

LICENSING SUB COMMITTEE - 5 JULY 2013

APPLICATION FOR A REVIEW OF A PREMISES LICENCE - SIAM THAI LOUNGE, 24 HIGH STREET, LYNDHURST

1. INTRODUCTION

- 1.1 The purpose of this report is to consider an application for the review of a premises licence under Section 51 of the Licensing Act 2003.

2. APPLICATION

- # 2.1 Hampshire Constabulary have made an application for the review of Siam Thai Lounge, 24 High Street, Lyndhurst, SO43 7BG. The application is attached as **Appendix 1**.

3. REPRESENTATIONS

- # 3.1 An additional representation supporting the application has been received from Environmental Health (Pollution) and is attached as **Appendix 2**.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to consider the review application.
- # 4.2 The relevant sections (paragraphs 11.1 - 11.11 & 11.16 - 11.28) of the Home Office guidance issued under Section 182 of the Licensing Act 2003 is attached as **Appendix 3**.

5. CONCLUSION

- 5.1 Members must, having regard to the application consider which of the following measures are appropriate for the promotion of the licensing objectives:

- To modify the conditions of the licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence;
- To take no further action in this matter.

6. RECOMMENDATION

- 6.1 That the Licensing Sub-Committee determines the application.

Further Information:

Paul Weston
Licensing Services
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

Background papers:

Appendix 1 (Section 51 Application)
Appendix 2 (Relevant Representations)
Appendix 3 (Home Office Guidance)



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

I PC 24191 Bethan Wood, 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)

Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	Siam Thai Lounge 24 High Street Lyndhurst Hampshire
Postcode (if known):	SO43 7BG

Name of premises licence holder or club holding club premises certificate (if known)
Mr A Leaver & Mrs P Leaver

Number of premises licence or club premises certificate (if known)
973/6

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC 24191
Surname: Wood	First Names: Bethan
Current postal address:	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	02380 674768
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



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

Select one or more boxes

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

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

On behalf of the Chief Officer of Police I am writing to request review of the above Premises Licence. The review is requested on the following grounds:

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

The Police make this request based on events at the premise whilst under the control of the current Designated Premises Supervisor, Mr Aminur Rahman Chowdhury and concerns over Mr Chowdhury's understanding and ability to support the licensing objectives.

Mr Chowdhury became the Designated Premises Supervisor for The Siam Thai Lounge on 8th April 2011. Two months later, on 13th June New Forest District Council identified that the premises were advertising unauthorised licensable activities (Item 1). On 1st July, Hampshire Constabulary received an application to vary the premises licence to include Late Night Refreshment. No objection was raised to this.

However, on 17th October 2011 a further variation application was received, this time requesting an increase in licensed hours for Late Night Refreshment and the Sale of Alcohol to midnight Monday - Wednesday, and 0100hrs Thursday - Saturday. Hampshire Constabulary's objection to this variation was submitted on 15th November 2011 (Item 2). This objection raises concerns that the premises would become the late night drinking venue in Lyndhurst, contrary to the ethos of the premises as advertised on their website as:

"Since its recent opening The Siam Thai Lounge, situated in Lyndhurst, (the official gateway to The New Forest National Park) has quickly established itself as one of the regions premier eating establishments, with both locals and visitors alike. The combination of beautifully presented, freshly cooked Thai food, a stylish interior, and a lively atmosphere, provides The New Forest with a friendly yet sophisticated dining venue, and continues to be one of the areas hottest tables!"

The premises still advertises itself in a very similar manner (Item 4). Despite the initial



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request by Hampshire Constabulary that the hours be reduced and a condition added to the licence that 'the consumption of alcohol on the premises will be ancillary to a substantial meal' be added, the hours were reduced by 30 minutes to 2330hrs and 0030hrs respectively but the condition regarding a substantial meal was not added. This objection gives rise to the existing premises licence issued on 9th December 2011 (Annex A).

On 1st January 2012 an incident occurred outside the premises at 0225hrs during which a male was arrested and later charged with a S5 Public Order Act offence (causing harassment, alarm or distress). The statement of the attending officer PC 1041 Witney describes how the male was 'very drunk', 'his eyes were glazed, his breathe strongly smelt of alcohol and he appeared unsteady on his feet'. The informant was calling from The Siam Thai Lounge and the officer believes that a member of public advised that the arrested male had come from The Siam Thai Lounge (Items 5-7). It is an offence to sell alcohol to someone who is drunk and suspicion that this has occurred causes us to question the premises' support of the licensing objectives.

At 0112hrs on Friday 24th February an emergency call was made by a resident regarding an ongoing fight in High Street, Lyndhurst. All persons involved had been in The Siam Thai Lounge. Of the 2 persons arrested one (who was later charged and convicted of assault) said that he had drunk 9 pints of Fosters Lager (Item 13). Item 8 describes how one male arrived at the restaurant at 2315hrs, in a clearly drunk state. This male was not only allowed to stay in the restaurant, undermining the prevention of crime and disorder objective but his own statement (Item 9) indicates that he was sold alcohol. The statement (8) goes on to describe how a fight broke out within the toilet area of premises and how the manager, named in this statement as 'Chardrey' was trying to calm everyone down. No call is made by Mr Chowdhury to the police to request assistance, undermining all four of the licensing objectives. Another statement (Item 9) describes how at 0100hrs people were only just starting to leave, and that it was after this time that the fight in the toilet area broke out. Given that the terminal hour for recorded music is midnight, for sale of alcohol is 0030hrs, and close is 0100hrs, this suggests that the licensing hours were breached. This statement also states that the author had consumed about 10 pints of lager and a bottle of Cobra beer. Item 10, a statement detailing what has been classified as an indecent assault, describes how the aggrieved reported to the Designated Premises Supervisor on several occasions how the male who had also been described in statement 8 as drunk, had touched her in an inappropriate manner, and that tensions were high. It is apparent from all statements that no action is taken by the Designated Premises Supervisor other than to tell people to 'calm down'. This demonstrates a lack of support for the prevention of crime and disorder by the Designated Premises Supervisor.

A fight subsequently took place in the High Street, Lyndhurst. In total for this incident there were three calls from residents who had heard the fighting in the street (Item 12). Annex 2 of the premises licence (Annex A) describes under item (d) how 'being a detached property there are no adjoining neighbours and residential accommodation in the immediate area is minimal'. Under part (b) it also states that 'the licensees/staff monitor customer behaviour especially during busy periods'. It is evident that this was not the case in this instance and that greater action should have been taken in order to support the licensing objectives. This is confirmed by the local beat Sergeant and Constable who describe the Designated



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Premises Supervisor as being unsure of the Licensing Objectives and basic good practises.

On 28th February at 0432hrs a complaint is received by a member of the public about public nuisance caused late at night by persons coming from The Siam Thai Lounge (Item 15). The complainant describes how they are woken up at 0200hrs by late night revellers singing, shouting, swearing, spitting, urinating and vomiting. They go on to describe how glasses and vomit are frequently found on residential doorsteps, and make reference to the fact that the premises is supposed to be a 'restaurant' but is really a late night drinking venue. The premises is clearly having an impact on residents and therefore undermines the licensing objective of prevention of public nuisance. A further noise complaint was passed to Hampshire Constabulary by New Forest District Council on 27th February (Item 16) again supporting the judgement that public nuisance is caused by the premises.

A further assault took place on 18th August 2012 in which one of the injured parties sustained a broken bone in her hand (Items 18 (agg'd 1) & 19 (agg'd 2)). Aggrieved 2 clearly states that the couple did not leave The Siam Thai Lounge until 0130hrs – a breach of the premises licence hours and therefore undermining the licensing objectives. Aggrieved 1 states that they had been in the working mens club for between 15 and 30 minutes prior to attending The Siam Thai Lounge at about midnight. By the time they left The Siam Thai Lounge aggrieved 1 had consumed 6 double Jack Daniels and cokes, 2 Jager Bombs, and a pernod and blackcurrant. Whilst Aggrieved 1 states that they were 'tipsey but not drunk', this is a significant quantity of alcohol to have been served between midnight when they arrived, and 0030hrs – the terminal hour for sale of alcohol. This causes concern that either the premises was selling alcohol for longer than their licensed hours, or was allowing people to drink excessive quantities of alcohol in a very short space of time. Aggrieved 2 advises that they left the premises at 0130hrs, Hampshire Constabulary did not receive a phone call until 0214hrs when the assault was in progress. During this time the group have been stood outside of the premises, chatting, and then fighting, causing a public nuisance (Item 20). The complaint made to Hampshire Constabulary by a local resident explains, again, how they are regularly disturbed by the noise of patrons leaving the premises, often after hours, and how people often drink and smoke at the front of the premises resulting in a disturbance to nearby residents. It is clear that on this occasion, the disturbance was not only from people leaving the premises after hours, but ineffective dispersal, and resultant fighting in the street. Item 22, from the same resident goes on to indicate that although the noise is generally good natured and of a Friday or Saturday evening, there are instances when this happens mid-week at around 1 or 2 am. This being the case it would of course be a breach of the premises licence. The resident describes how on 11th August there had been a large crowd outside the premises at about 0100hrs, people shouting and arguing, someone being sick, and glasses being broken. By around 0130hrs staff had cleared up the mess but there were still people outside with glasses. Hampshire Constabulary received no report of this at the time of the concern, however it is confirmed that the premises did not have a Temporary Event Notice and would therefore have been in breach of the premises licence.

Concerned about the reports being received that the premises was frequently open after hours, PC 24288 Harris telephoned the premises on 22nd August 2012 and asked what times the premises were open for food and drink (Item 23). He was advised by the male on



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the phone that food was served until 2300hrs and alcohol until 0100hrs. The premises licence is for both late night refreshment and sale of alcohol until 0030hrs. Further research was conducted using the social networking site Facebook. Items 24 and 25 clearly show the premises advertising a closing time of 0230hrs. As a result of these findings a licensing meeting was arranged with the Designated Premises Supervisor Mr Chowdhury.

A full licensing meeting was held on 29th August 2012, attended by PC 24191 Wood, and the Designated Premises Supervisor, Mr Chowdhury (Items 28 & 29). During the meeting Mr Chowdhury was given lots of advice regarding how best to support the licensing objectives. It was recommended that he introduce formal staff training – links to various websites were provided and PC Wood offered that an officer would attend a training session run by the DPS to support him. As Mr Chowdhury seemed confused as to what Challenge 21 meant this was explained to him in full, and an age verification policy was provided to him (which simply needed him to fill in the blanks with the premises details) in order that he could comply with the mandatory condition of the premises licence. Precise details of what ought to be recorded in the refusals book were also provided in order to ensure that the premises could provide evidence of their support of the licensing objectives, and also disprove any allegations made against them. Mr Chowdhury was challenged regarding his licensed hours. Although he initially disputed that he had opened after hours he eventually conceded, stating that he might have gone 5 minutes over, but that this was rare and was always an accident. Mr Chowdhury confirmed that he was aware of all of his licensed hours and would adhere to them from now on. It was suggested that the installation of CCTV would enable him to categorically disprove allegations made that he was 'regularly' open after hours, that signs ought to be displayed reminding customers to leave quietly, and that the DPS ought to encourage people to disperse quickly and quietly from his premises. On 6th October 2012, Mr Chowdhury confirmed to PS Freeman that he had received the letter.

On 18th October, 8 weeks after the full meeting and letter being sent, PC Wood visited the premises at the request of Mr Chowdhury, to view the new CCTV system (Item 32). Unfortunately he wasn't able to review any footage or download this as he wasn't aware of the process to do this and hadn't got a computer linked to the system. PC Wood briefly went through the other recommendations that had been made on the 29th August. Mr Chowdhury had not put together any staff training package. Instead a note had been made in his A4 incident/refusals book that staff had been trained – there was no indication as to the content of this training. It was clear from the incident/refusals book that Mr Chowdhury had not been recording full detail for incidents and had not contacted police when barred people tried to gain entry as had been requested. Furthermore, Mr Chowdhury had not completed the age verification policy that had been sent to him. He was advised that this was not satisfactory and that he needed to read the letter and recommendations carefully and give serious consideration to implementation of the suggestions that had been made.

A test purchase operation was conducted on 19th October 2012 which the premises passed, and was advised of (Item 33).

In December 2012 New Forest District Council received a complaint from a member of the public regarding the premises (Items 34). There are several different matters brought to the attention of the council through the complaints, many of which are not necessarily a matter



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for licensing. Hampshire Constabulary understand that following the second complaint NFDC Licensing Officer Patrick Curran visited the premises in order to provide gather any evidence that may corroborate the complaint. As can be seen in item 35 the complaint could not be substantiated. However, this judgement was made following examination of the CCTV system which was later found to be displaying a completely inaccurate date and time (Item 36). Hampshire Constabulary would therefore suggest that the complaint can neither be proved or disproved rather than recording it as 'unsubstantiated'.

On 3rd February 2013 PC Wood attended the premises at 0035hrs. The report written following the visit (Item 36) details numerous breaches of the premises licence that were observed despite the DPS Mr Chowdhury being previously advised and warned regarding his operating practises. A meeting was held on 6th February, attended by PC Wood, Mr Chowdhury, and the premises licence holder Mr Leaver (Item 37). The letter written following this meeting provides a clear break down of the breaches occurring and how the licensing objectives were undermined:

Firstly, despite having been advised that the licensed hours for the premises needed to be adhered to on numerous occasions, at 0035hrs music had been clearly audible outside the premises. The premises is only licensed for recorded music until midnight and there is a condition in place stating that 'after 2300hrs music and noise emanating from the premises, shall be inaudible at the boundary of all noise sensitive premises'. This is therefore not only a breach of the licensed hours and conditions but also undermines the licensing objective of prevention of public nuisance. Mr Chowdhury claimed to have no knowledge of these licensed hours.

Secondly, at 0050hrs a male was observed to enter the premises, in breach of the licence condition that states 'No admission to the premises after midnight'. This condition was added to the licence when the hours were increased in an attempt to prevent it becoming a late night drinking venue. The evidence within this review suggests that the late night drinking at the premises is the overwhelmingly likely cause of the anti-social behaviour and crime associated with the premises. A breach of this licence condition is therefore taken extremely seriously. Again, Mr Chowdhury seemed unclear about the very short, succinct licence condition in question and advised police that the male had been in the premises earlier in the evening and that he was therefore allowed back in. The premises licence makes no provision for re-entry to the premises after midnight, presumably as restaurant customers are unlikely to need re-entry at this time of night.

Thirdly, the CCTV system, installed at the premises to disprove the allegations that they were open beyond their hours was, at 0046hrs on 3rd February, displaying a date and time of 1233hrs on 2nd February, over 12 hours out. The DPS had not noticed this significant inaccuracy.

Finally, on leaving the premises at 0105hrs police observed the volume of noise created by persons standing in front of the premises rather than dispersing. A very brief and non-confrontational request that they move on quietly and respect the residents resulted in a swift reduction in noise directly associated with the premises. Mr Chowdhury had previously been asked to ensure that he or his staff proactively managed closing time and the dispersal



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of customers. On this occasion he failed to do so.

In addition to these significant factors, Mr Chowdhury's efforts to act upon the recent advice provided by Hampshire Constabulary were looked at. As per item 33, the advice focussed on his ability to evidence support of the licensing objectives, namely by providing good staff training, having an age verification policy in place, maintaining an incident/refusals book, and conducting regular toilet checks. Again, the action taken by Mr Chowdhury demonstrates not that he is unwilling to take on board the advice, but that there are perhaps significant gaps in his understanding and ability to run a licensed premises in a responsible manner.

Mr Chowdhury had made efforts to put together a training package for his staff. However this consisted of 'How to Challenge 21', 'Refusal of Drunks', 'Toilet Checks' and 'Challenge and Refusal'. The content of some of these packages was good. Unfortunately the 'Challenge and Refusal' section was from Ontario, Canada and clearly stated in the first page that the legal age for sale of alcohol was 19 and that a 'Think 25' policy was in place. As outlined within the letter this is not only confusing for staff, but the fact that neither Mr Chowdhury or the staff had noticed these fundamental discrepancies causes Hampshire Constabulary to believe that the training has either not been completed or has not been understood. PC Wood provided direct contact details for Mr Chowdhury to contact her to get feedback, advice, and even editing assistance on any training package that he was to put in place.

The age verification policy provided to the premises in August 2012, that had not been signed on 11th October, was viewed. It had been signed by the DPS on 3rd February 2013, nearly 6 months since it was first provided to the premises. Furthermore, the name and address of the premises had not been completed. This shows not only a disappointingly slow response from the DPS to something that was provided to him in the most basic of formats, but also a lack of attention to detail which is key to running a licensed premises. In addition to this, toilet checks had not been recorded as requested and merely stated, infrequently, how many times the toilets had been checked throughout the evening. The high results of the Ion Track swabs taken on the evening of the 3rd February, suggest that there had been recent direct contact with cocaine. Coupled with increasing intelligence that drug dealing occurs on the premises Hampshire Constabulary believe that in order to ensure public safety, prevention of crime and disorder, and prevention of public nuisance, regular toilet checks and a drugs policy need to be in place at the premises.

