsory condition set by either the police nor the licensing authorities. Unfortunately the CCTV was accidently broken by one of your officers whilst retrieving CCTV footage. As you are aware, the pub trade is in a very difficult situation financially at present - and there are very many new laws to adhere too - all of which cost money - eg new fire regulations. A new fire system costing over £11000 has been installed - to meet these new regulations. I will do my best to purchase a new CCTV system as soon as possible but I felt the fire system took priority. Unfortunately there are no CCTV outside our premises - which we have been advised was being done a few years ago by the authorities - perhaps that too would be good for all of us. I have looked at purchasing 2 camcorders and placing them at the bar and front door in the meantime - which would perhaps offer some coverage. A new CCTV system would be over £3000.

5. Our door staff are part of Knight Security solutions. They are of course all appropriately badged, the expiry dates of their licences checked and their badge numbers and names put in the log book. Both myself and my bar manager are also SIA holders. Another 2 members of

my staff are also to be put through the course both for SIA door security and personal licences. This is being done in May 2010.

6. I understand the Under 21s condition on Fri and Saturday night. This was again a VOLUNTARY addition to our premises licence - it was not requested by any authority. After discussing this with Inspector Ian Smith - I am in the process of putting in several variations to my licence conditions - and this will be one change I will be requesting. Food is available to all under 21s - accompanied by friends and family - after 9pm on a Friday and Saturday night - and Inspector Ian Smith is aware of this and is in agreement that I am fulfilling this voluntary condition.

7. As mentioned above - I am in the process of applying for several variations to my current licence. One of these may be a request to increase my hours to a later time. I have again discussed in full these possibilities with Inspector Ian Smith - and he sees no reason for any objections - due to my total commitment over the past 7 years to run an very very tight ship. I have also always worked very closely with the police.

8. I was not granted my personal licence by "Grandfather Rights". I gained it after attending a full course at the Court Jester in Southampton. In fact I passed the entire course with a pass of 98/ 100 - which I was told was the highest pass mark recorded in this County - the average pass mark is around 75/100. Perhaps having worked in this trade for 30 years gave me the insight, skills and experience to attain this high mark. Apart from the degree I have, I also have done numerous training courses over the years, in all aspects of this trade. Furthermore - I also was trained via Eastleigh Police Authority at Netley Training School - to become a Special Constable for several years. Therefore I feel that I have done more training than most publicans in this county, but if you feel that I would benefit from a particular course - please let me know - and I would be happy to gain even more suitable qualifications.

I hope that this clarifies some of the points in your letter. As I have previously said - I have always worked with the police - and look forward to continuing to do so. I think that in some aspects we need each other to ensure our local community is as safe as it can be - and that the community can enjoy their leisure time in a good, safe but fully monitored environment. That is what I have always attempted to achieve on a daily basis and with your help and support - will continue to do so.

Many Thanks.

Jacqueline Barclay (was Clapp)



Closure notice made under Section 19 of the Criminal Justice and Police Act 2001
(Premises used for unauthorised sale of alcohol in breach of Section 137 Licensing Act 2003)

Date of Notice: 1st April 2010 Time of Notice:

Person making notice: PS 405 Barry

Signature: _____

Name (if applicable) and address of the premises: The Red Lion Public House, Commercial Road, Totton

Alleged unauthorised use of the premises: CCTV is not in full working order Admitting patrons under the age of 21 on Friday and Saturday evenings

Steps which may be taken to end the alleged unauthorised use of the premises or to prevent it reoccurring. Install suitable CCTV system of which will be available in a retrievable format to the Police (retain for at least 7 days)s. Enforce the no persons under the age of 21 restriction on Friday and Saturday evening

In the case of unauthorised sales of alcohol continuing or in the likelihood of such sales occurring in the future. Hampshire Constabulary may apply, between 7 days and 6 months after service of this notice, to a Magistrates' Court for a closure order on the premises.

Person (if applicable) on whom the Closure Notice has been served:

Name: _____ Signature: _____

One copy of this form must be served on the appropriate person at the premises, A signed copy must be retained for Police records.

Red Lion – compliance check.

Officer(s) attending / Date / Time

1041 Witney...10/04/10...2320.

How many customers are outside of the premise including the car park/smoking area?

12.

Are customers drinking outside of the premise?

NO.

Are door staff identifiable at the premise, if so how?

(high-vis, SIA badge displayed) (Door staff must be provided on Friday & Saturday nights)

1x IC3 AND 1x IC1 MALE DOOR STAFF both wearing SIA badges.

DPS stated that she has purchased CCTV equipment and has an installation date of Tuesday 15/04.

Advised that PS.Barry would be informed of the installation date as this is one of the conditions on her closure notice.

1041NT.

From: licensing@nfdc.gov.uk [mailto:licensing@nfdc.gov.uk]
Sent: 09 April 2010 12:10
To: 6 OCU Licensing Mailbox
Subject: Application: Minor Variation Premises Licence (S41A) Ref: LICPR/05/00459 - Red Lion

To:	western.licensing@hampshire.pnn.police.uk
Our Ref:	LICPR/05/00459 - SW
Date:	09 April 2010
Application Type:	Minor Variation Premises Licence (S41A)
Applicant Details:	Jacqueline Ina Philp Barclay The Red Lion 97 Commerical Raod Totton Hampshire SO40 3AF
Premises:	Red Lion 97 Commercial Road Totton Southampton SO40 3AF
Trading Name:	RED LION

LICENSING ACT 2003

CONSULTATION

This email is sent to you for information to advise that the above application has been received by the Licensing Authority. Details of the application are shown below.

The details of the Minor Variation application are as follows:

Requested removal of a condition in Annex 2, Section E) Protection of Children from Harm stating:

'Admittance to the premises during Friday and Saturday evenings will only be allowed to persons over the age of 21 years. The only exception to this being persons who are part of a family or friends of that family which are dining at the premises'.

I should be pleased if you will assess the application and, if after due consideration, you wish to make representation you must advise the Council of the details of that representation by no later than **22 April 2010**.

If we do not hear from you by that date we will assume you do not wish to offer a representation and continue with the licence application process.

Response:

Hampshire Constabulary has an objection to the minor variation application for the Red Lion, 97 Commercial Road, Totton. The application seeks to remove a licence condition, namely

'Admittance to the premises during Friday and Saturday evenings will only be allowed to persons over the age of 21 years. The only exception to this being persons who are part of a family or friends of that family which are dining at the premises'.

The minor Variation process can only be used for variations that could have no adverse impact on the promotion of the 4 licensing objectives we believe this condition is necessary given the nature of the premise particularly at weekends and its removal is very likely to have an adverse impact.

The Premise Licence Holder and Designated Premise Supervisor Jacqueline Barclay is currently breaching the premise licence for the Red Lion as under 21's are being allowed to drink at the premise on Friday and Saturday evenings.

Below are 3 examples of drink related incidents linked to the premise over the past few weeks, involving customers under the age of 21 years.

44100143378 - 10/04/10 02:27 Sunday morning.

Male at the Red Lion fell over causing a minor head injury, an ambulance was called, male was very drunk and had been verbally abusive to the ambulance staff who had attended. Male refused to explain what happened and how he got his head injury. Male stated he had been drinking in the Red Lion prior to the incident. A 2nd male involved was also very drunk and also stated he had been drinking in the Red Lion prior to the incident. Officer reports that both males were under the age of 21 years old.

44100124365 - 28/03/10 02:05 Sunday morning

Officers were trying to deter any incidents outside of the Red Lion with a visual police presence as it was near closing time. There were around 50 people outside the pub milling around and a majority of these were in drink and quite loud. Two males were seen in a fighting stance, officer could see one male was just about to punch the other male, who was then arrested for using threatening behaviour. As the male who is 19 years old was arrested the officer noted he could smell intoxicants on his breath and the males eyes were watery and bloodshot. A second male who is 19 years old started shouting and swearing, officers warned him on several occasions about swearing in a public place. There were still about 40-50 people stood in the locality, male was arrested for public order. Due to the risk of further incidents officers had to remain at the scene to keep the peace.