This lack of detail continued with the examination of the refusals/incident book. It was noted that records are not consistently made on the night to which they relate. Mr Chowdhury advised that he recorded all refusals to sell alcohol yet there was no mention of the test purchase pass on 19th October. There were several records of a 16 and 17 year old being refused service of alcohol but being allowed soft drinks. Whilst this is obviously ensuring that no offence takes place, it is in breach of the licence condition which states that 'in any event no children are permitted on the premises after 2200hrs'. Furthermore Mr Chowdhury diligently makes note in his incident book of the time at which customers leave his premises and he closes the doors. On just a quick glance at the book there were 5 occasions within a 2 month period when the time recorded is in breach of the 0100hrs for which the premises is



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licensed. Mr Chowdhury was apologetic for this but suggested that a 30 minute extension to his licensed hours was perhaps necessary. Hampshire Constabulary suggest that it is not a solution to consistent breaches of licensing hours, to increase them further. Poor management of the premises is the only explanation for the breaches occurring and the licensing objectives being undermined. It is therefore suggested that rather than increase the hours, these ought to be reduced so as to minimise public nuisance and crime and disorder, focussing on the restaurant trade rather than late night drinking.

The meeting on the 6th February concluded with Mr Leaver and Mr Chowdhury being advised that Hampshire Constabulary were to request a review of the premises licence in order to ensure that the licensing objectives were promoted.

On 12th February 2013 PC Wood received a letter from Mr Chowdhury (Item 38). The letter, written in eloquent English offered an apology for the failings that had occurred and promised future cooperation. On 14th February PC Wood received a phone call from Mr Leaver, the premises licence holder. Mr Leaver advised that the issue was Mr Chowdhury's lack of English comprehension and that this would no longer be a problem as the licence had been fully explained to him by a relative who also worked in the licensed trade. This lack of English understanding was not evident in the letter from Mr Chowdhury himself, or on any of the previous visits to the premises. On 15th February PC Wood spoke again with Mr Chowdhury who confirmed that he had written the letter received on 12th February.

Throughout March and April 2013 Hampshire Constabulary's Licensing Team have made regular visits to Lyndhurst on a Friday and Saturday evening in order to ensure that a review of the licence is necessary, particularly in order to prevent public nuisance. The results of these 'patrol' visits indicate that the review is necessary:

0045hrs, 2nd March 2013. PC Conway visits the premises (Items 41 & 42). PC Conway describes having to prompt the DPS on several occasions to encourage people to leave quietly, observing a drunk, argumentative male being allowed to finish the dregs of at least 3 spirit drinks before leaving the premises, and on leaving the premises herself PC Conway locates a group of customers in the car park being loud, shouting and singing, and drinking from a 500ml glass bottle of Tiger Beer, and a 'highball' type glass (both of which were returned by police to the DPS who then disputed that they ever let people leave with drinks). The observations made on this visit demonstrate that more needs to be done by the DPS to promote the licensing objectives of public safety, prevention of crime and disorder and prevention of public nuisance.

2335hrs, 15th March 2013. PC Harris visits the premises (Item 43). As well as describing noise nuisance in the High Street as a result of people leaving the premises, PC Harris evidences a drunk female who had not only been in the premises but had been talking directly with the DPS. It is an offence and therefore undermining the licensing objectives, to serve alcohol to someone who is drunk.

0030hrs, 20th April 2013. PC Smith conducts a plain clothes patrol of the High Street and evidences noise nuisance caused by persons leaving the premises in drink (Item 45).



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0040hrs, 21st April 2013. PC Smith again evidences noise nuisance and a lack of effort on the part of the DPS to encourage quiet dispersals (Item 46).

2355hrs, 27th April 2013. PC Wood attends and evidences persons stood outside the premises and re-entering at just past midnight, and persons leaving with drinks in glasses despite there being a member of staff at the door to prevent this happening.

In addition to these patrols, efforts have been made to obtain witness statements from residents who are adversely affected by the premises. Although only 1 of the residents who have made complaints to New Forest District Council was willing to provide police with an official statement, this one statement contains significant evidence to suggest that the licensing objectives are undermined and is supported by the findings of the patrols conducted, and evidence cited within this review document. The statement (Item 44) describes how incidents linked to the premises make the resident feel intimidated within her own home, perhaps explaining why there is a reluctance to provide police witness statements. The statement links the majority of noise nuisance to closing time at 0100hrs when people in drink leave the premises shouting and shrieking – as is corroborated by the visits conducted by the licensing team. This is said to frequently go on until about 0200hrs. It goes on to describe persons fighting and urinating outside the premises, playing chicken in the road, jumping over the post box, and the premises being open until 0200hrs. In particular the resident describes an incident on the night of 15th March 2013 when a young female was so heavily intoxicated that she could not walk. By 0130hrs the resident had observed the group that had been with the female get into a taxi, and the DPS go home, leaving the female sat on her own on the bench outside the premises. The resident goes outside to check on the welfare of the female who is promptly sick through the state of intoxication. This female had been seen to come from the premises, where she has clearly either been served alcohol to the point that she was this intoxicated, or allowed to remain on the premises until closing time, with no concern shown for her welfare. The public safety, and prevention of public nuisance objective are clearly undermined. The resident has never seen Mr Chowdhury outside the venue encouraging people to be quiet and leave the area. Her quality of life is directly affected by the nuisance caused by the premises.

In conclusion, numerous efforts have been made by Hampshire Constabulary to assist the licensee in understanding exactly what he needs to do to ensure that the licensing objectives are upheld. He has failed to implement these recommendations to good effect and this continues to impact on the local community. The problems associated with the premises are evidently linked to the late night trading and excessive consumption of alcohol. For these reasons Hampshire Constabulary request that in order to promote the licensing objectives, reduce crime and disorder, promote public safety, and reduce public nuisance, the hours of the premises be reduced to 2330hrs close, sale of alcohol to be the only authorised licensable activity and ceasing at 2300hrs, 7 days a week (returning the premises to functioning as a restaurant rather than a late night drinking venue), that the current Designated Premises Supervisor is removed, and that the following conditions be applied to the premises licence:



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Staff Training

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

Incident Book

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.



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Refusals Log

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the designated premises supervisor or nominated deputy.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

CCTV

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with all levels of illumination throughout the premises as well as outside areas. CCTV warning signs to be fitted in public places.

The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

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

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

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Hampshire Western Police Licensing Unit within 24 hours.

Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport, HM Forces ID card or photographic identification bearing the "PASS" logo and the persons date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no



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sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

Alcohol Ancillary to Food

Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Alcohol Outside

No drinking or drinking vessels are permitted to be taken outside the premises.

DPS Training

The DPS will complete The BIIAB Level 2 National Certificate for Designated Premises Supervisors or EDI provide a Level 3 Award for Designated Premises Supervisors (ADPS) within 3 months of the date of the review or in any case within 3 months of appointment to the role of DPS.

For sake of clarity the above conditions are requested to be added to the premises licence, completely replacing those already present.

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
- I have sent a copy of this representation to the principal licensing officer of New Forest District Council



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

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

Signature of Officer Completing

Name PC Bethan Wood Collar Number: 24191
Signature: [redacted] Date: 15/05/2013

Signature of Authorising Officer (Inspector or above)

Name Inspector John McGonigle Collar Number: 1399
Signature: [redacted] Date: 15/05/2013

REVIEW OF PREMISES LICENCE

SIAM THAI LOUNGE

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G90 – APPLICATION FOR REVIEW

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(3)

Mr A Leaver & Mrs P Leaver
Siam Thai Lounge
24 High Street
Lyndhurst
Hampshire
SO43 7BG

Our Ref: PW/LICPR/05/00170
Your Ref:

09 December 2011

Dear Mr & Mrs Leaver

LICENSING ACT 2003 - Variation Premises Licence (S34)
SIAM THAI LOUNGE, 24 HIGH STREET, LYNDHURST, HAMPSHIRE, SO43 7BG
Licence No: 973/6

I am pleased to enclose a Premises Licence in respect of the application for the above premises. Please check the details on the licence carefully. The Licensing Authority is prepared to correct clerical errors for up to 28 days after the licence has been issued. Beyond that time, any change must be made on the appropriate application form. This does not affect your statutory rights of appeal.

It is a requirement of the Act that this licence, or a certified copy, is held securely at the premises and, at the request of an authorised person, to produce the licence (or a certified copy) for examination. Please ensure that you are able to comply.

Also enclosed is a Summary of the Premises Licence which must be displayed (or a certified copy) in a prominent position at the premises.

Failure to comply with either or both of these requirements is an offence which, on summary conviction, carries a penalty of a fine not exceeding level 2 on the standard scale.

It is important that you check the name and address details of the person quoted on this licence as the Designated Premises Supervisor. If that person is not the person nominated by you or the address details have changed, then you must make the appropriate application for change immediately, because it would be an offence not to do so.

Should you wish to make changes to the licence in the future this must be done by way of an appropriate application. The necessary forms are available on the Council website www.newforest.gov.uk.

Yours sincerely,

Paul Weston

Licensing Officer
Licensing Services

Tel: 023 8028 5505
Fax: 023 8028 5544
Email: licensing@nfdc.gov.uk

c.c Chief of Police

((L;6))

Licensing Act 2003

Premises Licence

Issued under Section 24 of the above Act

Premises Licence Number	973/6
--------------------------------	-------

Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description	
Siam Thai Lounge 24 High Street Lyndhurst Hampshire SO43 7BG	Map Ref (E): 429922.948991684 Map Ref (N): 108186.071066862 UPRN: 100062532872
Telephone Number: 02380 283187	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
F) Recorded Music L) Provision of Late Night Refreshment M) Supply of Alcohol

The times the licence authorises the carrying out of licensable activities			
F) Recorded Music		Playing of recorded music may take place:	Indoors <input checked="" type="checkbox"/> Y Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Further details:
Mon	11:00	23:00	
Tue	11:00	23:00	Seasonal variations:
Wed	11:00	23:00	Non standard timings:
Thur	11:00	00:00	The licensable activities above will be permitted for a further additional hour on the following days: Each Friday, Saturday, Sunday and Monday of the May, Spring/Whitsun and August Bank
Fri	11:00	00:00	Holiday weekends. Each Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank holiday weekend.
Sat	11:00	00:00	Christmas Eve. Boxing Day.
Sun	11:00	22:30	On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31 December).

L - Provision of Late Night Refreshment	Late Night Refreshment may take place:	Indoors <input checked="" type="checkbox"/> Y
---	--	---

			Outdoors	
			Both	
Day	Start	Finish		
Mon	23:00	23:30	Further details:	
Tues	23:00	23:30	Seasonal variations:	
Wed	23:00	23:30	Non standard timings:	
Thur	23:00	00:30	Licensable activities will be permitted for an additional 30 minutes on the following days:	
Fri	23:00	00:30	Each Friday, Saturday, Sunday and Monday of the May, Spring/Whitsun and August Bank Holiday weekends.	
Sat	23:00	00:30	Each Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday weekend.	
			Christmas Eve and Boxing Day.	
			On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December)	

M - Sale or Supply of Alcohol			
Day	Start	Finish	
Mon	11:00	23:30	Seasonal variations:
Tues	11:00	23:30	Non standard timings:
Wed	11:00	23:30	Licensable activities will be permitted for an additional 30 minutes on the following days:
Thur	11:00	00:30	Each Friday, Saturday, Sunday and Monday of the May, Spring/Whitsun and August Bank Holiday weekends.
Fri	11:00	00:30	Each Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday weekend.
Sat	11:00	00:30	Christmas Day and Boxing Day.
Sun	11:00	23:00	On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December)

The opening hours of the premises			
O - Opening Hours			
Day	Start	Finish	
Mon	11:00	24:00	Seasonal variations:
Tues	11:00	24:00	Non standard timings:
Wed	11:00	24:00	Licensable activities will be permitted for an additional 30 minutes on the following days:
Thur	11:00	01:00	Each Friday, Saturday, Sunday and Monday of the May, Spring/Whitsun and August Bank Holiday weekends.
Fri	11:00	01:00	Each Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday weekend.
Sat	11:00	01:00	Christmas Eve and Boxing Day
Sun	11:00	23:30	On New Year's Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31 December)

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:
 Alcohol is supplied for consumption ON premises only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Alan Leaver
3 Woodpecker Drive
Marchwood
Southampton
Hampshire
SO40 4XQ

Telephone: [REDACTED]

Email:

Patricia Leaver
3 Woodpecker Drive
Marchwood
Southampton
Hampshire
SO40 4XQ

Telephone: [REDACTED]

Email:

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Aminur Rahman Chowdhury
16b Wordsworth Road
Southampton
Hampshire
SO15 5LY

Telephone:

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

2008/00737/02SPEN
Southampton City Council

The licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date licence issued: 09/12/2011

Date licence commences: 09/12/2011

Date first licence came into force: 24/11/2005



Head of Public Health & Community Safety
(Authorised Officer)

Annex 1 - Mandatory conditions

Where licence authorises supply of alcohol:

- (1) No supply of alcohol may be made under the premises licence:

- (a) at a time when there is no designated premises supervisor in respect of the
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Where licence authorises door supervision:

- (1) Each individual at the premises to carry out a security activity must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires this condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

(Additional Conditions with effect from 6 April 2010)

- 1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(Additional Condition with effect from 1 October 2010)

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating schedule

Q) Proposals by the applicant in order to promote the four licensing objectives:

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

Following an assessment of the premises and its surrounding area the following is proposed:

30 minute 'drinking up' time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

All licensable activities as requested unless otherwise stated are proposed to be permitted in all parts of the building open to the public.

b) The prevention of crime and disorder

Illumination is provided to the exterior areas of the pub, accessible to the public. Majority of customers are local people and well known to the licensees. The licensees/staff monitor customer behaviour especially during busy periods. Burglar alarm system in place, alarmed

doors and windows/secure windows.

No consumption of alcohol in the external areas or outside the premises after midnight on Thursday, Friday and Saturday and after 23:00hours on Monday, Tuesday and Wednesday.

No admission to the premises after midnight, extended to 01:00hrs for New Year's Eve permitted hours only.

c) Public Safety

The pub is equipped with emergency lighting, illuminated exit signs. All fire fighting equipment is serviced annually and there is a contract in place with Chubb. The pub promotes a licensed taxi service to facilitate its customers making onward journeys.

Accident/incident book on site for staff and public.

d) The prevention of public nuisance

When required, staff organise taxis to transport customers home and customers are seen off the premises and encourages to disperse at closing. Being a detached property there are no adjoining neighbours and residential accommodation in the immediate area is minimal. The premises is gradually phasing out of standard glasses and replacing with toughened glasses. The pub does not have any aggressive drinks promotions (i.e., 2-4-1's, heavy discounting/happy hours). Customers are locals and generally walking straight home.

Where the term beer garden/external seating/outside area is used on the plan provided with the application, that area is an area which will only be used for the consumption of alcohol. Unless otherwise stated, there will be no licensable activities in such an area.

e) The protection of children from harm

There is no striptease, no nudity and no restricted film exhibition.

Annex 3 - Conditions attached after a hearing by the licensing authority

General condition:

1. Unaccompanied children are not permitted on the premises at any time. And in any event no children are permitted on the premises after 22:00hrs.
2. At all times after 23:00hrs any recorded music at the premises shall be background music only.
3. After 23:00hrs music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises.*
4. Prior to 23:00hrs, music and noise emanating from the premises, if audible, shall be at such a level that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises.*]

* For the purposes of conditions 3 and 4 above, noise sensitive premises shall include premises used for residential purposes, hospitals or similar institutions, educational establishments (when in use), places of worship (during recognised times and days of worship) and any other premises used for any other purposes likely to be affected by the music noise.

Annex 4 - Plans

This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached.

Plan of Premises	
Plan/Drawing No:	
Date of Plan:	Plan 16/06/2011

((n))

((3;C;1:1))

Mr & Mrs Leaver
3 Woodpecker Drive
Marchwood
Southampton
SO40 4XD

Our Ref: PW/LICCE/11/04295/PW
Your Ref: LIA

13 June 2011

Dear Mr & Mrs Leaver

**RE: Informal Advice -
Licensing Act 2003 (Advertised) Unauthorised Licensable Activity**
PL 973/4 Coburns (t/a - Slam Thai) 24 High Street, Lyndhurst

I refer to a recent advert in a local publication which infers that hot food and/or drink is available for sale and/or consumption after 23:00 hours.

Your current premises licence (PL 973/4) does not contain any provision for late night refreshment. This being: the supply of hot food or drink after 23:00 until 05:00 hours. To act otherwise would be an unauthorised licensable activity and therefore an offence under Section 136 of the Licensing Act 2003.

A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

I have enclosed a minor variation application form which can be used should you wish to extend your current operating schedule to include Late Night Refreshment accordingly.

If you would like to discuss this matter further please contact this office.

Yours sincerely

Paul Weston

Licensing Officer
Licensing Services

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

cc. DPS - Chowdhury
Hampshire Licensing Police



2

**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

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

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 2 days)
<input type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input checked="" type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)

Name of Applicant:	Alan Leaver & Patricia Leaver
Name of Proposed DPS:	

Details of relevant conviction (Personal Licence Applications ONLY)

Postal address of premises:	Slam Thai Lounge 24 High Street Lyndhurst
Postcode:	SO43 7BG

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	Licensing Officer
Surname: Fice	First Names: Georgie
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

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**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

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

- 1) The prevention of crime and disorder
 - 2) Public safety
 - 3) The prevention of public nuisance
 - 4) The protection of children from harm
- Please select one or more boxes*

Please state the ground(s) for representation:

Hampshire Constabulary object to the application for a variation of a premises licence at Siam Thai Lounge, 24 High Street, Lyndhurst. The objection is based on the prevention of crime and disorder objective under the Licensing Act 2003.