44100127337 - 27/03/10 01:30 Saturday morning

Police were in attendance at the Red Lion to show a visible presence and to quell any possible public order issues that may arise. A disturbance broke out outside the pub right in front of police. This amounted to two males squaring up to each other and grabbing hold of each other swearing. Police quickly intervened and broke the males up. Males were warned about their conduct, both were under the age of 21 years old.

The Red Lion is putting an additional strain on the police and ambulance service by allowing under 21's to drink at the premise on Friday and Saturday evenings. The police request that the current condition remains on the premise licence and is enforced by the Premise Licence Holder and Designated Premise Supervisor Jacqueline Barclay.

Red Lion – compliance checks

Officer(s) attending / Date / Time

0115HRS TO 0145HRS 08/05/10

How many customers are outside of the premise including the car park/smoking area?

UP TO AS MANY AS TWENTY AND AS LOW AS FOUR

Are customers drinking outside of the premise?

DID NOT SEE ANYONE DRINKING OUTSIDE

Are door staff identifiable at the premise, if so how? (high-vis, SIA badge displayed) (Door staff must be provided on Friday & Saturday nights)

WE WERE CALLED DUE TO AN ASSAULT ON THE TWO DOORSTAFF AND HAD RETURNED ONE OF THE DOORSTAFF BACK TO THE PUB AFTER HE HAD STREET IDENTIFIED ONE OF THE SUSPECTS. WE WAITED FOR THE ½ HOUR FOR AN AMBULANCE TO ARRIVE AND CHECK THE DOORMAN OVER AS HE WAS COMPLAINING OF A POOR COLLAR BONE

Are noise levels from either music inside the premise or customers outside acceptable? If so what noise can be heard? How far away from the premise can the noise be heard?

THE MUSIC WAS LOUD AS THE FIRE DOOR WAS OPEN. PC WAKELY AND I WERE SAT IN OUR POLICE CAR WITH THE WINDOWS CLOSED AND COULD EASILY HEAR THE MUSIC BEING PLAYED

In your professional opinion please provide a brief description of the atmosphere at the premise (level of intoxication, any abuse/hostility?)

NO HOSTILITY BUT EVERYONE WE SPOKE TO WAS DRUNK AND SOME VERY DRUNK



Hampshire Constabulary
Chief Constable Alex Marshall

Ms J I P Barclay
The Red Lion
97 Commercial Road
Totton
SO40 3AF

6 OCU Licensing Unit
Romsey Police Station
111 The Hundred
Romsey
Hampshire SO51 8BZ

Our ref: 44080433594

Telephone: 0845 045 45 45

Direct dial: 023 8067 0902

Fax No: 023 8067 0923

Deaf/speech impaired minicom: 01962 875000

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

26 May, 2010

Dear Ms Barclay

I would like to thank you and your son Jamie Pugi for taking the time to meet PS Barry and myself on Wednesday 26 May, 2010. As discussed the aim of the visit was to discuss problems associated with the premise and initiatives which aim to reduce crime and disorder.

PS Barry started the meeting by discussing the recommendations which were made in her last letter to you dated 08 March, 2010. You informed us that CCTV was installed at the premise on Monday 24 May and you are receiving training this evening. There are 8 cameras which when viewing will need to be adjusted and you are looking to install more. You have identified that in the evenings some of the cameras do not pick up images due to the lighting and Infra Red cameras would be an advantage, especially within the dance floor area, the police fully support this.

I am pleased to see that you have taken PS Barry's advice in relation to a refusals book, the benefits of this register were outlined today when an incident in the early hours of Saturday 15 May was raised and you were able to refer to the refusals book and inform us of the incident in full. On viewing your refusals register it was apparent that there are no records over the past 2 months of customers being refused service at the bar for being drunk, or challenged about their age. As PS Barry's recommendations the police require that staff at the premise record challenges of identification and refusal of alcohol to a person who is drunk. As you are aware it is an offence under the licensing Act 2003 to serve someone who is drunk, I have taken the liberty to include the specific section of the act for your convenience;

Section 141 Sale of alcohol to a person who is drunk

(1) A person to whom subsection (2) applies commits an offence if, on relevant premises, he knowingly—

- (a) sells or attempts to sell alcohol to a person who is drunk, or
- (b) allows alcohol to be sold to such a person.



Hampshire Constabulary
Chief Constable Alex Marshall

(2) This subsection applies—

- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to sell the alcohol concerned,
- (b) in the case of licensed premises, to—
 - (i) the holder of a premises licence in respect of the premises, and
 - (ii) the designated premises supervisor (if any) under such a licence,

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Your licence states; "Admittance to the premises during Friday and Saturday evenings will only be allowed to persons over the age of 21 years. The only exception to this being persons who are part of a family or friends of that family which are dining at the premises"

I noted a sign stating that after 9pm over 21's only which is encouraging to see. You informed us that customers are aware of this and not attempting to enter. Checking your refusals register I noted that you refused 6 people on 21 May as they were under age, it was not highlighted they were under 21 or under 18. This is the only record I could identify of customers being refused in the last 2 months due to their age. You are fully aware that all customers at the premise should be over the age of 21 on a Friday & Saturday evenings, I would recommend that you record these refusals to show due diligence and compliance with your licence.

You informed us that your staff are complying with the Challenge 25 scheme and they regularly check identification of customers looking under 25, accepting only driving licences and passports. A recommendation was made in PS Barry's letter to you on 08 March to "record staff training, which should be signed and reviewed every 3 months". You were still unable to provide any training records to show that your staff are aware of the scheme and that you have provided them with information as to when to challenge and what identification to look for. Once again the police recommend that this is rectified by recording staff training, which should cover as a minimum challenging anyone who looks under the age of 25, what identification is acceptable and recognising and refusing to sell to someone who is drunk. This should be documented, signed and dated by all staff who receive the training. I have enclosed Challenge 25 posters and information on how to identify a counterfeit driving licence. As discussed I recommend that you invest in a stand alone ultra violet light which will assist you in identifying fake identification and counterfeit currency.

A condition of your licence requires that "All staff are briefed on drugs awareness as part of their induction" this does not seem to be the case as you are unable to provide me with any training records. I also recommend that you and your staff frequently check the toilets on a regular basis to check for evidence of drug use. Checks should be recorded in the refusals/incident register. I have enclosed some information from National Pubwatch Guidance in relation to drug awareness and prevention.



Hampshire Constabulary
Chief Constable Alex Marshall

It was noted that there are not any respect neighbours signs at the premise as detailed in the premise operating schedule; "Notices reminding customers to respect neighbours by leaving quietly will be affixed adjacent to each exit". You said that on a Friday and Saturday evening the DJ changes the style of the music half an hour before closing and asks customers to leave quietly if they want the premise open this time next year.

Your licence states that "The music noise shall not be audible at any time within noise sensitive premises with windows open in a typical manner for ventilation and in this respect shall not be audible when observed from the position marked with a red line on the attached plan. Noise sensitive premises refers to premises used for residential purposes". It is advised to log your compliance with this condition by recording in the existing refusal/incident book when you monitor (at the boundaries) the music noise level emanating from the premise.

Under section 137 of the Licensing Act 2003 it is an offence to expose alcohol for sale in circumstances where the sale would not be under and in accordance with the premise licence. Section 19 of the Criminal Justice and Police Act 2001 allows the police to serve a closure notice following which they may apply between 7 days and 6 months to a Magistrates' Court for a closure order on the premise. A Section 19 notice was served on you on 01 April, 2010 in respect of the CCTV and the admission of patrons under 21, although progress has been made there are still conditions on your licence which are not being complied with or you would have difficulty proving compliance. The matters we have raised should be addressed without delay.

PS Barry recommended that you undertook a licensing course to bring you in line with the Licensing Act 2003, as your personal licence was issued under Grandfather rights. I agree with PS Barry that although you have experience within the licensing trade the new 2003 puts more responsibility on you and your staff and additional training would be of benefit.

I was pleased to see that you have authorised staff to sell alcohol on your behalf, although it was pointed out by your son Jamie Pugi that some of the people listed no longer work at the premise. The premise licence summary was located behind the bar and you produced the full licence for inspection.

Once again thank you for taking the time to meet with PS Barry and myself, I am hoping that you take on board the recommendations we have discussed.

Yours sincerely

Georgie Fice
Licensing Unit
Hampshire Constabulary

Enc.

Red Lion - compliance checks 44100087513

Officer(s) attending / Date / Time

3672 PUGH . 2130HRS . PC 2210 ALSO PRESENT .

How many customers are outside of the premise including the car park/smoking area?

30 . OUTSIDE . 50+ INSIDE

Are customers drinking outside of the premise?

SOME - 10 IN SMOKING AREA .

Are door staff identifiable at the premise, if so how? YES - SIA BADGES .
(high-vis, SIA badge displayed) (Door staff must be provided on Friday & Saturday nights)

Full Name	Licence No	Expiry	DOB	Start/Finish time
YOUSSEUFA, MAUSA .	0130 0113 6271 7706 .	23/11 .		> 0200
A. JAITEN .	0130 012634026404	09/01/13 .		- 11 -
A. MADDIX .	0101 1002 9353 8301	10/10/10 .		- 11 -

Is the capacity of customers being monitored & recorded? if so how?

- ESTIMATES BEING MADE OF CUSTOMERS - CLICKERS NOT USED AFTER 7.30PM - TOO QUIET .

Is there a refusals log being used either on the door or behind the bar?

Admittance to the premises on Friday & Saturday evenings will only be allowed to persons over the age of 21 years.

(Please state the last entry and what it is for ie. ID check, refuse service, ejection from premise)

PRESENT 9 YEARS OLD - BUT RESIDENT UPSTAIRS .

REFUSALS LOG - BOOK BEHIND BAR - LAST ENTRY SAT. 12/06/2010 . -
KICKED OUT + BARRED FROM PREMISES . - NOTE BOOK OF PUBLICAN -

Is CCTV available upon request? If not why not?

(images should be kept for 21 days)

HARD DRIVE SYSTEM - 8 CAMERAS ON SCREEN .

Are noise levels from either music inside the premise or customers outside acceptable?

If so what noise can be heard? How far away from the premise can the noise be heard?
(music noise shall not be audible at any time within noise sensitive premises)

VERY LOUD MUSIC - ALMOST UNABLE TO COMMUNICATE WHEN OUT ON DANCE FLOOR / NEAR BAR .

In your professional opinion please provide a brief description of the atmosphere at the premise (level of intoxication, any abuse/hostility?)

ONE PATRON SHOUTED : 'PC KNOBHEAD' AT 2210 .

ABOUT 15-20 HEAVILY INTOXICATED PATRONS WHO HAVE HAD ENOUGH - SOME BAR STAFF STOPPED SERVING PATRONS WHEN POLICE BEGAN CHECK .

ENTRY FROM PL2210: -

WHILST IN THE BAR AREA I SAW APPROX 3-4 CHILDREN
WALKING AROUND THE PUBLIC AREA OF THE BAR + ALL APPEARED
TO BE UNDER 12 YEARS OF AGE.

PL2210 SAUNBY.



RESTRICTED (when complete)

WITNESS STATEMENT

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

URN: | | |

Statement of: PC TRISTAN PUGH

Age if under 18: 0.18 (if over 18 insert 'over 18')

Occupation: Police service

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

Signature:

Date: 07/07/2010

PC TRISTAN PUGH

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

I am Police Constable 36572 Tristan PUGH currently based at Totton Police Station. This statement relates to an incident of Antisocial Behaviour and Public Order I witnessed relating to the Red Lion Public House in Totton.

At 0225 hours on Saturday 03rd July 2010, whilst returning home from work in plain clothes on a pedal cycle I saw 3 distinct groups of people who had all clearly come from the Red Lion Public House.

The first group were heavily in drink and shouting and swearing in Library Road, a place that is lined with residential addresses. The group consisted of 5 males, all heavily intoxicated and clearly in a loud party mood. I would say from the staggering unbalanced movements, shouting and gesturing that at least 3 of this group were drunk beyond a point acceptable for a licensed premises.

The next group were also heavily in drink. One male from this group of 4 shouted "TAXI" into the road towards my position whilst laughing and staggering around. He lost his balance whilst holding out his left thumb and staggered 2 steps into the road causing me to ride around him. There were no cars on the road (Commercial Road on the North side - again near residences) so I assume they were shouting at me on my pedal cycle as there were no taxi's in the immediate area.

The third group consisted of 10 people in their late teens and early 20's. The group contained mainly males, and around 3 females. All were heavily in drink outside the Suzuki Garage on Commercial Road, Totton. 3 males were fighting with one and other whilst the rest of the group were trying to pull the fighting parties apart. No one seemed injured by this exchange, but as I viewed the incident for 5 seconds I could see the 3 males up in each others' faces with their chests out with clearly a threatening expression on their faces. No one came to blows whilst I was there, but it was clear that this was a distinct possibility given the behaviour of the group as a whole.

Once again this fell just out of view of the CCTV cameras in Totton town.

I risk assessed the situation. At the time I had no Personal Protective Equipment, No mobile phone and strongly felt that if I had got involved it would have ended badly (quite likely for me). I made a note of the situation so I could inform the licensing officer. Clearly the group from the Red Lion (there are no other pubs in the area open to this time) are allowing their patrons to become excessively drunk and this is causing Public order issues in the vicinity of the premises.

Due to the late licensing hours this nuisance routinely occurs at times when there is not a good Policing presence in Totton. If the Licensing hours were restricted to midnight or 1 am then the local officers would be better resolved to deal with the patrons. I also feel that this restriction would prevent large numbers of nuisance patrons coming to the

Signed :

PC TRISTAN PUGH

Signature witnessed by :

.....



HAMPSHIRE CONSTABULARY

MG11T

Page 2 of 3

RESTRICTED (when complete)

WITNESS STATEMENT

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

Continuation of Statement of: **PC TRISTAN PUGH**.....

pub to take advantage of the late License to become even more intoxicated than before leaving a late night nuisance problem for Totton and the surrounding areas. It appears that Jacqueline BARCLAY (aka CLAPP) is not effectively enforcing the restrictions on sale of alcohol to intoxicated patrons on her premises. People are being allowed to become too drunk at the Red Lion.

Signed :
PC TRISTAN PUGH

Signature witnessed by :



RESTRICTED – For Police and Prosecution Only

Witness contact details

URN: | | |

Home Address: Totton Police Station, Testwood Lane, Totton, Southampton

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:

Former name:

Ethnicity
Code:

Religion /
Belief:

DATES OF WITNESS NON-AVAILABILITY: SEE CARMS DATA

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 TRISTAN PUGH

Signature of parent / guardian /
appropriate adult:

PRINT NAME

Address and telephone
number if different from above:

Statement taken by: PC 3672 PUGH Station: Totton

Time and place statement
taken: 1210 hours 07/07/2010





Closure order made under Section 161 of the Licensing Act 2003

Name and rank of Police Officer making order (Inspector or above):

PAUL LANGRISH INSPECTOR SSS2 1650 hrs

Date and Time order made:

23/07/10

Name and address of Premises:

Red Lion Public House 97 Commercial Road

Period of closure (until – time and date) Not exceeding 24 hours from time of authorisation:

UNTIL ~~1400~~ 1200 hrs 24/07/10

Reason (grounds) for closure:

Serious concerns have been raised over the frequency and severity of incidents at the premises, and the apparent total lack of control of the Designated Premises Supervisor, Jacqueline BARCLAY. In the last month there have been two very serious assaults at the premises over the weekend period, both of which could have amounted to Grievous Bodily Harm. Numerous breaches of licence conditions have also occurred. It is known that the pub owners Enterprise Inns intend to take possession of the premises next week. We have received information that she is arranging a "Party Weekend" with an invitation for people to "come and help me drink the bar dry." Given the unacceptable levels of crime and disorder already associated with the premises and the additional information regarding the licensee's intentions this weekend we believe there is a serious risk of disorder and the closure is necessary in the interests of public safety.

Attention is drawn to the attached notes which form part of this order.