Hampshire Constabulary's Licensing Unit have tried on several occasions to contact the applicants, Mr & Mrs Leaver to discuss concerns with the application, which has unfortunately been unsuccessful.

The proposal is to increase licensable activities, namely late night refreshment and the supply of alcohol until midnight Monday, Tuesday & Wednesday and 0100hrs Thursday, Friday & Saturday, with the closing times matching licensable activities. No additional proposals have been put forward on the application to promote the 4 licensing objectives at the premises. Although other premises in Lyndhurst have an extended licence they do not utilise this on a day to day basis.

On 13 June 2011 New Forest District Council sent a letter to Mr & Mrs Leaver after a recent advert in a local publication which advertised hot food & drink after 2300hrs, which was, at the time, an unauthorised licensable activity. This shows the premises licence holder and Designated Premises Supervisor had complete disregard for the premises licence which was in place at the time.

Local officers have witnessed customers entering the Siam Thai Lounge late at night when other premises have closed, for a 'last drink', which goes against the ethos of the premises described on their website as:

"Since its recent opening The Siam Thai Lounge, situated in Lyndhurst, (the official gateway to The New Forest National Park) has quickly established itself as one of the regions Premier eating establishments, with both locals and visitors alike. The combination of beautifully presented, freshly cooked Thai food, a stylish interior, and a lively atmosphere, provides The New Forest with a friendly yet sophisticated dining venue, and continues to be one of the areas hottest tables!"

The police believe that if licensable activities are extended the premises will become the late night drinking venue in Lyndhurst rather than a sophisticated dining venue, which in itself increases crime and disorder.



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

**It is an offence, under section 158 of the Licensing Act 2003 to make a false statement
in or in connection with this representation**

Police recommendations (including any conditions)

The police propose that the following conditions and amendments are added to the new licence if issued.

- No consumption of alcohol in the external area after midnight on Thursday, Friday, & Saturday and 2300hrs on Sunday, Monday, Tuesday & Wednesday.
- No admission to the premises after midnight.
- The consumption of alcohol on the premises will be ancillary to a substantial meal.
- Removal of the non standard timings in sections F) recorded music, M) supply of alcohol and O) opening hours.

Signature of Officer Completing

Name G FICE Collar Number: 13085
 Signature: _____ Date: 15/11/11

Signature of Authorising Officer

Name PS HUBBLE Collar Number: 483
 Signature: _____ Date: 15/11/2011

CORRESPONDENCE LOG
For Licensing Team Use Only

Number Of Log Entries: 8

Organisation/Business Name: ???

< CLICK HERE TO ADD A NEW VISIT LOG >

Log Entry No: 8

From: 6 OCU Licensing Mailbox
Sent: 06 December 2011 15:56
To: 'Paul Weston'
Cc: 'licensing@nfdc.gov.uk'
Subject: RE: Siam Thai Lounge

Paul

The police agreed for all licensable activities, including Late Night Refreshment to cease as follows;

Monday – Wednesday 23:00 to 23:30 hours
Thursday – Saturday 23:00 24:30 hours

The police do not accept the newly proposed changes by Mr Leaver in the below email to extend Late Night Refreshment by an additional half an hour.

Kind regards

Georgie Fice
Western Licensing Team
Hampshire Constabulary
External: 023 8067 0902 Internal: 734 -172
Email: western.licensing@hampshire.pnn.police.uk
website: www.hampshire.police.uk

From: Paul Weston [mailto:Paul.Weston@NFDC.gov.uk]
Sent: 06 December 2011 09:27
To: 6 OCU Licensing Mailbox
Subject: FW: Siam Thai Lounge

Georgie

Please find attached Mr Leaver's reply.

The only difference being Sunday hours & late night refreshment endings which mirror amended opening times.

Please confirm acceptance or otherwise.

Regards

Paul Weston

Licensing Services
New Forest District Council
Tel: 023 8028 5505

From: alan leaver
Sent: 01 December 2011 21:22
To: Paul Weston
Subject: RE: Siam Thai Lounge

Dear Mr. Weston,

Thank you for your e-mail.
Reading through it, there are a few omissions we agreed. If you recall, we agreed to add 30 minutes to all standards timings, being :

Sale of Alcohol

Sunday - 11.00 to 23.00 hours
Monday - Wednesday 11.00 to 23.30 hours
Thursday - Saturday 11.00 to 00.30 hours

Late night Refreshment

Sunday 23.00 to 23.30 hours
Monday - Wednesday 23.00 to 24.00 hours
Thursday to Saturday 23.00 to 01.00 hours

Opening Hours

Sunday 11.00 to 23.30 hours
Monday - Wednesday 11.00 to 24.00
Thursday - Saturday 11.00 to 01.00

The additional conditions and the non - standards timings you have sent in the e- mail are fine. Please phone me if you need to.

Yours sincerely

Alan Leaver.

Date/Time: - 06/12/2011 15:57:47

Log Entry No: 7

From: 6 OCU Licensing Mailbox
Sent: 02 December 2011 12:43
To: 'Paul Weston'
Subject: RE: Siam Thai Lounge

The police are happy with the proposals.

Georgie Fice
Western Licensing Team

Hampshire Constabulary
External: 023 8067 0902 Internal: 734 -172
Email: western.licensing@hampshire.pnn.police.uk
website: www.hampshire.police.uk

From: Paul Weston [mailto:Paul.Weston@NFDC.gov.uk]
Sent: 01 December 2011 13:23
To:
Cc: 6 OCU Licensing Mailbox
Subject: Siam Thai Lounge

Dear Mr Leaver

RE: Siam Thai Lounge (PL973)

LA2003 - S34 Variation
Mediation Meeting 2011-12-01

Hampshire Police (Responsible Authority)
Mr & Mrs Leaver (Premises Licence Holder)
Mr Chowdhury (Designated Premises Supervisor)

The following amendments to the above application have been agreed between all relevant parties as follows:

To increase and amend the hours of the following licensable activities:

Sale of Alcohol (on premises only)
Monday – Wednesday 11:00 to 23:30 hours
Thursday – Saturday 11:00 to 24:30 hours

Late Night Refreshment (indoors)
Monday – Wednesday 23:00 to 23:30 hours
Thursday – Saturday 23:00 24:30 hours

Additional Conditions agreed:

No consumption of alcohol in the external areas or outside the premises after midnight on Thursday, Friday and Saturday, and after 23:00 hours on Monday, Tuesday and Wednesday.

No admission to the premises after midnight, extended to 01:00 hours on New Year's Eve permitted hours only.

Plus:

Non Standard Timings (to read):

Licensable activities will be permitted for an additional 30 minutes on the following days:

Each Friday, Saturday, Sunday & Monday of the May, Spring/Whitsun & August Bank Holiday weekends.

Each Thursday, Friday, Saturday, Sunday & Monday of the Easter Bank Holiday weekend.

Christmas Eve & Boxing Day.

Please can you confirm your agreement to this summary accordingly.

Many thanks

Paul Weston
Licensing Services

Date/Time: - 02/12/2011 12:44:56

15/11/11 Objection to vary the premises licence submitted, see G89 on reports tab. Log Entry No: 6
Date/Time: - 15/11/2011 15:42:47

17/10/11 Application rec'd (by email from NFDC) to vary the premises licence to increase licensable activities from midnight Thurs, Fri & Sat to 0100hrs. Log Entry No: 5
Date/Time: - 18/10/2011 08:58:25

01/07/11 Minor variation for structural alterations to move the kitchen wall by 500mm to bar, install a door between the bar and kitchen hallway, remove the disabled toilet and remove ramp. Add Late Night Refreshment Monday to Wednesday 23:00hrs - 23:30hrs, Thursday to Saturday 23:00hrs - 00:30hrs. Log Entry No: 4
Date/Time: - 13/07/2011 14:07:12

24/05/11 Consultation period has expired, Mr Chowdhury was located on RMS as Aminur Rahman Chowdhury. Log Entry No: 3
Date/Time: - 24/05/2011 10:07:54

08/04/11 Application rec'd to vary DPS to Aminur Chowdhury Log Entry No: 2
Date/Time: - 11/04/2011 09:35:08

Application not rec'd to xfer premise licence by the applicant - licence granted Log Entry No: 1
Date/Time: - 16/06/2010 16:04:21

siamthailounge.com

siam thailounge

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The Siam Thai Restaurant & Takeaway - Lyndhurst, N...

Page Safety Tools



to book your take-away: 02380 283 951



"The Hottest Table In Town....."

Since its recent opening The Siam Thai Lounge, situated in Lyndhurst, (the official gateway to The New Forest National Park) has quickly established itself as one of the regions Premier eating establishments, with both locals and visitors alike.

The diverse menu offers a range of mouthwatering Thai dishes including salads, noodles, curries and stir-fries with an authenticity and freshness that surpasses expectations. The menu also offers an extensive list of beverages including a wide selection of beers and wines, all with enough character to complement the food.

The combination of beautifully presented, freshly cooked Thai food, a stylish interior, and a lively atmosphere, provides The New Forest with a friendly yet sophisticated dining venue, and continues to be one of the areas hottest tables.

Booking in advance is strongly recommended especially at weekends and peak holiday periods.

The Siam Thai Special Set Lunch £6.95

15% Off Takeaway Orders (minimum £20) when you mention our website when ordering



HAMPSHIRE CONSTABULARY

RESTRICTED – For Police and Prosecution Only

WITNESS STATEMENT

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

Statement of: Anthony Witney

URN //

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Police Constable.

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 anything in it, which I know to be false, or do not believe to be true.
Signature: _____ Date: 4th January 2012.

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

I am Police Constable 1041 Anthony Witney of the Hampshire Constabulary currently stationed in Totton.

On the 1st January 2012 I was on uniformed mobile patrol in a marked police vehicle along with APS 3672 Pugh using call the sign NT93..(November Tango 93).

At approx 0225hrs we attended the High Street Lyndhurst after receiving a report of 2x males fighting in the road.

On arrival into the High Street I could see a large group of approx 20-30 consisting of both males and females of various ages.

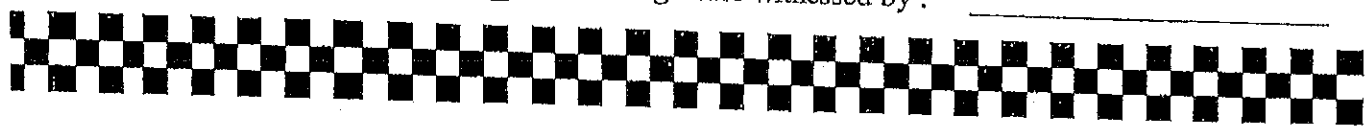
My attention was drawn to 2x males on the opposite side of the road to the main group because it appeared that one of the males was being controlled by the other male who had both his hands around the other males head as if attempting to calm him down.

When approaching the 2x males I instantly recognised one of the males to be

(from Calmore in Totton.

as concentrating all his attention on the group on the opposite side of the road and was shaking his arms and clenched fists in the air.

Signed: _____ Signature witnessed by : _____





HAMPSHIRE CONSTABULARY

RESTRICTED – For Police and Prosecution Only

WITNESS STATEMENT

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

URN //

Statement of : Anthony Witney

APS Pugh and I approached _____ and the other male.

_____ was very verbally aggressive and shouting "WHAT WHAT, YOU GONNA FUCKING ARREST ME NOW"

_____ eyes were glazed his breathe strongly smelt of alcohol and he appeared unsteady on his feet, _____ was very drunk.

I also noticed that _____ had a split lip that was bleeding as if he had been fighting or assaulted and he was only wearing one shoe.

_____ continued to slur and shout his words but also continued to shout "FUCKING PRICKS" "FUCKING PRICKS"

The High Street was very busy at the time I was dealing with _____ with members of the public coming out of the pubs and restaurants along the High Street.

The members of the public were only a few feet away from our location and close enough to hear and be affected by the abusive, insulting language being used by _____

At approx 0235hrs I arrested _____ on suspicion of Section 5 POA, I cautioned him to which he made no reply.

I took hold of _____ and he immediately tensed up and attempted to pull away from me, I then handcuffed _____ to the rear.

_____ was then transported to Lyndhurst police station but due to his continuous verbal aggression towards police he was taken straight to his cell and booked into custody.

Signed : _____ Signature witnessed by : _____



Event details

Event type:	Public Order Other Incident
Reported time:	2012-01-01 02:25:49
Closure time:	2012-01-01 02:48:30
Call source:	TELEPHONE CALL
Priority:	EMERGENCY CONTACT
Complainant:	
Complainant phone number(s):	
Location:	24 HIGH LYNDHURST SO43 7BG

Dispatched officers

Event commentary

2012-01-01 02:25:49: 2 IC1 MALES FIGHTING OUSTIDE

2012-01-01 02:26:51: DESC BLACK JUMPER, JEANS, TRAINERS LOTS OF SHOUTING IN BACK GROUND INFT STATES KICKING OFF FEMALE POSS HIT IN FACE AND BLEEDING NFD

2012-01-01 02:31:51: . NT93 - RESTAURANT IS EMTPYING - APPROX 20 PERSONS LEFT SO FAR .

2012-01-01 02:46:16: NT93 - ONE DETAINED O/1041

2012-01-01 02:48:30: *** RESULT *** . 1 DETAINED



Wood Bethan

From: Witney, Anthony
Sent: 29 April 2013 08:41
To: Wood, Bethan
Subject: RE: 44120002417

Follow Up Flag: Follow up
Flag Status: Red

Hi Bethan.

Yeah from memory I think MOP advised us that he had come from the Thai restaurant but no restaurant have been linked.

T.

From: Wood, Bethan
Sent: 27 April 2013 17:39
Subject: Witney, Anthony
44120002417

Hi,

Just a quick one ref the above RMS on NYE 2012. Can you confirm whether this was linked to the Thai Lounge please/whether he had come from there?

Ta,

Bethan

Police Constable 24191 Bethan Wood

Hampshire Constabulary, Violent Crime and Licensing Team, Southampton Central Police Station, Southern Road, Southampton. SO15 1AN

External: 02380 674768

Internal: 741-539

Email: bethan.wood@hampshire.pnn.police.uk

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: MR
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Unemployed

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: 24/02/2012

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

VICTIM PERSONAL STATEMENT

I have been given the victim personal statement (VPS) leaflet and the VPS scheme has been explained to me. What follows is what I wish to say in connection with this matter. I understand that what I say may be used in various ways and that it may be disclosed to the defence.

I am the above named person and I live at the address as stated overleaf. I am making this statement about an incident that occurred at the Siam Thai restaurant on the evening of the 23rd February 2012.

I was at home initially and I started to drink at about 5pm or so. By 1030pm I would say I'd drunk around 6 pints of cider and decided to go up to the Thai wine bar as I knew people that would be going there.

When I initially turned up there weren't many people in there but as the time went on some of the people I know came to the bar.

At around 1115pm a male by the name of _____ whose name is actually _____ I turned up with a friend of his. I could see that _____ was drunk by his demeanour and also the fact that he was making comments towards me which he only does when he is drunk. I heard _____ say to him words to the affect of "don't get yourself in trouble" and to behave himself.

Also in the bar was a female I know called _____ and also another male called _____. I am friends with all of these people apart from _____ eally and socialise with them on a regular basis in the workman's club or in this Thai bar/restaurant.

I was chatting to some of my neighbours there when _____ came up and told me that _____ had pushed her up against the wall outside the toilets. I don't recall what else she said as I was pretty merry by this time.

I went on chatting with people and then I went out for a cigarette with _____ and _____ was there too.

Signed : _____ Signature witnessed by : _____



HAMPSHIRE CONSTABULARY

RESTRICTED (when complete)

WITNESS STATEMENT

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

Continuation of Statement of: MR

..... went in after finishing his and turned to me and asked if I saw him touch her arse or something along those lines. I hadn't seen him do that which I told her. She also mentioned to me that she thinks had touched my next door neighbour but I'm not sure of that happened or not.

Later on and back inside the bar I was stood with r and I saw walk passed and indicate to her with his head to go into the toilets. I don't think saw this but I did.

In the next half an hour or an hour or so then went to the toilet. I then turned to and said we need to keep an eye on her. I think because it was obvious by the time that was causing problems at the bar I was probably becoming concerned.

..... then went towards the ladies toilet whilst I stood at the bar and pretty much straight after I heard raised voices coming from the toilets.

I then went to the ladies toilets and were all stood in there and was shouting at I remember him saying something along the lines of "what do you think you are doing?" to but I do not recall any of the conversation after this. I think / had him against the wall at this point whilst he was saying this but I'm not sure what was doing.

I then proceeded to get in between the two of them as by this time was getting punchy. I then recall Chardrey who is the boss of the bar/restaurant being in the toilets too trying to calm everyone down.

My next recollection is that I got my bag from behind the bar and me, ave all left the place. We have started to walk up the road and got maybe 20metres past the Chinese, was on the phone and I think I may have been rolling up a cigarette and suddenly is no longer with us. I walked back to where I think he's gone and there he was again holding (who had obviously left the bar by this time) up against a wall.

I got in between them again and held onto and told them to break it up. At one point I know that broke one of his hands free and he punched in the face. I think must have gotten away from me as he started to go at again, lunging for him etc, and I could no longer control by holding him so I tried to throw him to the side and away from

What happened at this point is unclear to me as I'm not sure how we went to the ground but both and I did end up there. I know that someone came through the back of me to get to but I didn't see who that was or what actually happened but (when I've got my bearings wasn't close to us) I'm not sure who it was but there was another body involved. I am unable to say who that was but whoever it was, was still trying to get to when we were on the floor as I ended up shielding him too.