Name of person to whom notice of the order has been given and his or her capacity in relation to the premises:

MRS JENNIFER SMITH

Date and Time notice given:

1653 hrs 24/7/10

Signature of Person to whom notice of the order has been given:

**One copy of this form must be served on the appropriate person at the premises,
A signed copy must be retained for Police records.**



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: Paul James Langridge
Age if under 18: n/a (if over 18 insert 'over 18') Occupation: Police Officer

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

Signature:

Date:

25/7/10

Paul James Langridge

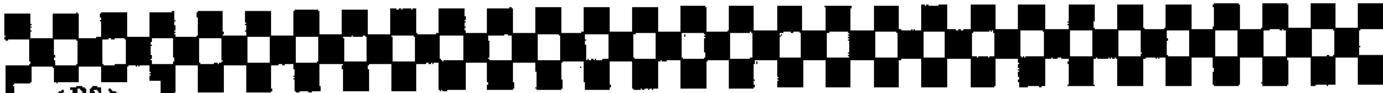
Tick if witness evidence is visually recorded (supply witness details on rear)

I am Paul James Langridge Police Inspector 5552 of the Hampshire Constabulary. On Friday 23rd July 2010 at approximately 1620hrs I attended the Red Lion Public House in Commercial Road Totton. At this time I was in uniform and in company with Police Sergeant 1634 Adams and other police staff,

On my arrival I spoke with a Mrs Jennifer Smith who stated that she was in charge of the premises in the absence of the Licensee Jacqui Barclay. I informed Mrs Smith that as a result of information I had received I was intending to close the premises as I was empowered to do in certain circumstances. I advised her that I had serious concerns over the previous history of the premises and to information placed on "facebook" which stated words to the effect of "come and help us to drink the place dry". This led me to form the opinion that to keep the premises open would result in serious public disorder within the Totton and surrounding area.

Mrs Smith was unhappy with my actions but cooperated with some of my suggestions regarding removing of signs and replacing with a sign in effect stating that the premises were closed. At

Signature: ... Signature witnessed by:

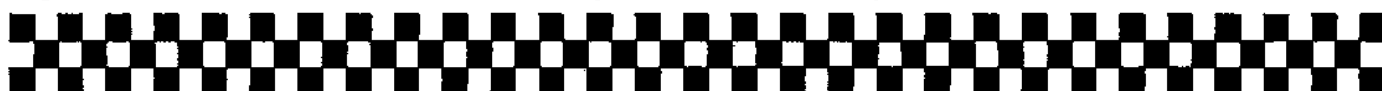


WITNESS STATEMENT

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

1650 hours I served a closure notice to her which she signed stating that she had received it. After doing so I caused a copy to be handed to the licensee as soon as practicable. I then resumed from the premises

Signature: Signature witnessed by:





WITNESS STATEMENT

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

For Police and Prosecution Only

Witness contact details

URN: | | |

Home Address:

HMA Black Station

Post Code :

Home Telephone No:

N/A

Work Telephone No:

Mobile / Pager No:

Email address:

Preferred means of contact (specify details):

Best time of contact (specify details):

Gender:

MRS

Date and Place of Birth:

Former name:

Ethnicity Code:

Religion / Belief:

DATES OF WITNESS NON-AVAILABILITY:

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

Signature of parent / guardian / appropriate adult: _____ PRINT NAME

Address and telephone number if different from above: _____

Statement taken by: *Self*

Station: _____

Time and place statement taken: _____

Signature: _____ Signature witnessed by: _____



Closure order made under Section 161 of the Licensing Act 2003

Notes for closure order:

A senior police officer has decided to make this closure order under the terms of section 161 of the Licensing Act 2003, requiring the relevant premises specified in the order to be closed for the period of time specified in the order.

Your attention is drawn to section 161(6) of the 2003 Act. This makes it an offence for a person, without reasonable excuse, to permit relevant premises to be open in contravention of this closure order or any extension of it, and any person found guilty of such an offence shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

By virtue of section 171(2) and (3) of the 2003 Act, relevant premises are to be regarded as open, for the purposes of this order, if any person other than the holder of the premises licence for the premises,

any designated premises supervisor, the premises user in connection with a temporary event notice, a

manager of the premises, any person who usually lives at the premises or any member of the family of

any of the former, enters the premises and buys, or is otherwise supplied with food or drink or any item usually sold on the premises or, while he is on the premises, they are used for the provision of regulated entertainment.

Sections 162 – 168 of the Licensing Act 2003

This part of the closure order now explains the effects of sections 162 – 168 of the 2003 Act as required by section 161(4)(d) of that Act.

Initial hearing

- The senior police officer who made the closure order is under a statutory duty to apply to the magistrates' court for it to consider the order, or any extension of it, as soon as reasonably practicable after it comes into force.
- The magistrate's court must consider the closure order made by a senior police officer as soon as practicable after receiving the application, by holding a hearing and determining whether to exercise its powers under section 165 of the 2003 Act.
- Under law on human rights, you are entitled to attend the hearing, to be legally represented, and to make representations to the court before any decision is taken. The chief executive to the magistrates' court will be able to advise you about the details of the procedures which apply in your area.
- A discretion is provided for the magistrates to revoke the order and any extension of it, if it is still in force; or to order that the premises remain closed or be closed until a review of the licence has taken place; or to order that the premises remain closed until a review of the licence has taken place but subject to such exceptions or conditions that they may specify. The last of these powers would enable the court to allow premises to re-open but subject to certain new terms and conditions which they may decide to impose.
- When deciding whether the premises should be allowed to re-open or remain closed, the court must consider whether closure of the premises is necessary in the interests of public safety to prevent disorder or likely disorder (where the closure order was made for this reason) or to prevent further public nuisance caused by noise (where the closure order was made for this reason).
- It is an offence for any person who permits the premises to open in contravention of an order made by the magistrates for the closure of the premises, and the 2003 Act provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.



Closure order made under Section 161 of the Licensing Act 2003

- It is an offence for any person who fails to comply with or does an act in contravention of any order made by the magistrates in relation to the premises in these proceedings, and provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.
- Where, for whatever reason, the courts are unable to consider a closure order before it expires, the senior police officer concerned may extend the order for up to another period of 24 hours if certain circumstances obtain. These are that the officer reasonably believes that the closure of the premises continues to be necessary in the interests of public safety to prevent disorder, or likely disorder or to prevent further public nuisance caused by noise. Such extensions can be made on an indefinite number of occasions.
- The senior police officer is required to give notice to the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises of such extensions of the closure order.
- The senior police officer may cancel his closure order or any extension of it at any time after he has issued it, but before it has been considered by the court. If he does so, the court must still consider the closure order originally served, and the licensing authority will still be obliged to review the premises licence.
- The senior police officer is required to cancel the order if he reasonably believes that closure of the premises is no longer necessary in the interests of public safety to prevent disorder or to prevent further public nuisance; and is required to give notice to the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises when he decides to cancel it.

Review hearing

- The licensing authority must review the premises licence in respect of the premises no later than 28 days after it is notified of the magistrates' courts' determination. The authority is empowered, if necessary to promote the licensing objectives, to modify the conditions of the premises licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor from the licence, suspend the licence for a period not exceeding three months or revoke the licence. Their consideration is not confined solely to the incident which gave rise to the service of the closure order. They may examine any issues which are relevant to the promotion of the licensing objectives.
- Where a decision has been made to revoke the premises licence, the decision has no effect until the expiry of the time permitted for appealing against the decision; and if an appeal is made until the appeal is disposed of.