Signed : Signature witnessed by :



HAMPSHIRE CONSTABULARY

RESTRICTED (when complete)

WITNESS STATEMENT

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

Continuation of Statement of:

I really don't know what happened after that or how we got up etc. I do recall that was not in a good way and there was blood on his face and I also remember rubbing his chest telling him not to move.

As I stated I do not know who did this to but initially I thought he may have hit his head on the floor, I'm not sure now to be honest. I do not know where was until all of this had taken place when I saw her come over to and try and comfort him. I then recall several Police cars turning up and also an ambulance to sort out what had happened. I saw resisting the Police and Ambulance staff whilst getting in the ambulance and when the doors shut a couple more officers had to go in there as the Ambulance was rocking and he was clearly causing problems. I then spoke to the Police last night too and told them what I could recall.

Signed :

Signature witnessed by :

441200



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:

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Statement of: [REDACTED]

Age if under 18: 10 18 (if over 18 insert 'over 18') Occupation: [REDACTED]

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: [REDACTED] Date: 24-02-2012

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

I AM THE ABOVE NAMED PERSON AND LIVE AT THE ADDRESS
SACUN OVERLEAF
ON THURSDAY 23RD FEBRUARY 2012 I HAD A DAY
OFF FROM MY WORK, [REDACTED]

I WENT OUT AT ABOUT 6 PM LAST NIGHT AND
WALKED TO THE "LYNDHURST WORKING MENS CLUB"
ARRIVING THERE JUST AFTER 6 PM AS IT IS ONLY A
SHORT WALK FROM WHERE I LIVE. THE WORKING MENS
CLUB IS IN THE HIGH STREET ALSO.
ONCE THERE I MET A FEW FRIENDS FROM THE
VILLAGE AND WE DRANK AND PLAYED POOL
WHILE I WAS THERE I DRANK ABOUT 5-8
PINTS OF 'ANSTR LARGE', THIS IS WHAT I NORMALLY
DRINK, HOWEVER, I DON'T NORMALLY DRINK THAT MUCH.
I LEFT THE 'WORKING MENS CLUB' AT CLOSING

Signature: [REDACTED] Signature witnessed by:

PTO

441200



RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1987, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Continuation of Statement of: [REDACTED]

URN: [REDACTED]

TIME WHICH WAS AT ABOUT 10:30 PM. I LEFT ON MY OWN AND MADE A VERY SHORT WALK TO THE "SIAMS THAI LOUNGE" WHICH IS ONLY 30 SECONDS TO MINUTES WALK AWAY.

I WENT TO THE BAR AND SPoke WITH THE OWNER AND OTHER LOCAL PEOPLE THAT I KNOW FROM THE VILLAGE. I BOUGHT A BEER OF "COBRA LABEL" AND DRANK THAT WHILE CHATTING WITH VARIOUS PEOPLE.

I'D ONLY BEEN THERE A SHORT TIME WHEN I WENT OUTSIDE FOR A CIGARETTE AND STAKE TO A [REDACTED] FROM THE VILLAGE WHO I HADLY MET FOR ABOUT A YEAR. I THINK HER NAME IS [REDACTED]. WE CHATTED FOR A COUPLE OF MINUTES THEN I RETURNED INSIDE TO GO TO THE TOILET. SHE CAME ALONG AND WE HAD A SHORT KISS IN THE TOILET. SHE SEEMED HAPPY TO DO THAT, AS WAS I. I THEN RETURNED TO THE BAR. SHE ARRIVED IN THE BAR A LITTLE WHILE LATER.

I WENT OUT AGAIN FOR A CIGARETTE AND WHIST OUT THERE A WHITE MALE, WHOSE NAME I DO NOT KNOW, I ONLY RECOGNISE HIM BECAUSE ABOUT 1 YEAR AGO

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

441200



RESTRICTED (when complete)

WITNESS STATEMENT

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

URN: [] [] [] []

Continuation of Statement of: [REDACTED]

I THREW DARTS AGAINST HIM AT THE WORKING MENS CLUB. HE CAME UP TO ME AND SAID "STOP CHASING MY WIFE". I REPLIED, "SOME MORE. I THOUGHT SHE WAS SINGLE".

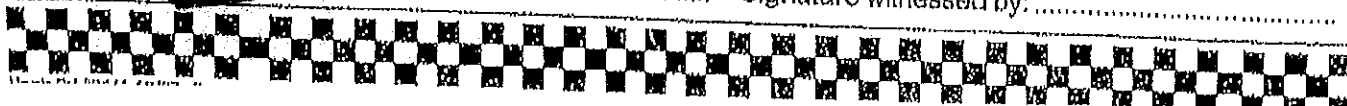
I RETURNED BACK TO THE BAR, A LITTLE WHILE LATER PEOPLE WERE STARTING TO LEAVE, THIS WAS ABOUT 11 AM FRIDAY MORNING. I WENT TO THE TOILET AREA TO SEE IF I COULD FIND [REDACTED] TO SAY GOODBYE, SHE CAME OUT OF THE LADIES TOILET, I WENT TO PUT MY ARMS AROUND HER SHIPS, AT THAT MOMENT, THE MALE WHO HAD WOUND ME GOLLIER CAME OUT OF THE GENTS TOILET.

[REDACTED]

MALE (1) THEN GRABBED ME BY THE NECK

Signature: [REDACTED]

Signature witnessed by:



441200



RESTRICTED (when complete)

WITNESS STATEMENT

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

Continuation of Statement of: [REDACTED]

URN: [REDACTED]

AND PUSHED ME AGAINST THE WALL. HE SAID
"YOU ARE ASSAULTING MY WIFE"
SOME OTHER PEOPLE CAME AND PULLED HIM
OFF. HE THEN SCREAMED OUT OF THE
RESTAURANT.

THE OWNER THEN CAME OVER AND TOLD EVERY
BODY TO LEAVE. I STAYED A LITTLE WHILE
JUST TO ALLOW THOSE PEOPLE AND HIM TO GO
BECAUSE I DID NOT WANT CONFRONTATION OR
PROBLEMS OUTSIDE.

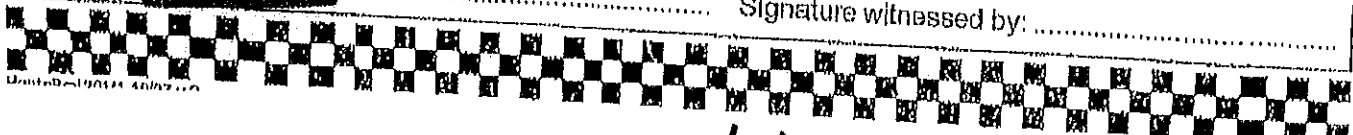
I SAID GOODBYE TO THE OWNER AND
LEFT THE RESTAURANT TO GO STRAIGHT HOME.

[REDACTED]

AS I APPROXIMATED [REDACTED] NO MORE
THAN 10-15 FEET FROM IT, MAN (1)
APPEARED OUT OF NOWHERE AND GRABBED ME
AGAIN WITH HIS HANDS AROUND MY NECK WITH
REAL PRESSURE. I TRIED TO PUSH HIS HANDS
AWAY. HE SHOUTED IN MY FACE "YOU
ASSAULTED MY WIFE"
"I DID NOT, I DID NOT"

Signature: [REDACTED]

Signature witnessed by: [REDACTED]





RESTRICTED (when complete)

WITNESS STATEMENT

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

URN: [] [] [] [] []

Continuation of Statement of: [REDACTED]

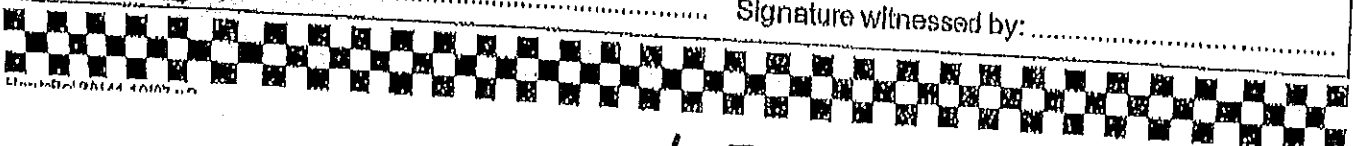
HE THEN FORCED HIS RIGHT ELBOW INTO MY THROAT, ~~OVERPOWERING~~ ^{HOLDING} OVERPOWERING ME AND MAKING IT ALMOST IMPOSSIBLE TO BREATHE. HE THEN WITH HIS LEFT HAND PUSHED MY HEAD AGAINST THE DOOR OF A CHINA CABINET WITH GREAT FORCE, CAUSING MY HEAD TO HIT THE DOOR. I MANAGED TO GET FREE OF HIM, BUT THEN EVERYTHING WENT BLANK, I THINK I MAY HAVE GONE UNCONSCIOUS FOR A SHORT-WHILE BECAUSE AFTER I CAME TOO, I SAW MY WIFE WHO MUST HAVE COME OUT FROM OUR HOUSE DUE TO ALL THE NOISE AND THERE WAS AN AMBUULANCE AND POLICE. MORE (1) HAD GONE, I SAW NO MORE OF HIM.

[REDACTED] WAS THERE WITH HER EX-BROTHER WHO I ONLY KNOW AS [REDACTED]. I SAID TO [REDACTED] "DID I ASSAULT YOU?" SHE DID NOT REPLY.

[REDACTED]

Signature: [REDACTED]

Signature witnessed by: [REDACTED]



441250



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

Continuation of Statement of: [REDACTED]

[REDACTED]

I WOULD SAY THAT I HAD DRUNK A TOTAL OF ABOUT 10 PINTS OF LAGER AND A BOTTLE OF CUBRA AND WAS FEELING QUITE DRUNK.

I WOULD SAY THAT MALE ① DID NOT SEEM TO BE DRUNK.

I CANNOT REMEMBER HOW LONG THIS ASSAULT ON ME LASTED AS IN SHORT I 'BLACKED-OUT' AT SOME STAGE.

NO - ONE HAS PERMISSION TO ASSAULT ME OR CAUSE ME ANY PAIN. I WAS TAKEN TO SUSSEXIAN GENERAL HOSPITAL AND ASSESSED AND CHECKED OVER. THEY X-RAYED ME AND SAID EVERYTHING IS OK. NO BREAKS OR FRACTURES. I HAVE SUFFERED A BROKEN TOOTH, GRAZING TO MY FACE AND KNEES. I ALSO HAVE A HEADACHE.

[REDACTED]

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

AA1200



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: [redacted]

Continuation of Statement of: [redacted]

THIS INCIDENT AND REPORT ON ME HAS LEFT ME FEELING IN A LOT OF DISCOMFORT, I MISSED A DAYS WORK AS A RESULT. I DO NOT THINK THERE WILL BE ANY FURTHER PROBLEM FROM THIS MORE AND I FEEL THAT IT IS SAFE TO GO HOME. [redacted]

[redacted]

Signature: [redacted]

Signature witnessed by: [redacted]

RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1967, s.8; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: [redacted] URN: | | |

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: [redacted]

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: [redacted] Date: 24/02/2012

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

I am the above person and I live at the address overleaf. I am providing this statement to police after a male known to me tried to come onto me in the Thia Restaurant in Lyndhurst.

During this statement I will refer to the following people, [redacted] who was injured during the incident, [redacted] and [redacted] who assaulted [redacted]. [redacted] was also involved but I am not sure whether he assaulted anybody, I think he was trying to split it up.

I went to the SWAN public house with [redacted] at about 1900 hours where we had a few drinks. [redacted] left with another guy called [redacted] that was in the pub to go to the Mailman's in Lyndhurst. I stayed in the Swan and [redacted] came in and we continued drinking. When [redacted] finished work at about 2130 hours he stayed for a drink for 15 minutes or so and then he gave me lift to the central car park outside the Working mans club in Lyndhurst. [redacted] stayed and had a drink in the club until they shut and then walked to the Thai place and met back up with [redacted]. We got there at about 2330 hours.

We were all drinking and enjoying the night until [redacted] turned up at about 2345 hours. I had seen [redacted] in the Working mans club earlier in the evening playing pool with [redacted]. I went to use the toilets at about midnight and I came out of the toilet and saw [redacted] stood next to the men's toilets. He blocked my path and then tried to push me into the men's toilets. I managed to get past him and went straight up to Chadrey behind the bar and told him what had happened. [redacted] were aware what had happened and what I had told Chadrey. [redacted] then came up behind me and put his hand straight up the back of my top. [redacted] saw what he did and warned him, "I'M WARNING YOU, LEAVE HER ALONE, DON'T TOUCH HER" or words to that effect. Chadrey was at the bar and tried to calm things down. I went back to the toilets again at about 0015 hours and having been I opened the door to the cubicle and saw [redacted] stood there in the ladies toilets. [redacted] had obviously clocked him and followed him. As I came out of the toilets [redacted] took hold of me on the shoulders. [redacted] opened the door to the ladies and saw what [redacted] had

Signed: [redacted] Signature witnessed by: [redacted]



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 [REDACTED]

done. He heard me say to [REDACTED] "GET OFF ME" [REDACTED] went wild saying, "I FUCKING TOLD YOU". I ran out of the toilets and I heard [REDACTED] having a go at [REDACTED] and Chadrey ran into the ladies as I went back up to the bar. There was loads of shouting before [REDACTED] and I left the pub. Chadrey was still talking to [REDACTED] as we left. He had kept [REDACTED] in the toilets until we had gone. We walked up the high street and got as far as the church opposite the school. [REDACTED] said, "YOU TWO GO ON". We tried to encourage him to come with us but he said, "NO IM GONNA GO BACK AND KILL HIM." [REDACTED] walked back down the High Street and moments later I could hear a loads of shouting [REDACTED] was shouting and I knew it was going wrong. I called the police to report the incident. [REDACTED] got back on his bike which he had with him and rode back down and I ran back as well. As I got closer I could see [REDACTED] being flung about by [REDACTED]. [REDACTED] was going back for more and punched [REDACTED] in the face. At this time they were against the window of the Chinese. There was loads of shouting, I could hear [REDACTED] saying, "GET OF HIM" [REDACTED] and [REDACTED] who live nearby [REDACTED]

Prior to this whilst walking up the High Street I had already phoned my son [REDACTED] and told him about what had happened. I was not aware that he was with his friend [REDACTED] who has a van. The next thing I knew was that [REDACTED] came out of no where and I saw that [REDACTED] van was at the traffic lights. [REDACTED] punched [REDACTED] in the mouth causing him to fall to the floor. This happened right in the middle of the traffic light controlled junction. [REDACTED] then got back in [REDACTED] van and they drove off towards Southampton.

[REDACTED] was now laying on the floor and had blood coming from his mouth. He didn't get back up for some time.

Police arrived while [REDACTED] was still lying on the floor.

At the time of the incident I was about a 6 from a scale of 1 to 10 in regards to how drunk I was. I was fully aware of what was going on.

[REDACTED]

Signed : [REDACTED]

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 :

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Statement of:

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation:

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.

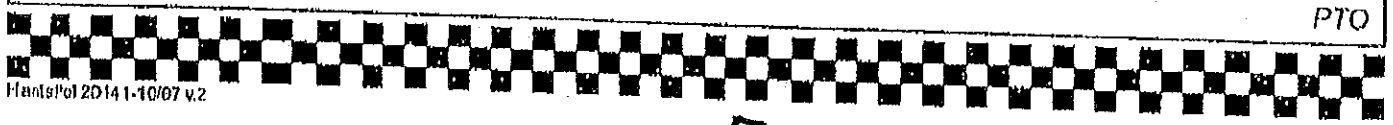
Signature: Date: 24/2/2012

Tick if witness evidence is visually recorded (supply witness details on rear)
I am the above named person and my address is on the rear of this form

I am making this statement about an incident that I witnessed in the High Street Extonhurst on Friday 24th February 2012

Signature: Signature witnessed by:

PTO





HAMPSHIRE CONSTABULARY

MG11C

RESTRICTED - For Police and Prosecution Only

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: [REDACTED]

Page No.: 3

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stood in the middle of the T-junction outside PUEZZO RESTAURANT. I heard [REDACTED] shout out words to the effect of "HE TRIED TO RAPE HER IN THE TOILETS". I could see [REDACTED] and [REDACTED] and [REDACTED] around the [REDACTED] there was a lot of movement and a lot of pushing which I concluded that people were trying to push other people away. I then saw [REDACTED] man fall to the floor and I don't know if he was pushed or punched as I could not see due to the moles around him. One of the other moles appeared to try to hit [REDACTED] mole while he was on the ground. I don't know which mole it was [REDACTED] mole then managed to get up and move towards the pavement near the antique shop on the corner, he didn't make it to the pavement before [REDACTED] mole fell to the floor again. I don't know what caused [REDACTED] mole to fall to the floor for the second time. By now I was on the phone to the police and the officer was asking me to describe the person who had hit [REDACTED] mole. [REDACTED] by now was stood to one side and was not involved with causing [REDACTED] mole to fall to the

Signed: [REDACTED]

Signature witnessed by:





HAMPSHIRE CONSTABULARY

MG11C

RESTRICTED - For Police and Prosecution Only

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: [REDACTED]

Page No.: 4

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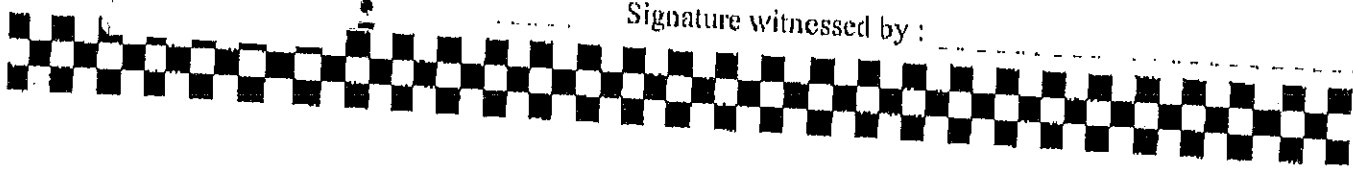
floor for the second time. At first I thought [REDACTED] male was unconscious and was'n't making any attempt to get up.