**CLOSURE OF IDENTIFIED PREMISES FOR PUBLIC SAFETY
OR PREVENTION OF NOISE NUISANCE: POLICE CLOSURE
ORDERS.**

RELEVANT PARTS OF THE LEGISLATION:

S 161 (1) LICENSING ACT 2003 states that:

A senior police officer may make a closure order in relation to any relevant premises if he reasonably believes that

- (a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety*

S 171 (2) LICENSING ACT 2003 states that:

Relevant premises are open if a person who is not within subsection (4) enters premises and –

- (a) he buys or is otherwise supplied with food, drink or anything usually sold on the premises, or*
- (b) while he is on the premises, they are used for the provision of regulated entertainment*

S 171 (4) LICENSING ACT 2003 states that:

A person is within this subsection if he is –

- (a) an appropriate person in relation to the premises*
- (b) a person who usually lives at the premises, or*
- (c) a member of the family of a person within paragraph (a) or (b)*

S 171 (5) LICENSING ACT 2003 states that:

*The following expressions have the meanings given –
“appropriate person” in relation to any premises means –*

- (a) any person who holds a premises licence in respect of the premises*
- (b) any designated premises supervisor under such a licence*
- (c) the premises user in relation to any temporary event notice which has effect in respect of the premises, or*
- (d) a manager of the premises*

S 161 (6) and (7) LICENSING ACT 2003 state that:

- (6) A person commits an offence if, without reasonable excuse he permits relevant premises to be open in contravention of a closure order or any extension of it.*
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000, or to both.*



**Closure order made under Section 161 of the
Licensing Act 2003
RMS 44080433594**

Name and rank of Police Officer making order (Inspector or above):

INSPECTOR NEWSTEAD

Date and Time order made:

24/07/10

Name and address of Premises:

Red Lion Public House 97 Commercial Road

Period of closure (until – time and date) Not exceeding 24 hours from time of authorisation:

1200 HRS 24/07/10 to 1200 25/07/10

Reason (grounds) for closure:

Serious concerns have been raised over the frequency and severity of incidents at the premises, and the apparent total lack of control of the Designated Premises Supervisor, Jacqueline BARCLAY. In the last month there have been two very serious assaults at the premises over the weekend period, both of which could have amounted to Grievous Bodily Harm. Numerous breaches of licence conditions have also occurred. It is known that the pub owners Enterprise Inns intend to take possession of the premises next week. We have received information that she is arranging a "Party Weekend" with an invitation for people to "come and help me drink the bar dry." Given the unacceptable levels of crime and disorder already associated with the premises and the additional information regarding the licensee's intentions this weekend we believe there is a serious risk of disorder and the closure is necessary in the interests of public safety.

Attention is drawn to the attached notes which form part of this order.

Name of person to whom notice of the order has been given and his or her capacity in relation to the premises:

JACQUELINE BARCLAY.

Date and Time notice given:

24/07/10 - 1140

Signature of Person to whom notice of the order has been given:

**One copy of this form must be served on the appropriate person at the premises,
A signed copy must be retained for Police records.**

SMITH 24th July 2016

1125 Gately returns.

1140 Chase solicited papers
and collected in folk.

Gately solicited police
Arrested in the

released and fully
understand the conditions,
Gately was arrested
but collected.

is.

91 27

* follow *

Gately stated that she
has arranged a final
party for the 25th and
that she has decided

A fund from sufficient
costs £1500-00.

She also added that
she was relying on
the funds over the
weekend for a deposit
of a property.



Closure order made under Section 161 of the Licensing Act 2003

Notes for closure order:

A senior police officer has decided to make this closure order under the terms of section 161 of the Licensing Act 2003, requiring the relevant premises specified in the order to be closed for the period of time specified in the order.

Your attention is drawn to section 161(6) of the 2003 Act. This makes it an offence for a person, without reasonable excuse, to permit relevant premises to be open in contravention of this closure order or any extension of it, and any person found guilty of such an offence shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

By virtue of section 171(2) and (3) of the 2003 Act, relevant premises are to be regarded as open, for the purposes of this order, if any person other than the holder of the premises licence for the premises,

any designated premises supervisor, the premises user in connection with a temporary event notice, a

manager of the premises, any person who usually lives at the premises or any member of the family of

any of the former, enters the premises and buys, or is otherwise supplied with food or drink or any item usually sold on the premises or, while he is on the premises, they are used for the provision of regulated entertainment.

Sections 162 – 168 of the Licensing Act 2003

This part of the closure order now explains the effects of sections 162 – 168 of the 2003 Act as required by section 161(4)(d) of that Act.

Initial hearing

- The senior police officer who made the closure order is under a statutory duty to apply to the magistrates' court for it to consider the order, or any extension of it, as soon as reasonably practicable after it comes into force.
- The magistrate's court must consider the closure order made by a senior police officer as soon as practicable after receiving the application, by holding a hearing and determining whether to exercise its powers under section 165 of the 2003 Act.
- Under law on human rights, you are entitled to attend the hearing, to be legally represented, and to make representations to the court before any decision is taken. The chief executive to the magistrates' court will be able to advise you about the details of the procedures which apply in your area.
- A discretion is provided for the magistrates to revoke the order and any extension of it, if it is still in force; or to order that the premises remain closed or be closed until a review of the licence has taken place; or to order that the premises remain closed until a review of the licence has taken place but subject to such exceptions or conditions that they may specify. The last of these powers would enable the court to allow premises to re-open but subject to certain new terms and conditions which they may decide to impose.
- When deciding whether the premises should be allowed to re-open or remain closed, the court must consider whether closure of the premises is necessary in the interests of public safety to prevent disorder or likely disorder (where the closure order was made for this reason) or to prevent further public nuisance caused by noise (where the closure order was made for this reason).
- It is an offence for any person who permits the premises to open in contravention of an order made by the magistrates for the closure of the premises, and the 2003 Act provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.



Closure order made under Section 161 of the Licensing Act 2003

- It is an offence for any person who fails to comply with or does an act in contravention of any order made by the magistrates in relation to the premises in these proceedings, and provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.
- Where, for whatever reason, the courts are unable to consider a closure order before it expires, the senior police officer concerned may extend the order for up to another period of 24 hours if certain circumstances obtain. These are that the officer reasonably believes that the closure of the premises continues to be necessary in the interests of public safety to prevent disorder, or likely disorder or to prevent further public nuisance caused by noise. Such extensions can be made on an indefinite number of occasions.
- The senior police officer is required to give notice to the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises of such extensions of the closure order.
- The senior police officer may cancel his closure order or any extension of it at any time after he has issued it, but before it has been considered by the court. If he does so, the court must still consider the closure order originally served, and the licensing authority will still be obliged to review the premises licence.
- The senior police officer is required to cancel the order if he reasonably believes that closure of the premises is no longer necessary in the interests of public safety to prevent disorder or to prevent further public nuisance; and is required to give notice to the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises when he decides to cancel it.

Review hearing

- The licensing authority must review the premises licence in respect of the premises no later than 28 days after it is notified of the magistrates' courts' determination. The authority is empowered, if necessary to promote the licensing objectives, to modify the conditions of the premises licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor from the licence, suspend the licence for a period not exceeding three months or revoke the licence. Their consideration is not confined solely to the incident which gave rise to the service of the closure order. They may examine any issues which are relevant to the promotion of the licensing objectives.
- Where a decision has been made to revoke the premises licence, the decision has no effect until the expiry of the time permitted for appealing against the decision; and if an appeal is made until the appeal is disposed of.

**CLOSURE OF IDENTIFIED PREMISES FOR PUBLIC SAFETY
OR PREVENTION OF NOISE NUISANCE: POLICE CLOSURE
ORDERS.**

RELEVANT PARTS OF THE LEGISLATION:

S 161 (1) LICENSING ACT 2003 states that:

A senior police officer may make a closure order in relation to any relevant premises if he reasonably believes that

- (a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety*

S 171 (2) LICENSING ACT 2003 states that:

Relevant premises are open if a person who is not within subsection (4) enters premises and –

- (a) he buys or is otherwise supplied with food, drink or anything usually sold on the premises, or*
- (b) while he is on the premises, they are used for the provision of regulated entertainment*

S 171 (4) LICENSING ACT 2003 states that:

A person is within this subsection if he is –

- (a) an appropriate person in relation to the premises*
- (b) a person who usually lives at the premises, or*
- (c) a member of the family of a person within paragraph (a) or (b)*

S 171 (5) LICENSING ACT 2003 states that:

*The following expressions have the meanings given –
"appropriate person" in relation to any premises means –*

- (a) any person who holds a premises licence in respect of the premises*
- (b) any designated premises supervisor under such a licence*
- (c) the premises user in relation to any temporary event notice which has effect in respect of the premises, or*
- (d) a manager of the premises*

S 161 (6) and (7) LICENSING ACT 2003 state that:

- (6) A person commits an offence if, without reasonable excuse he permits relevant premises to be open in contravention of a closure order or any extension of it.*
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000, or to both.*



RESTRICTED

G91

**Closure order made under Section 161 of the
Licensing Act 2003
RMS 44080433594**

Name and rank of Police Officer making order (Inspector or above):

Micahel SANDISON A/Insp 20320

Date and Time order made:

25th July 2010

Name and address of Premises:

Red Lion Public House 97 Commercial Road

Period of closure (until - time and date) Not exceeding 24 hours from time of authorisation:

11AM 25/7/10 - 11AM 26/7/10

Reason (grounds) for closure:

Serious concerns have been raised over the frequency and severity of incidents at the premises, and the apparent total lack of control of the Designated Premises Supervisor, Jacqueline BARCLAY. In the last month there have been two very serious assaults at the premises over the weekend period, both of which could have amounted to Grievous Bodily Harm. Numerous breaches of licence conditions have also occurred. It is known that the pub owners Enterprise Inns intend to take possession of the premises next week. We have received information that she is arranging a "Party Weekend" with an invitation for people to "come and help me drink the bar dry." Given the unacceptable levels of crime and disorder already associated with the premises and the additional information regarding the licensee's intentions this weekend we believe there is a serious risk of disorder and the closure is necessary in the interests of public safety.

44080433594

Attention is drawn to the attached notes which form part of this order.

Name of person to whom notice of the order has been given and his or her capacity in relation to the premises:

JACQUELINE BARCLAY

Date and Time notice given:

25th July 2010 11AM

Signature of Person to whom notice of the order has been given:

[Handwritten signature]

One copy of this form must be served on the appropriate person at the premises,
A signed copy must be retained for Police records.



RESTRICTED

MG11
Page 1 of 2

WITNESS STATEMENT

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

URN: 44 | 080 | 433 | 594

Statement of: Michael Frank Sandison
Age if under 18: (if over 18 insert 'over 18') Occupation: Police Officer

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

Signature: _____ Date: 25/7/10

Michael Frank Sandison

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

I am a serving police officer with Hampshire Constabulary. On Sunday 25th July 2010, I was on duty commencing at 07:00 hours, performing the role of acting Inspector. My identification number is 20320.

At 11:00 hours on the same date, wearing full police uniform, I attended The Red Lion Public House, Commercial Road, Totton, Hampshire.

At this location I spoke with a person who identified herself to me as Jacqueline BARCLAY.

I served completed form G91 on Ms Barclay and advised her that I was closing The Red Lion Public House, from 11:00 hours today until 11:00 hours tomorrow the 26th July 2010.

The closure order being made under Section 161 of the Licensing Act 2003.

I then left the premises and had no further dealings with Ms Barclay.

Signature: Michael Frank Sandison Signature witnessed by: _____



Closure order made under Section 161 of the Licensing Act 2003

Notes for closure order:

A senior police officer has decided to make this closure order under the terms of section 161 of the Licensing Act 2003, requiring the relevant premises specified in the order to be closed for the period of time specified in the order.

Your attention is drawn to section 161(6) of the 2003 Act. This makes it an offence for a person, without reasonable excuse, to permit relevant premises to be open in contravention of this closure order or any extension of it, and any person found guilty of such an offence shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

By virtue of section 171(2) and (3) of the 2003 Act, relevant premises are to be regarded as open, for the purposes of this order, if any person other than the holder of the premises licence for the premises,

any designated premises supervisor, the premises user in connection with a temporary event notice, a

manager of the premises, any person who usually lives at the premises or any member of the family of

any of the former, enters the premises and buys, or is otherwise supplied with food or drink or any item usually sold on the premises or, while he is on the premises, they are used for the provision of regulated entertainment.

Sections 162 – 168 of the Licensing Act 2003

This part of the closure order now explains the effects of sections 162 – 168 of the 2003 Act as required by section 161(4)(d) of that Act.

Initial hearing

- The senior police officer who made the closure order is under a statutory duty to apply to the magistrates' court for it to consider the order, or any extension of it, as soon as reasonably practicable after it comes into force.
- The magistrate's court must consider the closure order made by a senior police officer as soon as practicable after receiving the application, by holding a hearing and determining whether to exercise its powers under section 165 of the 2003 Act.
- Under law on human rights, you are entitled to attend the hearing, to be legally represented, and to make representations to the court before any decision is taken. The chief executive to the magistrates' court will be able to advise you about the details of the procedures which apply in your area.
- A discretion is provided for the magistrates to revoke the order and any extension of it, if it is still in force; or to order that the premises remain closed or be closed until a review of the licence has taken place; or to order that the premises remain closed until a review of the licence has taken place but subject to such exceptions or conditions that they may specify. The last of these powers would enable the court to allow premises to re-open but subject to certain new terms and conditions which they may decide to impose.
- When deciding whether the premises should be allowed to re-open or remain closed, the court must consider whether closure of the premises is necessary in the interests of public safety to prevent disorder or likely disorder (where the closure order was made for this reason) or to prevent further public nuisance caused by noise (where the closure order was made for this reason).
- It is an offence for any person who permits the premises to open in contravention of an order made by the magistrates for the closure of the premises, and the 2003 Act provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.



Closure order made under Section 161 of the Licensing Act 2003

- It is an offence for any person who fails to comply with or does an act in contravention of any order made by the magistrates in relation to the premises in these proceedings, and provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.
- Where, for whatever reason, the courts are unable to consider a closure order before it expires, the senior police officer concerned may extend the order for up to another period of 24 hours if certain circumstances obtain. These are that the officer reasonably believes that the closure of the premises continues to be necessary in the interests of public safety to prevent disorder, or likely disorder or to prevent further public nuisance caused by noise. Such extensions can be made on an indefinite number of occasions.
- The senior police officer is required to give notice to the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises of such extensions of the closure order.
- The senior police officer may cancel his closure order or any extension of it at any time after he has issued it, but before it has been considered by the court. If he does so, the court must still consider the closure order originally served, and the licensing authority will still be obliged to review the premises licence.
- The senior police officer is required to cancel the order if he reasonably believes that closure of the premises is no longer necessary in the interests of public safety to prevent disorder or to prevent further public nuisance; and is required to give notice to the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises when he decides to cancel it.

Review hearing

- The licensing authority must review the premises licence in respect of the premises no later than 28 days after it is notified of the magistrates' courts' determination. The authority is empowered, if necessary to promote the licensing objectives, to modify the conditions of the premises licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor from the licence, suspend the licence for a period not exceeding three months or revoke the licence. Their consideration is not confined solely to the incident which gave rise to the service of the closure order. They may examine any issues which are relevant to the promotion of the licensing objectives.
- Where a decision has been made to revoke the premises licence, the decision has no effect until the expiry of the time permitted for appealing against the decision; and if an appeal is made until the appeal is disposed of.

**CLOSURE OF IDENTIFIED PREMISES FOR PUBLIC SAFETY
OR PREVENTION OF NOISE NUISANCE: POLICE CLOSURE
ORDERS.**

RELEVANT PARTS OF THE LEGISLATION:

S 161 (1) LICENSING ACT 2003 states that:

A senior police officer may make a closure order in relation to any relevant premises if he reasonably believes that

- (a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety*

S 171 (2) LICENSING ACT 2003 states that:

Relevant premises are open if a person who is not within subsection (4) enters premises and –

- (a) he buys or is otherwise supplied with food, drink or anything usually sold on the premises, or*
- (b) while he is on the premises, they are used for the provision of regulated entertainment*

S 171 (4) LICENSING ACT 2003 states that:

A person is within this subsection if he is –

- (a) an appropriate person in relation to the premises*
- (b) a person who usually lives at the premises, or*
- (c) a member of the family of a person within paragraph (a) or (b)*

S 171 (5) LICENSING ACT 2003 states that:

*The following expressions have the meanings given –
“appropriate person” in relation to any premises means –*

- (a) any person who holds a premises licence in respect of the premises*
- (b) any designated premises supervisor under such a licence*
- (c) the premises user in relation to any temporary event notice which has effect in respect of the premises, or*
- (d) a manager of the premises*

S 161 (6) and (7) LICENSING ACT 2003 state that:

- (6) A person commits an offence if, without reasonable excuse he permits relevant premises to be open in contravention of a closure order or any extension of it.*
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000, or to both.*



Order that premises are to be closed

Premises:

The Red Lion Public House
Commercial Road
Totton
Southampton

Case number: 441000404384

Respondents: THE RED LION PUBLIC HOUSE

The court has considered a closure order issued by a senior officer of the Hampshire Constabulary on the 23 July 2010 made on the ground that there is disorder on, or in the vicinity of and related to, the premises and the closure of the premises is necessary in the interests of public safety.