The [REDACTED] who appeared out of no-where were trying to break up the fight, (there 2 had no involvement with assaulting anybody. I'm pretty sure that [REDACTED] or [REDACTED] had punched [REDACTED] male causing him to fall to the floor for the second time.

[REDACTED]

Signed

Signature witnessed by :



Event details

Event type: Public Order Other Incident
 Reported time: 2012-02-24 01:12:34
 Closure time: 2012-02-24 01:50:34
 Call source: 999 CALL
 Priority: EMERGENCY CONTACT
 Complainant: [REDACTED]
 Complainant phone number(s): [REDACTED]
 Location: [REDACTED]
 LYNDHURST
 SO43 7BD

Dispatched officers

Event commentary

2012-02-24 01:12:34: . 4 MALES INVOLVED IN SOME SORT OF ALTERCATION - LOTS OF SHOUTING....SOMEONE SCREAMING THAT ONE HAS TRIED TO RAPE SOMEONE...

2012-02-24 01:13:01: . INFT IS IN SHOCK - SHE IS GASPING. SOMEONE IS GETTING BEATEN UP....FEMALES SCREAMING

2012-02-24 01:13:36: CALL FROM [REDACTED] ON [REDACTED] 3 PEOPLE FIGHTING - NO WEAPONS, UNUSRE IF INJURIES. THEY ARE HER FRIENDS. FEMALE JUST SHOUTING GET HERE NOW NOT OVERLY FORTHCOMING WITH DETAILS

2012-02-24 01:13:43: . AGG HAS JUST HAD HIS HEAD CRACKED ON THE ROAD - HE IS STILL CONCIOS AND MOVING. AGG IS [REDACTED] - LAYING IN THE ROAD - [REDACTED]

2012-02-24 01:14:42: . CWUN -ASKED INFT FOR DESC OF THE MAIN OFFENDER - SHE CANT ASSIST. SAID THERE WERE 3/4 PEOPLE ROUND HIM AND SHE CANT SEE WHO DID WHAT. .

2012-02-24 01:15:21: C1 - CALL FROM [REDACTED] ON [REDACTED] REPORTING THE SAME. SHE SAW AN ALTERCATION BETWEEN 3-4 MEN. BIKE ALSO SEEN IN THE ROAD. NOW SOMEONE LAYING ON THE FLOOR - APPEARS UNCONSCIOUS, PEOPLE AROUND

2012-02-24 01:15:47: . INFT ASKING THE PEOPLE NOW IF THE AGG REQUIRES AN AMBULANCE... AGG'S FRIEND HEARD TO SAY HES NOT SURE, HES DONE NOTHING WRONG... INFT THINKS ONE SHOULD BE SENT - AGG IS ON THE GROUND NOT MOVING .

2012-02-24 01:15:55: CALL FROM [REDACTED] - [REDACTED], SHE CANNOT SEE ANYONE, BUT STATES THAT SHE CAN HEAR ATLEAST 4 MALES VOICES AND ONE FEMALE. ONE MALE IS SHOUTING THAT SOMEONE HAS "RAPED" NO FURTHER DETAILS TEL: [REDACTED]

2012-02-24 01:16:41: VN MONOTORING NY CARPARK

2012-02-24 01:17:00: . A MALE HAS BEEN INVOLVED IN HITTING THE MALE - [REDACTED]

2012-02-24 01:17:20: . THE AGG IS STILL NOT MOVING **CAN DESK CALL AMB** .

2012-02-24 01:17:53: AMB REF: 065

2012-02-24 01:18:34: FURTHER CALL [REDACTED] ... REPORTING THERE IS A MALE IN THE MIDDLE OF THE ROAD MALE BY THE NAME OF [REDACTED] - MALE - APPROX EARLY 30'S - MALE IS UNCONSCIOUS BUT BREATHING IS BLEEING AS HAS BEEN PUNCHED TO THE HEAD ... AMB REQUIRED

2012-02-24 01:18:44: . INFT HAS NOT SEEN ANY WEAPONS. INFT SAID SHE SAW THE AGG PUSHED OVER TWICE, BOTH TIMES HIS HEAD HIT THE FLOOR. [REDACTED] CAN BE HEARD THAT THE AGG TRIED TO RAPE [REDACTED]

2012-02-24 01:19:16: ND56 THERE IS A MALE ON THE FLOOR UPDATE TO FOLLOW

2012-02-24 01:19:21: . INFT WITNESSED THE ATTACK AND SAID SHE WOULD BE WILLING TO PROVIDE STATEMENT. .

2012-02-24 01:23:49: ND56 - WE ARE SPEAKING TO WITNESSES

2012-02-24 01:25:04: JDG25 - MALE IS STILL OUT OFF DUTY NURSE HERE

2012-02-24 01:25:33: HAS ETA 02 MINS

2012-02-24 01:25:37: c1 - CALL WAS ALSO RECEIVED FROM [REDACTED] SHE WITNESSED THE ASSAULT, KNOWS THE AGGRIEVED AND ALSO THE OFFENDERS. SHE NAMED THEM AS [REDACTED] AND MALES KNOWN ONLY TO HER AS [REDACTED] AND [REDACTED]

2012-02-24 01:26:42: JDG25 - [REDACTED]

2012-02-24 01:28:40: JDG25 -- NAME OF THE AGGD -- [REDACTED]

2012-02-24 01:28:59: [REDACTED]

2012-02-24 01:29:18: JDG25 - HAS ST 6

[REDACTED]

2012-02-24 01:32:57: JDG25 - AGG HAS COME ROUND GOING IN THE AMBULANCE NOW

2012-02-24 01:42:53: ND54 - [REDACTED]

2012-02-24 01:50:34: *** RESULT *** 1 DETAINED FURTHER ENQ

Custody record

Hampshire Constabulary,

Custody number:

Printed: April 16, 2013 at 13:18 by #24191 WOOD, B.

Detained Person

Name:

Address:

Date of birth:

Place of birth:

Height:

Weight:

Build:

Hair color:

Eye color:

Sex:

Officer-defined 1.
ethnicity:

Self-defined
ethnicity:

Occurrence

Arrest time: 24/02/2012 01:24

Reason: OF61102 - Assault a person thereby occasioning them actual bodily harm (recordable)

Place of arrest: 0 HIGH STREET LYNDHURST, HAMPSHIRE United Kingdom (OCU: 1 WESTERN, District: N NEW FOREST, Sector: NR NEW FOREST NORTH, Beat: 1NR05 LYNDHURST)

Arresting officer: #25077 TURSKI, S.

Investigating officer: #24264 JONES, B.

Delivering officer: #24264 JONES, B.

Occurrence #: 44120075531 Assault @24/02/2012 01:12

AS Number:

Offences

Offence date	Status	Offence/Charge Summary
24/02/2012	Final	Assault by beating

Offence disposals

Disposal type: Arrest Disposal - Bail - Court - MG04 Charges

Date charged: 24/02/2012 17:31 Charging officer: #3158 GOODALL, S.

Charge reading

--24/02/2012 17:38 GMT--

Charge wording: On 24/02/2012 at LYNDHURST in HAMPSHIRE you assaulted him , beating

- LEGISLATION: 'Contrary to section 39 of the Criminal Justice Act 1988.'
- CCCJS CODE: 'CJ88116'
- ACPO: '1.8.11.2'

Added item: GLASSES , quant: 1 Detainee

General
detention

#1192 GILLESPIE, K. 24/02/2012 02:04

--24/02/2012 02:03 GMT--

I consent to my fingerprints/photograph/DNA sample/footwear impression being taken.

I have been informed that any sample/fingerprints/Footwear impressions taken will be subject to a speculative search.

Any photograph may be used in the prevention or detection of crime or the prosecution of offences.

Risk
assessment

#1192 GILLESPIE, K. 24/02/2012 02:14

--24/02/2012 02:13 GMT--

TO FEMALE DETAINED PERSON:

Would you like to speak to a female officer about any issues?

TO ANY DETAINED PERSON:

Do you have any care issues which could cause concern while in custody?:

DO YOU HAVE OR HAD ANY OF THE FOLLOWING? (Please record all responses)

Epilepsy?

Diabetes?

Any Heart Condition?

Asthma?

Comments if applicable:

Do you have any illness or injury:
If so, what and when:

Have you seen a doctor or been to a hospital for this illness or injury?:
If yes, give details:

Are you taking or supposed to be taking any tablets or medication?

What are they? What are they for?

Are you suffering from any mental health problems or depression?:

If yes, give details:

Have you ever tried to harm yourself:

If so, when and why:

Have you consumed alcohol recently:

If so, when? 9 PINTS OF FOSTERS

Do you have any special dietary needs:

If so, what:

Do you have any drug/alcohol dependencies?

If yes, give details:

Do you require help with reading/writing?

If yes give details:

Is there anything else regarding your welfare you wish to make me aware of whilst you are in custody?

If yes give details:

Do you wish to see an arrest referral worker:

Risk
assessment

#1192 GILLESPIE, K. 24/02/2012 02:16

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Working Sheet

ampshire Constabulary

Printed: 01/05/2013 13:24 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #1411 FREEMAN, M.

Report time: 24/02/2012 21:30

Entered by: #1411 FREEMAN, M.

Entered time: 24/02/2012 21:30

Remarks: Lic. Visit, PS 1411 and PC 1416

Lic. visit conducted at premises, 1930, 24/02/12

Spoke with DPS, Aminur Rahman C. MDHURY, premises quiet, approx. 8 customers.

Reminded DPS of Lic objectives;

Prevent Crime and disorder

Prevent public nuisance

Promote public safety

Protection from harm of children <18

DPS appeared unsure of above and reasons for maintaining below records.

No training records maintained

No refusals log.

No incident log.

Advised to maintain records, dated and timed, and in doing so promote Lic objectives, advised to invest in records for above.

No door staff at premises.

Appt. made for LBO, PC 1416 to attend, week comm. 27/02/12 and support introduction of above.

Full Lic visit questionairre to be completed.

PS 1411

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Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 09:11 by 24191

Occurrence: **44080359908 Z Prem Licence (Management Occurrence)**

Author: #13085 FICE, G. Report time: 22/03/2012 09:19
 Entered by: #13085 FICE, G. Entered time: 22/03/2012 09:19
 Remarks: Complaint from MOP 28/02/12

From: 6 OCU Licensing Mailbox

Sent: 09 March 2012 09:42

To: [REDACTED]

Subject: RE: LATE-NIGHT ALCOHOL LICENSING IN THE 'VILLAGE' OF
 LYNDHURST

Dear [REDACTED]

The Licensing Manager for New Forest District Council has kindly sent me your email in relation to issues with Siam Thai Lounge, Lyndhurst.

The licence holder applied for an extension of hours late last year, any interested party or responsible authorities had the opportunity to object to the application during the consultation period. The police did object to the application on the grounds of crime and disorder. An agreement was made with the licence holder and certain conditions were added to the new licence when issued.

As Mr Weston has pointed out any interested party or a responsible authority can apply for a review of the premises licence under the four licensing objectives:

- 1- Prevention of crime and disorder
- 2- Public safety
- 3- Prevention of public nuisance
- 4- Protection of children from harm.

It is essential that all incidents of disorder and noise from customers at the premises are reported to the relevant authority by using 101. I have attached a community diary for you to record any disturbances late at night even if you do not report the matter. To apply for a review of a licence there has to be evidence that the premises are not supporting the licensing objectives.

If you would like to discuss this further then please contact me on 023 8067

RESTRICTED

0902.

Yours sincerely.

Georgie Fice

Western Licensing Team

Hampshire Constabulary

External: 023 8067 0902 Internal: 734 -172

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

website: www.hampshire.police.uk

-----Original Message-----

From: Paul Weston [<mailto:Paul.Weston@NFDC.gov.uk>]

Sent: 28 February 2012 12:18

To:

Cc: Env Prot; 6 OCU Licensing Mailbox

Subject: RE: LATE-NIGHT ALCOHOL LICENSING IN THE 'VILLAGE' OF LYNDHURST

Dear

I thank you for your communication, as detailed below.

I have forwarded your comments regarding 'air pollution etc' to our Environmental Health Department for their attention, as I believe that they are the relevant department.

Likewise any issues to do with noise nuisance, contact should be made with the same department while crime and disorder concerns should be reported to the police.

Regarding the matter of licence issue, the procedures are clearly set out in the Licensing Act 2003 insomuch that if an application is received by this office and no relevant representations are made then the licence has to be granted as submitted.

If representations are made then the matter will be determined by a licensing-sub-committee, comprised of elected members.

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Once a licence has been issued and subsequent problems arise, as the ultimate sanction, the Act gives interested parties or responsible authorities the right to request a review.

Regards

Paul Weston

Licensing Services

New Forest District Council

Tel: 023 8028 5505

-----Original Message-----

From: [REDACTED]

Sent: 28 February 2012 04:32

To: Licensing e-mail address

Subject: LATE-NIGHT ALCOHOL LICENSING IN THE 'VILLAGE' OF LYNDHURST

Dear Sir or Madam

I both live and work in the above so-called village of Lyndhurst. So-called, because by day, due to the very heavy duty traffic of vehicles (WITH SEEMINGLYNO CHANCE OF A ROAD BY-PASS....) & extreme pollutionindeed I often see various 'people' on a monitoring expedition ...I assume these said 'boffin creatures' pass on this information...to whom I know not where!!? Obviously, the data collected is not privy to the general public because I am certain that the carbon monoxide/lead levels etc. would be WELL over the excepted 'norm' governing those for acceptance for WHO & ...yes..probably EU regulations too!!! Maybe you can perhaps enlighten me and give me a little 'hint' that maybe I will not die of say a mesothelioma or emphysema...or even succumb to 'good old' chronic bronchitis!? Hopefully I do not 'contribute' to paying for this non-published information...unless, you of course can enlighten me or pass this on to the department / body who can indeed reassure me!? I await with baited breath..so to speak...or at least whilst I am still able to breath!

BUT....what I CAN object to as a resident and Council Tax payer is the fact that YOU allow a late night alcohol license to the 'Siam Thai' restaurant which is situated in the High Street between the Lyndhurst Tea House & the Fox & Hounds. Whilst I do not object to their day to day practice as a restaurant I DO object to the late night drinking that you seem to allow them! As I mentioned, I realise that during the day Lyndhurst is no longer the 'chocolate box' village image it once was' but by the end of the day, I, like many residents I have

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Some (& most probably of whom will not bother to contact you for whatever reason(s)) would like to have some peace and quiet and be able to SLEEP at night!!

For instance I DO NOT like to be woken up by late night revellers at 2 am...singing , shouting, swearing, spitting, urinating, vomiting etc., I ESPECIALLY DO NOT LIKE finding some of the latter on my doorstep ...including empty or partially empty beer-glasses on my window -sill for which I have to don a rubber glove to dispose of /clear up etc!!

I can personally recall two recent episodes listed below for which the police were called (and for the latter I called the assistance of an ambulance) Both incidences were connected to late -night drinking at the said 'Siam Thai''restaurant'!!!

FRIDAY 10/02/12- SATURDAY 11/02/12: broken shop window : 23, High Street Lyndurst

THURSDAY 23/02.12- FRIDAY 24/03/12: serious brawl on the corner of High Street/Romsey Road.

I hasten to add that the predecessor of the above establishment 'The Plum Monkey' also had a 'late -night drinking license'. This also had similar repercussions in the High Street. I was personally again involved in this due to another broken shop window at 23 High Street on Saturday 13/02/10 -Sunday 14/02/10.

I would therefore urge you to seriously consider/ re-consider issuing /re-issuing the above late-night drinking license which seems to be a beacon / green-light to all those who do not even LIVE in this once lovely village of Lyndhurst ... the so - called 'capital' of the New Forest!!!!!! WHAT a very FINE example!!!

Yours sincerely

Working Sheet

Hampshire Constabulary

Printed: 18/04/2013 12:34 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 27/02/2013 16:21

Entered by: #24191 WOOD, B.

Entered time: 27/02/2013 16:21

Remarks: Email from NFDC ref complainant .

From: Patrick Curran [mailto:Patrick.Curran@NFDC.gov.uk]**Sent:** 27 February 2013 14:42**To:** Wood, Bethan**Subject:** Re Siam Thai Lounge

Bethan,

We received the email from [redacted] or about the 28/5/12. I no longer have the original email, I've cut & pasted the below from our working sheet on the original complaint.

Hope that helps

Pat

NB, I've made hand written notes based on a telephone conversation I had with [redacted] to say that on the 25/5/12 a male (aged about 38) & a female (about 34yrs) entered the restaurant at about 2330hrs. At 0050hrs, both went outside for a smoke. They then started to argue between themselves for about 15mins, causing a disturbance before another male apparently unconnected with the warring parties broke it up. All parties then left the scene.

Complainant's Name:*

Address:*

Lyndhurst

Hampshire

Postcode:

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Telephone:

Email Address:

Which service area is your
complaint about?

Public House and Alcohol

Trading Name & Address of
complaint:*

Thai Lounge

High Street

Lyndhurst

What is your complaint? * Large groups of people outside the front of the bar, making a lot of noise

Including shouting, swearing and fighting, from 12:00 to 1:30 am after a night of drinking.

This is a regular occurrence, however this week we have had 2 serious arguments outside our flat which is opposite the bar when people have come out of the Thai Lounge late at night. The first of these was Monday night/Tuesday morning and the second was Friday night/Saturday morning; on this occasion I notified the police emergency number as a girl was hit and knocked to the floor amongst the arguing.

What would you like us to do? * Keep customers inside the bar and not on the street and ensure the staff

do not serve people who are clearly drunk on arrival.

My understanding was that the licence was extended only for Thurs, Fri and Saturdays and that there should not be this disruption in the week, this should be enforced and the license removed if the staff do not meet

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th^o licensing criteria.

Patrick Curran

Licensing Enforcement Officer

Licensing

Tel: 023 8028 5505 | Internal: 4444

patrick.curran@nfdc.gov.uk | www.newforest.gov.uk

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Event details

Event type:	Public order - Drunkenness
Reported time:	2012-08-04 00:07:07
Closure time:	2012-08-04 00:26:26
Call source:	999 CALL
Priority:	EMERGENCY CONTACT
Complainant:	CHOUDHERY,
Complainant phone number(s):	02380283061
Location:	24 HIGH LYNDHURST SO43 7BG

Dispatched officers

Event commentary

2012-08-04 00:07:07: THREE MALES HAVE COME IN , VERY DRUNK INFMT HAS REFUSED TO SERVE THEM THEY ARE REFUSING TO LEAVE UNTIL THEY GET SERVED AND ARE CAUSING PROBLEMS

2012-08-04 00:11:24: FURTHER 999 CALL SAYING MALE IS NOW TRYING TO FIGHT WITH SOMEONE, VERY NOISY UNABLE TO ESTABLISH ANYTHING ELSE, ADVISED OFFICRS DISPATCHED UPGRADED AS NOW FIGHTING

2012-08-04 00:22:47: ND54 - NO FIGHT GOING ON ATT.

2012-08-04 00:23:54: ND53 - CAN 93 STAND OFF N/BY

2012-08-04 00:25:43: NQ90 - MANAGER HAS STATED THAT THERE WAS NO FIGHTING - THE MALES HAVE BEEN SPOKEN TO AND LEFT THE AREA.

2012-08-04 00:26:26: *** RESULT *** AIO. NO FIGHTING - MALES LEFT ON REQUEST



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:

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Statement of: [Redacted]

Age if under 18: over 18 (If over 18 insert 'over 18') Occupation: [Redacted]

This statement (consisting of 4 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 willfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [Redacted] Date: 18/08/2012

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

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

The statement I am providing refers to me being assaulted in Lyndhurst High Street in the early hours of Saturday 18th August 2012.

The male that assaulted me is [Redacted] whom I've known for at least 10 years and I thought we were friends.

[Redacted] was with 2 other males, a male I know is [Redacted] brother, and the [Redacted].

Also present during the Assault was my fiancée, [Redacted] who may have been assaulted during the incident.

On Friday 17th August 2012 I was at my place of work in Lyminster where I finished at about 11 pm. I got a lift from my work colleague [Redacted] who dropped me by the Crown Hotel in Lyndhurst High Street.

Signature: [Redacted] Signature witnessed by: _____

PTO





RESTRICTED (when complete)

WITNESS STATEMENT

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

URN:

Continuation of Statement of:

I who say I was dropped here at 11:30 pm and then went to Lyndhurst Working mens Club, also the High Street

I stayed at the working mens club for about half an hour where I met up with my fiancée

After leaving the working mens club at midnight we then went to the Thai ^{Bar} restaurant, also in the High Street

I had a few more drinks in the Thai bar. When leaving the Bar in total I had consumed 6 double Jack Daniels and cokes, 2 Tagar bombs, and a Pernod and blackcurrant. I did feel tipsy but I was NOT drunk.

Once outside the Bar and I sat on a wall directly outside the Bar.

I then got into a conversation with [redacted] who's name I do not know, but cannot recall what our conversation was about. I do recall that [redacted] and I had an argument and ended up being in the High Street car park area. We had a scuffle but I cannot remember what exactly. I do know however that [redacted]

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:

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Continuation of Statement of: [REDACTED]

and I did make up and hugged each other, on the High Street area opposite the High Street entrance to the Car Park.

Whilst [REDACTED] and I were making up out of the corner of my right eye I saw [REDACTED] coming towards me in an aggressive manner. His fists were clenched and he was puffing his chest out.

I believed [REDACTED] was trying to get involved in my earlier disagreement with [REDACTED].

I told [REDACTED] that it was nothing to do with him and why was he getting involved.

[REDACTED] then punched me to the face, both sides. He hit me several times to the left of my face, right side of my face and behind my right ear. I did not fall down and did not lose consciousness but cannot recall exactly what happened after that. I believe police and ambulance were called and attended and I was taken to Southampton General Hospital.

I was examined there and was treated for bruising and swelling. I have not got any broken bones.

I have no idea why [REDACTED] got involved or why he assaulted me.

Signature: [REDACTED]

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:

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Continuation of Statement of: [REDACTED]

I thought we were friends. I did nothing to provoke him and the initial argument was with [REDACTED] [REDACTED] NOT [REDACTED].

I am happy to attend court if necessary. I am also happy for Police to view my records at Southampton General Hospital, although there is very little to see.

a [REDACTED]

Signature: [REDACTED]

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:

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Statement of: [Redacted]

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

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: [Redacted] Date: 18/8/12

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

I am the above person and wish to make a statement regarding an incident of an assault made against my fiance [Redacted] in Lyndhurst High Street on Saturday 18th August 12. I will mention three males, male 1, I can name as [Redacted], [Redacted], [Redacted], [Redacted], [Redacted], [Redacted] and I went to the Working men's club in the main car park at Lyndhurst. I had originally gone to the club to meet up with my w-laws at about half nine - and [Redacted] met me there after work about half eleven. At about quarter to twelve [Redacted] me and two friends went to the Siam Thai house restaurant in the high street along with a couple of friends. [Redacted] works at the Tollhouse Pub in Lynton and he had not had

Signature: [Redacted] Signature witnessed by: [Redacted]

F10





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: [redacted]

Continuation of Statement of: [redacted]

much to drink. When we went into the restaurant
we saw [redacted] - who went to school
with - I only know him through [redacted] but I
know him to say hello too. I can describe

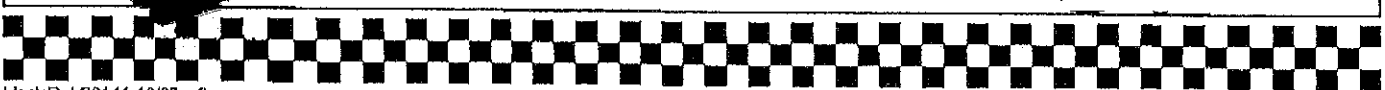
[redacted]
[redacted]
[redacted]
[redacted]

[redacted] with anyone in particular in the
restaurant - he was just generally chatting to
people - not sat down and [redacted] was
also there. I did notice 2 other guys who
sometimes hang around with [redacted]

[redacted]
[redacted]
[redacted]
[redacted]

[redacted] - had curly hair - coloured brown with
greying areas, late 40's, wearing a t-shirt &
trousers. I have seen both of these males in
the Working Mens Club before, but don't know
their names. At about 0130 hours - we all
went outside and were chatting generally. I was
stood outside the Lyndhurst tea house. [redacted]

Signature [redacted] 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:

Continuation of Statement of:

from the restaurant - when I saw Male ② & [redacted] throwing punches at each other - I don't know what started it - there had been no problems in the restaurant. I went towards them - it was dark and I intervened & pulled Male ② off [redacted]. I didn't see any names at that point as it was dark. It appeared to be a drunken scuffle rather than a full blown fight. [redacted] said he didn't want to fight and it appeared all sorted. I was quite cross as I don't like fighting at the best of times. I walked down the alleyway towards the car park and then heard noise shouting again from the high street - I walked round the corner and saw [redacted] throwing loads of punches at [redacted] - they were over outside Lloyd's bank on the opposite side of the road to me. I ran up as [redacted] was going mad - the anger and aggression was quite apparent and [redacted] was getting a hammering. Male 2 and Male 3 - curly were stood little side of [redacted] - I don't remember them throwing any punches at [redacted] - I kicked in and I jumped into the middle of the truck of it

Signature: [redacted]

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:

Continuation of Statement of:

and threw a random punch at one of the males. I don't know who I hit but I did connect with someone with a right fist I felt immediate pain - and this went off quite quickly, [redacted] was still shouting & screaming - and I saw him push his [redacted] over onto the floor. [redacted] was being restrained by someone - and his [redacted] tried to intervene and got knocked to the ground. I said "fuck what you have done to you [redacted]" - I knelt down to check she was okay as she said she had hurt her knee. [redacted] was down the road by Budgens by now. I remember being with [redacted] in the bottom of the car park and my friends [redacted] & [redacted] who live in the flats by the High Street had come over because of the shouting. [redacted] said - have you seen your hand I felt quite sick from the pain - and started physically vomiting. He injured the base of my right hand - which may require surgery if it does not heal correctly. I am now in a plaster cast. I would say this was for real.

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: [] [] [] []

Continuation of Statement of: [REDACTED]

unprovoked attack on [REDACTED]. I threw my punch in defense of my fiancée who was being hit very hard by [REDACTED] [REDACTED] injuries are a C.F. laceration outside his mouth.

The whole matter took about 15 minutes from start to finish. This is an estimate as I had had some alcohol and parts of the events are cloudy due to alcohol. I am willing for police if necessary to obtain medical details of my hand injuries from A&E at Southampton General Hospital. I am willing to go to court if necessary. I would recognise Male 2 & 3 again if required.

Signature: [REDACTED]

Signature witnessed: [REDACTED]



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Event details

Event type:	Nuisance Incident
Reported time:	2012-08-18 14:20:33
Closure time:	2012-08-18 17:10:11
Call source:	ELECTRONIC MAIL (E Mail)
Priority:	RESOLUTION WITHOUT DEPLOYMENT
Complainant:	
Complainant phone number(s):	
Location:	24 HIGH LYNDHURST SO43 7BG

Dispatched officers

Event commentary

2012-08-18 14:20:12: To whom it may concern, I live in Lyndhurst, New Forest and last night tried to contact you via 101. I was on hold for 15 minutes as all the lines were busy and was reluctant to ring 999 as I didn't think my issue was an emergency, so eventually I hung up. We were disturbed at around 1:30am by people leaving the Siam Thai Lounge in the High Street - this is opposite our flat. The bar has a late license - I believe until 12:30 - but we are often disturbed after 1am by people on the street making noise outside the bar. Often this is at the weekend on a Friday and Saturday but sometimes it occurs mid week. Generally the noise is good natured but still disturbing. Last night however the noise became violent and abusive and a fight broke out. At this point I tried to contact you but couldn't get through. The worst of the aggression was over by 2:15 but there were still lots of people milling around and shouting and crying and this continued until around 2:45 am. The staff close the bar at varying times and make little or no attempt to move the customers on, which results in the noise in the early hours. When it is dry or warm as it was last night the bar is very busy and many people drink and smoke at the front of the bar. I have contacted the licensing authority at NFDC on a previous occasion because of concerns regarding violence and after hours drinking and also called 999 on this occasion because I was concerned about the fighting and abusive language. I have also contacted the NFDC licensing authority regarding last night's issues - my contact is Patrick Curran. Should this happen again would it be acceptable to dial 999? Is there any other advice you can give me about who I can contact if there are problems? Many thanks for your time

2012-08-18 14:20:33: SRS 076 REFERS

2012-08-18 14:21:54: FEC SUPERVISOR HAVE EMAILED INFT BACK APOLOGISING FOR THE DELAY IN HER CALL BEING ANSWERED AND REQUESTED A CONTACT TELEPHONE NUMBER

2012-08-18 16:49:09: CFT RESEARCH RMS - LOC - 1X ROWDY INFT - NO TRACE ON INFTS NAME OR EMAIL LOC HIST - 1X DRUNKINC (REPORT ABOUT CLUB) COMMAND CENTRAL - 2X ROWDY SAFETY NET - NO RELEVANT REPORTS

2012-08-18 17:09:09: CFT - EMAILED ADVICE TO INFT REGARDING CONTACT

2012-08-18 17:10:11: *** RESULT *** *CFT - EMAILED INFT WITH RELATION TO ADVICE*

Event details

Event type: Domestic
 Reported time: 2012-08-18 02:14:41
 Closure time: 2012-08-18 02:56:50
 Call source: 999 CALL
 Priority: EMERGENCY CONTACT
 Complainant: I
 Complainant phone number(s):
 Location: LYNDHURST
 HC44 9ZZ

Dispatched officers

Event commentary

2012-08-18 02:14:41: INFT ASKING FOR POLICE TO THE MAIN CAR PARK IN THE LYNDHURST OFF THE HIGH STREET FEMALE SCREAMING, SAYING THAT SOMEONE IS TRYING TO BREAK HER FINGER AND TRYING TO BREAK HER JAW INFT HEARD THE SCREAMING FROM HER FLAT AND HAS COME OUT TO SEE WHAT IS GOING ON THERE IS ALSO A MAN PRESENT INFT THINKS SHE KNOWS WHO THE PEOPLE ARE - ND THEY LIVE IN GOSPORT LANE, LYNDHURST INFT SAYS SHE THINKS THEY ARE NOW MOVING TOWARDS GOSPORT LANE, AND THE SCREAMING IS GETTING WORSE

2012-08-18 02:15:13: INFT UNABLE TO GIVE ANY DESCRIPTION AS SHE HAD MOVED AWAY

2012-08-18 02:23:06: SCAS REF 133 ATTENDING REPORT OF ASSAULT HAS HAD HIS FACE SMASHED IN AND BLEEDING FROM HER FACE AND HAS AN INJURED WRIST THEY ARE BEHIND THE WORKING MENS CLUB IN THE CAR PARK

2012-08-18 02:23:42: VN - TREES OBSCURE THE WORKING MENS CLUB

2012-08-18 02:32:18: ND54 - BOTH PARTIES IN ORDER AND SPEAKING WITH EACH OTHER

2012-08-18 02:32:46: NOT A DOMESTIC - MALE WAS JUMPED ON BY THREE AND THE FEMALE JOINED INTO GET THEM OFF HIM

2012-08-18 02:46:27: ND54 INCIDENT OCCURRED TEN MINUTES BEFORE THEY CALLED UP OUTSIDE THE THAI BAR

2012-08-18 02:53:13: ND54 SUSPECT IS BY THE FOX & HOUNDS

2012-08-18 02:55:46: ND54 - ST9

2012-08-18 02:56:50: *** RESULT *** ONE DETAINED

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 09:45 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 20/08/2012 13:17

Entered by: #24191 WOOD, B.

Entered time: 20/08/2012 13:17

Remarks: email received from NFDC - noise complaint

Hi Bethan,

Hope you are well.

This premises may interest you. For your info Food Hygiene & Environmental Health are undertaking enquiries at to possible breaches of their own legislation. Also Hants Fire & Rescue have some involvement (according to Edward Van Dyck EP).

Pat

Patrick Curran

Licensing Enforcement Officer

Licensing

Tel: 023 8028 5505 | Internal: 4444

patrick.curran@nfdc.gov.uk | www.newforest.gov.uk**From:****Sent:** 18 August 2012 12:35**To:** Patrick Curran**Subject:** Siam Thai Lounge

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H. Patrick,

I thought I would follow up our conversation from a while ago as requested.

I started to keep a record of the issues at the lounge for a while but gave up eventually. What we did notice was that there was a lot of 'after hours' noise, even though it was all very happy and generally good natured, on almost every Friday and Saturday until around 1:30. Often this was as people were leaving the venue, they were milling around and chatting outside and not moving on. Interestingly when the weather is wet it's much quieter!

There were one or two incidents mid week where there was late noise and people chatting, all good natured but disturbing in the early hours around 1/2 am.

However the last 2 weekends there has been some very disruptive and loud behaviour which has concerned me.

Last Saturday (11th) there was a big crowd outside the lounge at 1am, with people shouting and arguing. Someone was being sick outside the venue and glasses were broken. By around 1:30 this group had mostly gone but the venue still appeared to be open and people were outside with glasses. The staff did come out and clear the mess up.

Last night (Friday 17th) there was a lot of noise and it was very busy from midnight onwards, with a big crowd outside on the pavement. At around 1:30 they shut the doors and then a group of people were outside arguing and shouting. This continued until 2am when a fight broke out and there was a lot of screaming and shouting which calmed down after about 10 minutes but then there was lots of people outside talking and calming things down until around 2:45. We tried to contact the police using the 101 number but were in a queue for about 15 minutes at which point the worst of the noise had gone. I have e-mailed Hampshire constabulary today with details of this.