Order

The premises are to be closed until the matter is determined by the licensing authority.

Warning

A person who, without reasonable cause, permits the premises to be open in contravention of this order is liable to a fine of up to £20,000 or three months imprisonment or both.

Jonathan Black

Date: 23 July 2010

Justices' Clerk



STATEMENT OF WITNESS

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

STATEMENT OF Patrick Curran

~~AGE if under 18~~ (if over 18 insert 'over 18') ~~Occupation Licensing Enforcement Officer~~

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

Signature:.....Date 3/8/10:....

I am the above named person, I am employed by New Forest District Council as a Licensing Enforcement Officer. On Monday the 2nd August 2010 at approximately 1700hrs I attended the Red Lion Public House in Totton, with the intention of the service of a notice under Section 165 of the Licensing Act 2003 which is the consideration of a closure order by Lyndhurst Magistrates Court. I attached three copies of this Order to area's bordering the public house, one was attached to a fence at the front of the premises the remaining two, to different traffic poles close by. It was clear that the pub was not open to the public as a large and extensive builder's fence bordered the entire building. This did not permit access to the building at any point. I was thus unable to serve the document on the Designated Premises Supervisor, Ms Jacky Clapp/Barclay.

I took various photographs of the building & fencing which I collectively refer to as PC/Red Lion/1.

As a result of further information I returned to the Red Lion on the 3rd August 2010 at 1245hrs. On this occasion I was able to access the pub itself as a team of builders were present. I was advised by the manager who gave his name as Malcolm that Ms Clapp/Barclay was not permitted to enter the bar but was told she was still living in the accommodation upstairs, which I was unable to access. On that basis I placed the Notice in a white letter box attached to a wooden fence that is to the left of the building. I believed that this letter box is currently used by Ms Clapp/Barclay and would therefore expect to receive the Notice.

Given the circumstances I believe these steps were reasonable to serve the said Notice on the lady, Ms Clapp/Barclay. I am prepared to go to Court and give evidence.

Signature:

Signature witnessed by:

Public Health & Community Safety

Ms Jacqueline Barclay
Red Lion Public House
97 Commercial Road
Totton
Southampton
SO40 3AF

Our Ref: PW/LICPR/05/00459/SW
Your Ref:

02 August 2010

Dear Ms Barclay

**LICENSING ACT 2003 – Review of Premises licence following closure order (S167)
Red Lion, 97 Commercial Road, Totton, Southampton, SO40 3AF**

I am writing to inform you that today a closure order has been received from Southampton & New Forest Magistrates Court relating to the above premises. A copy of the order is enclosed together with a copy of a Review Notice.

A Licensing Panel Review Hearing will be arranged to consider the grounds of closure of these premises.

Once the date of the hearing is set you will be informed of the arrangements. Details of the conduct of the hearing will also be included.

If you wish to discuss matters any further, please do not hesitate to contact this office.

Yours sincerely

Paul Weston

Licensing Officer
Licensing Services

Tel: 023 8028 5505
Fax: 023 8028 5596
Email: licensing@nfdc.gov.uk

Appletree Court, Beaulieu Road,
Lyndhurst, Hampshire SO43 7PA

T: 023 8028 5000
DX 123010 Lyndhurst 2
www.nfdc.gov.uk



Disability Helpline
01425 656096

Minicom/Text: 023 8028 5416



Public Health & Community Safety

Gosschalks
Solicitors
DX 11902
HULL

Our Ref: PW/LICPR/05/00459/SW
Your Ref: **MCJ/MJM98454-11481-4**

02 August 2010

Dear Sir/Madam

**LICENSING ACT 2003 – Review of Premises licence following closure order (S167)
Red Lion, 97 Commercial Road, Totton, Southampton, SO40 3AF**

I am writing to inform you that today a closure order has been received from Southampton & New Forest Magistrates Court relating to the above premises. A copy of the order is enclosed together with a copy of a Review Notice.

A Licensing Panel Review Hearing will be arranged to consider the grounds of closure of these premises.

Once the date of the hearing is set you will be informed of the arrangements. Details of the conduct of the hearing will also be included.

If you wish to discuss matters any further, please do not hesitate to contact this office.

Yours faithfully

Paul Weston

Licensing Officer
Licensing Services

Tel: 023 8028 5505
Fax: 023 8028 5596
Email: licensing@nfdc.gov.uk



Licensing Act 2003
Application for (s.167) Review of a Premises Licence

An application has been received for the review of a Premises Licence (PL 411/2) for **Red Lion, 97 Commercial Road, Totton, Southampton, Hampshire, SO40 3HF.**

The application for review is made following a Section 165, Closure Order by the Magistrates Court.

Any person wishing to make representations in relation to this application may do so by writing to: Licensing Services, New Forest District Council, Beaulieu Road, Appletree Court, Lyndhurst, Hampshire, SO43 7PA. Representation must be made within **7 days** from the date of this notice.

A copy of the application for review of the above licence is kept by Licensing Services, New Forest District Council, Beaulieu Road, Appletree Court, Lyndhurst, Hampshire, SO43 7PA. The application can be viewed Monday to Friday, 09.30hrs to 4.00hrs, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the standard scale.

Dated: 3 August 2010



New Forest Magistrates' Court
Code 1779
The Law Courts, 100 The Avenue,
Southampton. SO17 1EY
Tel : 02380 384200

Order that premises are to be closed

Premises:

The Red Lion Public House
Commercial Road
Totton
Southampton

Case number: 441000404384

Respondents: THE RED LION PUBLIC HOUSE

The court has considered a closure order issued by a senior officer of the Hampshire Constabulary on the 23 July 2010 made on the ground that there is disorder on, or in the vicinity of and related to, the premises and the closure of the premises is necessary in the interests of public safety.

Order

The premises are to be closed until the matter is determined by the licensing authority.

Warning

A person who, without reasonable cause, permits the premises to be open in contravention of this order is liable to a fine of up to £20,000 or three months imprisonment or both.

Jonathan Black

Date: 23 July 2010

Justices' Clerk

Sarah Wilson

From: Verity Potter
Sent: 06 August 2010 15:14
To: Licensing e-mail address
Subject: Licence review, Red Lion, Commercial Road, Totton

To:	The Responsible Authorities
Our Ref:	LICPR/05/00459 - SW
Date:	02 August 2010
Application Type:	Review of Premises licence following closure order (S167)
Premises Details:	Red Lion Red Lion, 97 Commercial Road, Totton, Southampton, SO40 3AF
Applicant Details:	Jacqueline Ina Philp Barclay The Red Lion 97 Commerical Raod Totton Hampshire SO40 3AF
Notes:	The Magistrates Court considered a closure order presented and issued by a senior officer of the Hampshire Constabulary on the 23rd July 2010 made on the grounds that there is disorder on, or in the vicinity of and related to, the premises and the closure of the premises is necessary in the interests of public safety. The Order from the Magistrates Court states the premises are to remain closed until the matter is determined by the Licensing Authority.

LICENSING ACT 2003

REVIEW CONSULTATION

We have received a Closure Order from the Magistrates Court which is attached for your information, together with a review notice. If you wish to make representation you must advise the Council of the details of that representation by no later than **09 August 2010**.

If we do not hear from you by that date the matter will automatically proceed to a hearing.

PLANNING AUTHORITIES PLEASE NOTE

Inevitably there will be occasions when NFNPA Development Control receive applications which should have been sent to NFDC Planning, and visa versa. In these instances on receipt of applications would both authorities quickly identify these applications and send them to the correct planning authority by way of the fastest possible means.