Generally the issues are that the noise from the place is continuing after 1 o'clock. They seem to be serving drinks until approx 1am and sometimes later - I understood the license was until 12:30 (we have talked to people who drink there

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a they say that they often get late drinks). When the staff do close the bar they don't move anyone along from outside the pub so people stand around chatting directly opposite our bedroom until very late.

I've spoken to one of our neighbours who has let our PCSO (Lisa) know about any issues that concerns him and as mentioned I've contacted Hampshire constabulary.

I don't object to the late night licence, I actually think it's nice for the village to have a bit of a night life, as long as people behave reasonably and that there isn't the level of violence and noise we heard last night and on the previous occasion I contacted you. I'm not sure if it's the landlord's responsibility to ensure people leave quietly or the police's but someone needs to take responsibility for this. We have lived at this address for 4 years and there was no problem with trouble and noise from the bars and pubs in the village until the Siam Lounge opened.

If you feel I should notify anyone else please let me know, If you need more info then please contact me -

kind regards

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Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 09:51 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 22/08/2012 14:24

Entered by: #24191 WOOD, B.

Entered time: 22/08/2012 14:24

Remarks: Phone call to premises ref opening times

PC Harris called the premises on my request at 1420hrs requesting information on times that premises were open for food/drink at the weekend.

PC Harris was advised by the male that food was served until 2300hrs and alcohol until 0100hrs.

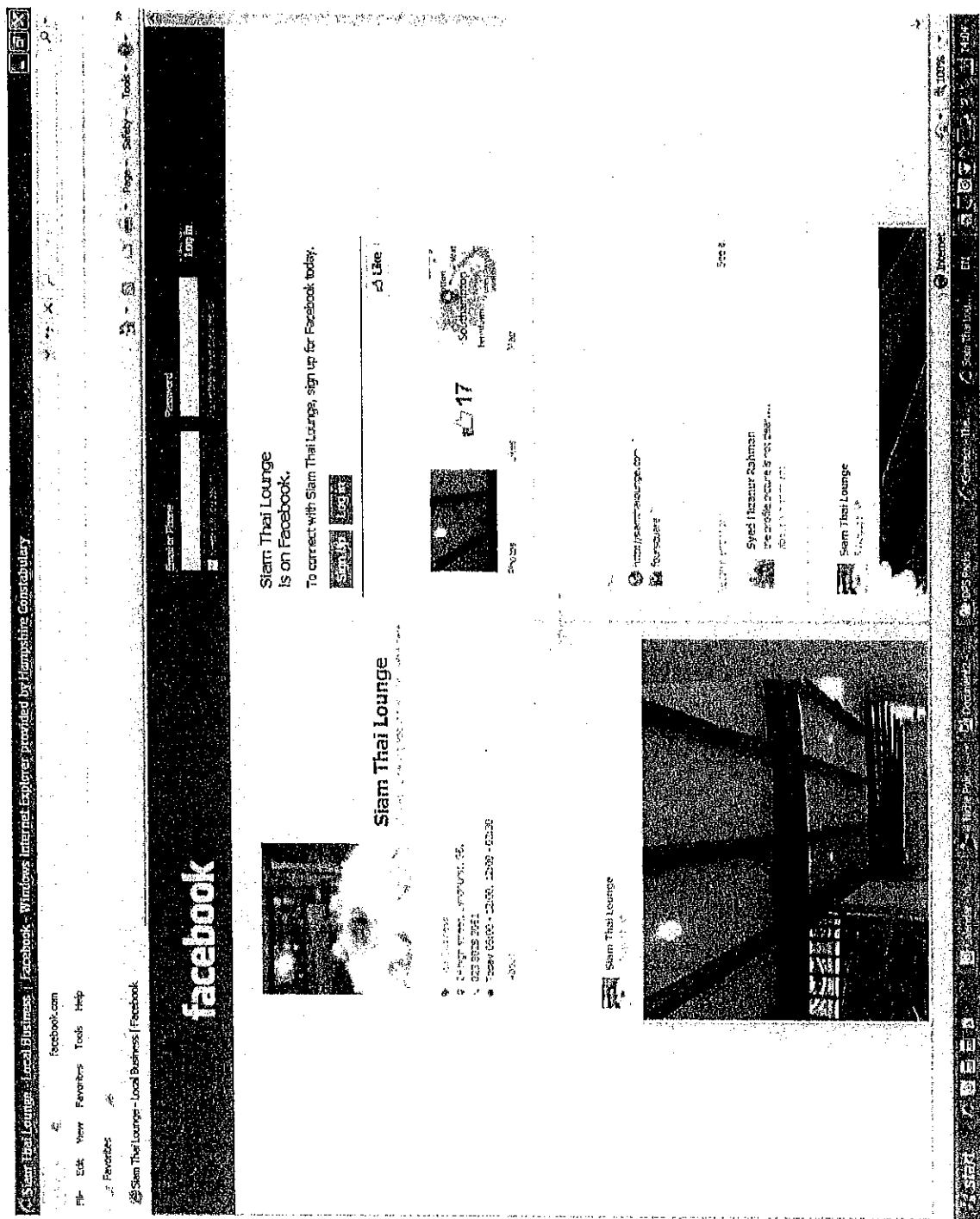
The premises licence is for food until 0030hrs and alcohol until 0030hrs. Due to occurrences/intel relating to concerns regarding closing time meeting to be arranged with DPS and PLH's.

Facebook research shows premises open until 0230hrs.

24191

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- Staff sign an event.
- Recava all requests.
- what happens after request.
- Recava - last order.
- was true case tomorrow for
- aside as per below.



Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 09:54 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #1416 WHITE, A.

Report time: 23/08/2012 13:01

Entered by: #1416 WHITE, A.

Entered time: 23/08/2012 13:01

Remarks: new report

I conducted a Licence visit today at 12.15 hrs and spoke with Mr Choudry . This was in relation to a local resident in the High Street complaining re the noise outside the Thai Lounge when customers leave at the weekend .Also that customers were being served after hours.

I had a look at the incident refusal book and this was up to date . He stated he was inspecting the toilets on a regular basis .He stated he will speak to customers hanging around outside once they have left and ask them to keep quiet as they leave .

He mentioned again he wanted to apply for an extra half hour over the weekend

He stated some times staff from local restaurants will just chat with him after they have finished drinking. .I advised people will think they are being served and he should ask them to leave. I told him i will be keeping an eye on the times people are drinking to .

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 09:55 by 24191

Occurrence: **44080359908 Z Prem Licence (Management Occurrence)**

Author: #1416 WHITE, A.

Report time: 25/08/2012 14:31

Entered by: #1416 WHITE, A.

Entered time: 25/08/2012 14:31

Remarks: new report

When the call came in i was only a few doors away keeping an eye on the Thai Lounge due to reports of them allowing customers in after 24.00 hrs. On entering it was very busy. I could see no female customers who appeared underage. I had a word with MR Chowdry .He explained at about 23.00 hrs he had refused entry to two persons the informant .Confrimed by herself after calling her today and due to them causing problems last week . She did state the girl was 17 years but couldn't name her etc.

Not sure if this call was malicious due to the fact they had bene refused entry.

I am keeping an on the Thai Lounge when on lates.

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Hampshire Constabulary
Chief Constable Alex Marshall

Aminur Chowdhury
Siam Thai Lounge
24 High Street
Lyndhurst
SO43 7BG

Police Licensing Unit
Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

Our ref: 44080359908
Your ref:

Telephone: 0845 045 45 45

Direct dial: 023 8067 4768

Fax No: 0845660037

Deaf/speech impaired minicom: 01962 875000

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

29th August 2012

Dear Mr Chowdhury,

This letter is in reference to the licence visit that took place on the 28th August 2012 at Siam Thai Lounge, Lyndhurst. At the meeting I advised you of concerns we have that the premises is regularly open after hours. We also discussed the role of the Licensing Team, what you can expect from us, and best practise, particularly in relation to due diligence. I made several recommendations, which have been summarised overleaf.

As you are aware Hampshire Constabulary are committed to working with licensees in supporting the four licensing objectives i.e. –

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

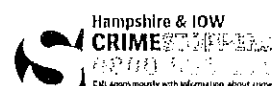
The licensing team will continue to monitor the premises closely and further visits will be conducted in order to ensure that you are adhering to your licence conditions. Should we receive further evidence that unlicensed activities are taking place then we will look to take the matter further by means of review of the premises licence.

If you have any queries, or if I can be of any assistance please do not hesitate to contact me.

Yours sincerely,

PC 24191 WOOD
Violent Crime Reduction & Licensing Team
Southampton Central Police Station

www.hampshire.police.uk





Hampshire Constabulary
Chief Constable Alex Marshall

Meeting at Siam Thai Lounge 29/08/12

Training

Police: You have no written training records for your staff. In order to demonstrate due diligence, and offer yourself some protection in case of an offence being committed by your staff, you need to ensure that a training schedule is implemented. I have suggested using the links below for guidance. These links were formed by conducting a simple search on the internet where there are numerous companies and literature available regarding due diligence training. It is not a recommended or definitive list, but is an example of the variety of courses available.

Service Excellence Passport (£2.50 each)

<http://www.abvtraining.co.uk/index.htm>

Flow, Licensing & social responsibility (£36.00)

<http://www.flowhospitalitytraining.co.uk/hospitality-training/licensing-training>

BIIAB Level 1 Award in Responsible Alcohol retailing training course (£55.00)

<http://www.accesstraining.co.uk/Training-Courses-And-Consultancies/Licensed-Trade-Courses/BIIAB-Level-1-Award-in-Responsible-Alcohol-Retailing/>

Act 2003 Ltd DVD & training package (£69.99)

http://www.act2003.co.uk/underage_dvd.htm

Licensing Matters Due diligence training packages (price varies)

<http://www.licensingmatters.net/duediligence.html>

We are also able to offer specific training input to run alongside any training meeting that you conduct. If you would like us to attend and offer an input please get in touch. All training conducted should be recorded, signed, and dated by both the member of staff and yourself.

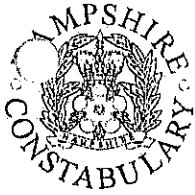
I have included on the attached sheet a list of example conditions that are often attached to premises licences which give you some guidance in relation to what training should include.

Venue: You advised that the only people who serve behind the bar are yourself and one additional member of staff who also holds a personal licence. You understand that having records of training conducted is of benefit to you and will introduce a formal training pack.

Age Verification Policy

Police: You have a Challenge 21 poster displayed at the premises but seemed uncertain as to exactly what this meant. To clarify, Challenge 21 means that if a person looks to be 21 or under then they are asked to provide ID to prove that they are 18 or over.

It is now mandatory that you have an age verification policy and I have included a draft age verification policy that you might like to use.



Hampshire Constabulary

Chief Constable Alex Marshall

Venue: Advised that you and your staff knew about Challenge 21 and did challenge for ID regularly. You will conduct training in Challenge 21 and make sure that staff sign to say that they understand the principal of it.

Refusals/Incident Log

Police: I viewed your refusals/incident log book which takes the form of an A4 spiral bound pad of paper. There is a record made for every day but the extent of these records varies quite significantly. You have made good notes of incidents that happen at the premises, most recently last Sunday, when a customer was verbally and physically aggressive to you. You have recorded that when you threatened to call the police he left. I would encourage you to call us should an incident like this occur. As a licensee you need not tolerate people assaulting you, and in support of the licensing objective of 'Prevention of Crime & Disorder' you really ought to report these incidents to police.

In terms of the content of the logs recorded we agreed that the following ought to be recorded, and I made a note of this in the book so that you had it for immediate reference:

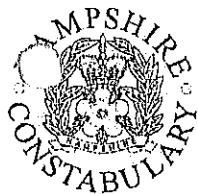
- Staff to sign their own entries
- Record ALL refusals including the reason for the refusal
- Record what happens to a person after the refusal (Do they leave? Sit outside? Refuse to leave?)
- Document the time that last orders is called, the time that all customers leave the premises, and the time that the premises closes.
- Record all efforts made to disperse customers from outside the premises

Venue: Following discussion regarding concerns that the police have you could see why it would be beneficial to record all of the above. You hadn't realised that once customers had gone outside into the High Street after leaving your premises that their actions could still reflect poorly on you. You now understand that links can be made and will be more proactive in encouraging customers to disperse at the end of an evening.

CCTV

Police: You currently have no CCTV. The benefits of having a system to cover your bar area, external area, entrances and exits were discussed. I have enclosed on the attached sheet an example of the CCTV condition often attached to licences. This should give you an idea of the standard expected in order to effectively support the licensing objectives. Maintaining a good CCTV system is really very important as it can support you and your staff in the event of any disputes over payment, and identification of any offenders in crime. In relation to the alleged breaches of your licence CCTV would assist you in disproving these allegations.

Venue: There are old cameras installed at the premises but they do not work. You initially advised that it would cost too much to have CCTV installed. However, having heard the concerns raised about the premises, and the evidence of this, you did say that you would get CCTV installed as you were keen to be able to disprove any allegations made against you.



Hampshire Constabulary
Chief Constable Alex Marshall

Licensable Hours

Police: We are in receipt of several reports that the premises are open beyond the final hour of 0100hrs. The evidence put to you included a facebook page for the premises that stated you were open until 0230hrs, a recent statement from a person who had been assaulted having been in the premises that advised he had entered the premises after midnight and then been served with several drinks, information passed directly to PC Harris over the phone, that food was served at the premises until 2300hrs and drinks until 0100hrs, and several complaints from neighbours.

It is a breach of your licence to serve any alcoholic drinks after 0030hrs at the weekend. Further evidence of this occurring could lead to a review of the premises licence.

Venue: Advised that you allow people to stay at the premises talking but that you always record in the incident book the fact that you stop serving alcohol. You understand that it would be to your advantage to have evidence of this in the form of CCTV. You originally disputed that you were ever open after hours. You advised that the facebook page was a mistake and meant 2:30pm not 0230hrs, you disputed that anyone had been served after hours on the 18th August, and said that you had told PC Harris that people were able to stay in the premises drinking until 0100hrs, not that alcohol was served until 0100hrs. You conceded that on occasions you may have served for 5 minutes beyond your terminal hour, but that these occasions were rare and an accident. You fully understand the times of your licence and will ensure that from now on they are strictly adhered to.

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Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 10:08 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 28/08/2012 17:52

Entered by: #24191 WOOD, B.

Entered time: 28/08/2012 17:52

Remarks: Licensing visit 28/08/12

Meeting held with DPS.

Spring clean conducted:

Front page of premises licence summary on display. Advised that all three pages should be displayed.

Training - no training records and DPS was unable to explain properly the meaning of Ch21. I am told that the other one member of bar staff is a personal licence holder but they were not present to check this. DPS has agreed to construct a training package to cover Due Diligence.

Incident Book - is being completed daily. However logs are not signed by the individual completing them and are often not timed. The book is also used for refusals. There are plenty of notes in the book that persons were not served alcohol but stayed at the premises after hours to talk. Few, but some, refusals made for ID and drunkenness. Incidents generally recorded in good detail but room for improvement in terms of action taken. One recent incident in which the DPS was pushed by a customer that had not been reported to police. I queried why, and the DPS stated that he was concerned that calling police would look bad for his business. DPS corrected in relation to this. However, on returning to NT station I have been advised by officers that the DPS regularly stays open beyond hours and that as a direct result, when incidents occur he doesn't contact police as he knows he shouldn't be open.

Age Verification Policy - none written. Challenge 21 poster displayed but DPS not entirely clear as to the meaning of this. Explained and draft written policy to be sent.

CCTV - none. After lengthy discussion DPS has advised that he will be installing a system.

It is also clear that the DPS cannot monitor new entry to the premises after midnight as he is often the only member of staff at work. This is further complicated by the fact that customers smoke outside so are constantly coming and going.

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Concerns were raised regarding the number of incidents at the premises and intelligence and information reports that the premises is regularly open after hours. DPS disputed this stating that he knew his hours and stuck to them.

Evidence provided to DPS:

Statement from incident 18/08/12 male states that he entered the lounge after midnight (breach of licence). He was then served with several drinks, before going outside where a 'scuffle' occurred but they hugged and made up (not reported to police), and then a more serious assault, as crimed and dealt with locally. The incident was reported to police at 0214hrs. It is likely, although cannot be confirmed due to lack of CCTV that the male had remained drinking in the bar much later than 0030hrs given the time of the report.

Facebook page - advising premises open until 0230hrs. DPS claims that this is his fault and that it should read 2:30pm. He will rectify it.

) Phone call made by PC Harris enquiring as to what time customers could expect to be served until if they were to have a party there at the weekend. PC Harris was told that food was only until 2300hrs but that drinks were available until 0100hrs. DPS disputed this and stated that had he been asked what time last orders were he would have said 0030hrs.

DPS eventually conceded, having been advised of other complaints that he may have accidentally served for 5 minutes longer than he should have on occasions. I have said that I suspect that it has been more than this but that regardless, it needs to stop now. DPS queried whether people could remain at the premises after hours if they weren't drinking. I explained that whilst this would not be a breach of the licence it may not be in his best interests as persons seen leaving the premises after close may still result in noise complaints, and indeed, may then cause extra noise for residents. Given my concerns I have advised against this.