Response:

This Department has had previous involvement with the Red Lion, Commercial Road, Totton, particularly regarding outdoor music events at the premises throughout 2006, which resulted in an Abatement Notice being served on the licensees on 26 October 2006. This was regard to noise from amplified music and amplified speech during outdoor events. This notice requires that measures are taken during events of this nature

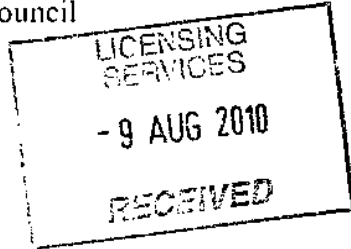
to ensure that noise levels at these events are kept within the requirements of The Noise Council's 'Code of Practice on Environmental Noise Control at Concerts'.

Since the notice was served, I am aware of two similar outdoor music events at the property on 26 May 2007 and 29-30 August 2009. On these occasions I am not aware of any complaints to this Department, however on both occasions information required as part of the Abatement Notice was not provided.

As a result, my concerns regarding this premises licence is the use of the outdoor areas for music events at the property, however the absence of complaints regarding recent events suggest that it may be possible to manage these in a suitable manner.

Verity Potter
Environmental Health Officer

BY E-MAIL AND POST
Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PA



Our ref: MCJ//MJM98454-11481-4
Your ref:
Date: 6th August 2010
E-Mail: mandy_mighty@gosschalks.co.uk
Direct Fax: 0870 600 5947

Dear Sirs,

re: **Red Lion, Totton**
Application for Review - 19th August 2010

We act for Enterprise Inns Plc. Our client is the freehold owner of these premises which were, up until very recently, the subject of a lease in favour of the previous Premises Licence Holder, Jacky Barclay. Our client has recovered possession of these premises and been granted an application for Transfer. Our client is therefore now the Premises Licence holder and has been liaising with the Police with regard to conditions acceptable to the Police upon which the premises could re-open.

We are pleased to confirm that a list of conditions has been agreed. We attach a copy of those conditions together with a copy of the amended Licensing hours which have been agreed between our clients and the Police.

We would be grateful if copies of this letter and the agreed conditions/times could be made available to the Committee in anticipation of the hearing on the 19th August 2010.

Our client has accepted these conditions subject to an agreement with the Police that an application for variation to remove certain conditions may be submitted after 6 months trading. This is on the basis that the premises have traded without problem to the Police for 6 months. We understand, that whilst each application will be looked at on its own merits, given a history of good trading, the Police may agree to the removal of the door staff condition in particular.

We confirm that a representative from this firm together with a representative from Enterprise Inns will attend the hearing on the 19th August 2010.

Yours faithfully

GOSSCHALKS
Copy - Police - via e-mail

Queens Gardens, Hull, HU1 3DZ 01482 324252 0870 600 5984 info@gosschalks.co.uk www.gosschalks.co.uk 11902 - Hull

Partners: Stephen Gosschalk, Bruce Kappel, Ian Lynch, Richard Jewell, Neil Johnson, Clare Johnson, Richard Gooch, Roy Taylor, Robert Thomson, Jonathan Beharrell, Nigel Beckwith, Zeb Carmichael, Nicholas Dean, Gary Taylor, Richard Tucker, A. John Murray, Robert Mashe, Richard Taylor, Andrew Jackson, Jonathan Peet, James Pinn, Justin Graves, Matthew Fletcher, Andrew Tarbutt, Ted Flanagan, Kate Groves, Christopher Gilling, Ashley Prescott, Chris Groves, Paul Panton, Nicola Barrass, James Houston

Senior Associates: Laura Lamm, Andrew Bell, Charlotte Chubb, Caroline Rule

Office Support: Rebecca, Judith, Elizabeth

Our firm is regulated by the Solicitors Regulation Authority (reference number 61213)

RED LION PH, Proposed Licence Conditions

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. The CCTV system shall be capable of producing immediate copies of recordings on site. The recording will be surrendered in a playable format to Hampshire Constabulary immediately on request. Any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and shall be made available, subject to compliance with Data Protection legislation, to the Police for inspection on request. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time. The system will display, on any recording, the correct time and date of the recording. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
2. The Designated Premises Supervisor shall ensure that all staff are trained to challenge every individual attempting to purchase alcohol who appears to be under 25 years of age and to refuse service where those individuals cannot produce acceptable means of identification. Such training shall be provided not less than every six months, and written records shall be kept of all training and refresher training. 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.
3. The premises will only accept photographic UK driving licences, UK passport, or identification with the PASS hologram (any future forms of identification may be accepted following consultation and written agreement of Hampshire Constabulary and Hampshire Trading Standards).
4. 'Challenge 25' posters shall be displayed in prominent positions at the premises.
5. A written log shall be kept of all refusals including refusals to serve alcohol, refusals of entry and/or ejections from the premises. The premises licence holder shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis.
6. All staff authorised to sell alcohol will be trained to NCPLH standard within four weeks of employment start date. The premises licence holder shall ensure additional staff training to those staff on a repeating three monthly cycle including under-age sales, proxy sales and serving to drunks. Individual training records relevant to all staff are to be maintained and available for inspection immediately on request by any relevant licensing authority. Those without the NCPLH training shall only make a sale of alcohol with direct personal supervision of each and every sale by a member of staff with the NCPLH.
7. The Designated Premises Supervisor have strong management control. All staff will be conversant with the licensing objectives, premises licence conditions and operating schedule. They will be fully trained to ensure that no underage drinking, drunkenness, use of drugs or anti-social behaviour takes place on the premises. Individual training records will be kept for all members of staff.
8. Notices will be displayed at the exit of the premises asking customers to leave quietly.

9. A designated smoking area will be used to segregate customers from those seeking to gain entry, members of the public and vehicular traffic. The smoking area will be monitored by CCTV. The Designated Premises Supervisor will ensure that there is adequate lighting in the external areas of the premise to ensure that CCTV footage from these areas of the premise to ensure that CCTV footage from these areas meets the reasonable requirements of the Police.

10. A 'zero' tolerance to drugs will be taken; any person(s) found using or in possession of suspected illegal drugs or substances must, be reported to the police. Any drugs found on the premises will be confiscated and kept in a safe until such time it can be taken to the police station, or collected by an officer. An effective system must be in place to record and document any seizures. Appropriate measures should be implemented to prevent drug use within the premises.

11. There shall be door staff on duty on the premises on Friday and Saturday evenings from 20:00hrs until the premises is closed. The number of door staff shall be not less than 2 for the first 100 customers and an additional 1 for every 50 thereafter. All door staff should have appropriate holders for SIA badges to allow for clear identification.

12. The management will ensure that accurate control of customer numbers/capacity is undertaken. This will be by a method previously approved by the Local Authority but in any case not less effective than SIA registered door stewards utilising 'clickers' to manually count people in and out of the premises.

13. The Designated Premises Supervisor shall maintain a duty register giving details of each and every person employed in the role of a security/door person and shall provide upon request by any Police Officer or Council Officer the following details:-
 - (i) The SIA registration number, name, date of birth and residential address of that person;
 - (ii) The time at which he/she commenced that period of duty, with a signed acknowledgement by that person;
 - (iii) The time at which he/she finished the period of duty, with a signed acknowledgement by that person;
 - (iv) Any times during the period of duty when he/she was not on duty;
 - (v) If that person is not an employee of the Designated Premises Supervisor, the name of the person by whom that person is employed or through whom the services of that person were engaged;
 - (vi) The register shall be so kept that it can be readily inspected by an authorised officer of the Police or Council
 - (vii) The duty register shall comprise a bound, consecutively page-numbered book and the Designated Premises Supervisor shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations.

Amendments to Licensing Hours and Licensable Activities Authorised

Licensable activities authorised by the licence:

L) Late Night Refreshment

M) Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

L)

Mon 23:00 23:30

Tues 23:00 23:30

Wed 23:00 23:30

Thurs 23:00 23:30

Fri 23:00 23:30

Sat 23:00 23:30

Sun 23:00 23:30

M)

Mon 10:00 23:00

Tues 10:00 23:00

Wed 10:00 23:00

Thurs 10:00 23:00

Fri 10:00 23:00

Sat 10:00 23:00

Sun 10:00 23:00

The opening hours of the premises

Mon 10:00 23:30

Tues 10:00 23:30

Wed 10:00 23:30

Thurs 10:00 23:30

Fri 10:00 23:30

Sat 10:00 23:30

Sun 10:00 23:30