Actions agreed:

) DPS to create training package for staff

Age verification policy to be completed

CCTV to be installed covering inside the premises and the area directly outside the front of the premises

Signs requesting customers to leave quietly

Staff to sign all their own entries within incident book

ALL refusals to be recorded, reasons for them and also what then happens with the refused person if known ie. do they just sit outside all evening, leave the area, go to another premises?

RESTRICTED

Timings to be recorded each day for last orders, close, all customers left the premises.

Letter to be sent.

24191

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 10:21 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 08/09/2012 01:54

Entered by: #24191 WOOD, B.

Entered time: 08/09/2012 01:54

Remarks: Visit 08/09/12

Myself and PC Harris attended to ensure that the premises ceased licensable activities promptly at 0030hrs and closed at 0100hrs. We observed from a distance.

Several persons came from the premises well in drink. One male in particular walked straight past us, muttering to himself, swearing, and staggering up the hill. I formed the opinion that he was drunk. Others left and stood for some time in the street being loud and using foul language, although not being aggressive in any way.

I did not observe anyone believed to be a new customer entering the premises. At 0100hrs there was mass movement and all apparent customers at the premises left through the front door. These last customers dispersed reasonably expeditiously.

24191

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 10:22 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #1411 FREEMAN, M.

Report time: 06/10/2012 21:25

Entered by: #1411 FREEMAN, M.

Entered time: 06/10/2012 21:25

Remarks: Lic visit, 05/10/12

2250 hours, 05/10/12.

Attended premises and spoke with DPS, Aminur Chowdhury. Only 4 customers in premises, but DPS stated most of his customers arrive after 2300, when other lic premises in NY close.

DPS confirmed receipt of letter sent by PC 24191 Wood, 29/08/12 outlining previous visit findings, 28/08/12.

Checked refusals bbook, entries a little more detailed, however I remain concerned that DPS is not contacting Police when barred persons attending premises and causing problems when refused alcohol. Reminded DPS of obligation to call Police if offences being committed o/s of his premises.

DPS stated he and his staff fully understood Challenge 21 age verification policy and were actively challenging customers.

DPS stated he hoped to have a fully operational CCTV system in place in near future, no date mentioned, and would contact Police when complete.

Reminded DPS of his obligations to support lic. objectives and Police would support him fully in this.

PS 1411

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 10:29 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 18/10/2012 08:16

Entered by: #24191 WOOD, B.

Entered time: 18/10/2012 08:16

Remarks: Visit 11/10/12

Premises visited on request of DPS at 1200hrs. DPS advised he had installed CCTV and wanted to show police.

I viewed the system. It covers the ground floor bar and restaurant area but not the first floor. There is also an external camera covering the front door. It does not cover the pavement area, just the door and tiled steps area. DPS was unable to say how long footage was retained for but thought it was a month. He was waiting for the system to be linked to a computer so that he could download. Advised I would return in 4/5 weeks to check this.

I briefly went through some of the other recommendations made (this was really very brief as I had another appointment arranged).

Training - He has not put together any form of staff training package. He had made a simple note in his A4 book (still just a ruled book not diary) that staff had been trained. There was no indication as to the content of this training.

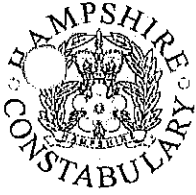
Refusals/Incidents Log - as per above, no diary introduced. Logs not checked in detail however it appears that DPS is still not recording full detail for any incidents and is not contacting police when barred people try to gain entry to the premises.

Age Verification - DPS had not looked at the draft policy I had sent to him. It need only be filled in with his details, premises details, and signed but these simple steps had not been taken. Advised that this was unsatisfactory.

I brought it to the DPS' attention that he had not read my letter thoroughly, nor had he used it as a point of reference for introducing the measures to which he had agreed. Advice given that he give this some serious consideration as there were ongoing concerns at the premises and the suggestions were made to benefit him, not the police.

24191

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Hampshire Constabulary
Chief Constable Alex Marshall

Aminur Chowdhury
Siam Thai Lounge
24 High Street
Lyndhurst
Hampshire
SO43 7BG

Police Licensing Unit
Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

Our ref: 44080359908
Your ref:

Telephone: 0845 045 45 45
Direct dial: 023 8067 4768
Fax No: 0845660037

Deaf/speech impaired minicom: 01962 875000
Email: southampton.licensing@hampshire.pnn.police.uk

31st October 2012

Dear Mr Chowdhury,

As you are aware Hampshire Police are committed to working with the licensees in supporting the four licensing objectives i.e. –

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

In order to ensure that the licensing objectives are upheld the Licensing Team regularly conduct test purchase operations.

I am pleased to inform you that your premises was subjected to a test purchase operation during October 2012 and that you passed. I will be visiting in due course to view your refusals book in relation to this.

If you have any queries in the meantime then please do not hesitate to contact me.

Yours sincerely,

PC 24191 WOOD
Violent Crime Reduction & Licensing Team
Southampton Central Police Station



Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 11:35 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 17/12/2012 11:31

Entered by: #24191 WOOD, B.

Entered time: 17/12/2012 11:31

Remarks: Copy of email of complaint

Bethan

FYI – I know that this is already on your radar.

Unless other wised advised I will still ask Pat to visit the premises in due course & discuss!

Many thanks

Paul Weston

Licensing Services

New Forest District Council

Tel: 023 8028 5505

From:**Sent:** 16 December 2012 12:44**To:** Licensing e-mail address**Subject:** Siam Thai Restaurant Lyndhurst High Street.**Importance:** High

Dear Sir,

RESTRICTED

It is quite apparent to me and a number of people within the High Street, and Licensed Premises within Lyndhurst that the above premises is contravening the Licensing Act.

Regularly on either a Friday or Saturday night they open their doors to any number of people who have not frequented the premises, or sat and had a meal within the premises, for the purpose of late night drinking, this can and does go on into the early hours of the morning. Part of the condition of entry into the premises is that they must be inside by twelve midnight, and the door is locked.

It is well known that the excuse is that they are using the supper hours excuse, which is quite blatantly a lie.

Also I believe from conversations with people who I know use the premises that controlled drugs are consumed on the premises, again a major contributor to anti social behaviour within the village.

Furthermore although how they manage their takings is a matter for them, but it is quite obvious to the lay man that no money passes through the till, and therefore tax is avoided.

I am aware that this premises has come to the attention of Environmental Health services, within the past twelve months.

Clearly I am interested that the proprietor is prosecuted, as it is a snub in the nose to those who run respectable premises, and comply with the relevant laws. Never mind a constant nuisance to those who live in the High Street.

Kind regards

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 11:45 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 04/01/2013 08:20

Entered by: #24191 WOOD, B.

Entered time: 04/01/2013 08:20

Remarks: Update from NFDC

FYI

Patrick Curran

Licensing Enforcement Officer

Licensing

Tel: 023 8028 5505 | Internal: 4444

patrick.curran@nfdc.gov.uk | www.newforest.gov.uk

From: Patrick Curran

Sent: 31 December 2012 15:12

To:

Subject: Re complaint

Dear

Following your complaint and our telephone conversation, I have now been to the premises and have had a detailed conversation with the restaurant manager. Unfortunately based on the information you have given me the complaint cannot be substantiated for the following reasons:-

The business keeps and maintain' s a CCTV system, which allows me to examine any alleged breach of their licensing hours. At the present time the footage is kept for a period of 2 weeks. Unless the footage is requested for

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vidence purposes then the footage will be deleted after two weeks. Unfortunately I am unable to examine the 8/12/12, which is a date you said they were selling alcohol till 0300hrs(3am). However I was able to look at Saturday the 29/12/12 and according to the tape the restaurant was in darkness at 0100hrs(1am). They are licensed till 0030hrs (1230am) and may remain open till 0100hrs on a Saturday.

On the 24/12/12 (Christmas Eve) I looked at the tape for 0030hrs and again the premises was closed and in darkness at 0030hrs.

I also looked at the footage for the 22/12/12 (Saturday) on the basis that it was a random date as you said that abuses are said to occur on a Friday and Saturday evening. On that date the premises was closed at 0030hrs. Given that they may remain open till 0100hrs but may not sell alcohol, they were in effect closed.

Sadly I am unable to investigate matters of alleged drug abuse. However you may rest assured that the Police are aware of this allegation and will, I am sure take any necessary steps to deal with this matter.

Again thank you for bringing the matter to my attention. If you are aware of any similar matters in the future, concerning these or any other premises, do not hesitate to contact me.

I should add that my visit to the restaurant today, although arranged in advance to ensure the manager was present, he was not aware of the purpose of my inspection or the dates in question.

I will continue to monitor the activities of this restaurant and if at any time it can be shown that licensing offences have occurred, legal sanctions can be enforced, this can range from a simple warning to a prosecution/review, depending on the offence.

I hope you may be satisfied that this matter was properly and fairly investigated and look forward to hearing from you should similar matters arise in the future.

Yours sincerely,

Patrick Curran

Licensing Services

New Forest District Council

Tel 02380 285505

licensing@nfdc.gov.uk

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 11:46 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 03/02/2013 03:39

Entered by: #24191 WOOD, B.

Entered time: 03/02/2013 03:39

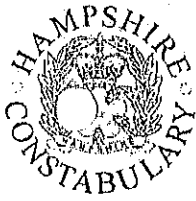
Remarks: Visit 03/02/13

Siam Thai Lounge, Lyndhurst

Intel that premises opens after hours and noise complaints - DPS has previously been advised of these. Premises is licensed for recorded music until 0000hrs, LNR and Alcohol until 0030hrs and close at 0100hrs. We attended at 0035hrs. It was clear from outside the premises that there were still plenty of people inside. Whilst sat in the car outside, music could be heard coming from the premises. On entering, the DPS recognised me. There were 3/4 people sat directly at the bar, all with drinks in-hand. Very difficult to say when they had been served these (I will be checking CCTV). DPS was only member of staff present. I pointed out the music hours to the DPS on his summary. His response was "OH, 5-10 MINUTES, THESE PEOPLE ARE STILL LISTENING TO IT". Regardless, this is well beyond the licensed hours, DPS advised to turn off the music, which he did and was made aware, again, of the importance of adhering to the hours especially when there are noise complaints. He then proceeded to ask about an extension to his hours! Ion Track swabs taken. CCTV checked - at 0046hrs on 3rd Feb the CCTV was showing 1233hrs on 2nd Feb. This would not be very helpful in disproving any allegations of noise nuisance or opening beyond hours. DPS again advised. 1 camera covering the outside was of very poor quality which it transpires is because the DPS turns off the outside light at 0000hrs - apparently a condition of the licence. The only similar condition I can find is one requiring all external areas to be illuminated! 1 group of persons in the window were particularly intoxicated and although not disruptive, were drunk. Male observed to enter the premises at 0050hrs despite it being a condition of the licence that no entry after 0000hrs. I queried this with the DPS who advised that the male had been in earlier in the evening - this is a breach of the licence. That male had not been in there when we arrived, and given that the premises closes at 0100hrs has no reason to be there. The DPS had no facility, being at the premises on his own, to control the entry to and from the premises, dispersal, and also look after the inside of the premises. We hung around to view dispersal.....As we left we heard the DPS announce that it was time for people to leave. People were very slow to leave - over 6 minutes since DPS announced time to leave only 3 people did. Then the remainder exited and remained outside on the steps to the premises, all being good natured but shouting nonetheless. The DPS did not go outside and encourage them to leave at any point. Eventually I got out of the car and asked them to kindly leave in a quiet fashion - which they willingly did at 0105hrs. Meeting arranged for Weds to discuss this proposed extension of hours!!

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Track results: Bar 2.00 MDMA, Ladies Toilets 2.03 Cocaine, 1.13 Heroin,
Gents Toilets 6.25 Cocaine.



Hampshire Constabulary

Chief Constable Andy Marsh

Southampton Central
Police Station
Southern Road
Southampton
Hampshire
SO15 1AN



Mr A Chowdhury
Siam Thai Lounge
24 High Street
Lyndhurst
Hampshire
SO42 7BG

Telephone: 101

Direct dial: 02380 674768

Fax number: 023 8067 4397

Minicom TextRelay: 18001 101

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

7th February 2013

Dear Mr Chowdhury,

This letter is in reference to the licence visit that took place on the 6th February 2013 at Siam Thai Lounge, Lyndhurst. The meeting was attended by yourself and Mr Leaver, the premises licence holder. At the meeting we discussed how you have acted upon the recommendations made during our meeting in August 2012, and also a recent visit made by myself to your premises.

As you are aware Hampshire Constabulary are committed to working with licensees in supporting the four licensing objectives i.e.-

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

There are concerns that you are operating in breach of your premises licence for the reasons outlined overleaf. In addition to this it is considered that there is more that could be done to demonstrate your support of the licensing objectives. It is likely that as a result of these matters, a review will be requested of your premises licence.

If you have any queries, or if I can be of any assistance please do not hesitate to contact me.

Yours sincerely,

PC 24191 WOOD
Violent Crime Reduction & Licensing Team
Southampton Central Police Station



Hampshire Constabulary

Chief Constable Andy Marsh

Meeting at Siam Thai Lounge 06/02/2013

Police Visit 03/02/13

Police: My colleague PC Harris and I attended your premises at 0035hrs on Sunday 3rd February 2013 and spoke with Mr Chowdhury. Several breaches of your licence were identified.

1. On our arrival whilst in our vehicle parked outside the premises we could hear music coming from the premises. This is likely to be in breach of your licence which states that 'After 2300hrs music and noise emanating from the premises, shall be inaudible at the boundary of all noise sensitive premises'.
2. On entering the premises the music that we had heard was clearly coming from your premises. You had ceased serving alcohol and food and had the music playing for the customers. I pointed out to you that your licence states that you are only licensed for recorded music until 0000hrs. This music was not incidental, as you later confirmed at our meeting, and therefore this is a breach of your premises licence.
3. I then proceeded to check your CCTV system which had been installed primarily with the view to disproving the allegations made by neighbours that you are frequently open beyond your licensed hours. Unfortunately, at 0046hrs on 3rd February the CCTV was showing 1233hrs on 2nd February. This causes me serious concern that not only is the system not being checked diligently but that it will not assist you in disproving these allegations, which on this occasion, have been substantiated by our visit.
4. At 0050hrs a male entered the premises and joined a group already in the premises. This is in breach of your licence which clearly states 'No admission to the premises after midnight'. The only exception to this is on New Years Eve. This makes no provision for people leaving the premises to smoke. I suggest that this means that people should only go one way through the door after midnight – out.
5. On leaving the premises I then witnessed your customers standing outside the premises until 0105hrs, laughing, joking, and being generally noisy, with no effort made on your part to disperse them quietly. I asked them to leave for the sake of the residents nearby, which they did. This is despite having requested you to assist with and encourage customers to disperse quickly and quietly.

Premises reaction at the time:

1. Made no comment.
2. Didn't realise that the music had to stop at midnight, and thought it was 0030hrs. Advised that customers didn't really like traditional thai music and so you had changed it for something modern that they liked.
3. Mr Chowdhury had not realised that the date and time were wrong and advised that he would need to call someone out to fix this.
4. Mr Chowdhury advised that this male had previously been in the premises and that therefore he was allowed in.
5. Made no comment/was unaware at the time.



Hampshire Constabulary

Chief Constable Andy Marsh

Training

Police: Mr Chowdhury produced a package of 4 documents which you he advised he had trained the staff in (21/09/12 and 31/12/12). These included 'How to Challenge 21', 'Refusal of Drunks', 'Toilet Checks', and 'Challenge & Refusal'. Unfortunately whilst the content of the Challenge 21 and Refusal of Drunks appeared good, the Challenge & Refusal document was from Ontario, Canada. This clearly stated within the first page that the legal age for sale of alcohol is 19, and that a 'Think 25' age policy should be adopted. Not only is this factually incorrect, confusing for your staff, and conflicting with the other information contained within your training records, it also causes me to believe that either you and your staff have not understood the contents of the packages, or simply have not read them. Especially given that this training has apparently been conducted on two occasions. I suggest that you remove the incorrect package and re-train your staff as soon as possible. In order to confirm that staff have both read and understood the training I suggest that you include a short 10 question multiple choice test, which should include different questions every 6 months. You have my contact details and I would be happy for you to email me any draft training packages to read and assist you with editing.

Premises: Mr Chowdhury appeared surprised that there was a problem with the training documents. Mr Leaver praised Mr Chowdhury for having completed staff training. Mr Chowdhury will remove the incorrect training and try to put together a test for staff to take.

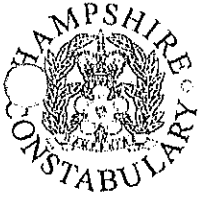
Age Verification Policy

Police: I provided Mr Chowdhury with a draft age verification policy in August 2012. This was to be filled in with the premises details, signed, and dated to indicate that Challenge 21 was the age verification policy of choice for the premises. On the 11th October I again visited the premises and advised that it was unsatisfactory that this policy had not been filled out. During the visit I observed that the policy had been signed by the DPS on 3rd February and the details, including name and address of the premises had not been filled out at all. It is mandatory that premises have an age verification policy and I have done all that I can to assist you with this. It is extremely disappointing to find that it has taken nearly 6 months for this to be completed. I have enclosed some additional Challenge 21 posters for your use.

Premises: Mr Chowdhury apologised for not having completed the policy but offered no explanation for this. He did advise that there were posters displayed at the premises advising customers of the Challenge 21 policy.

Incidents/Refusals Book

Police: You have continued with your A4 lined paper pad. Although our visit was conducted on 6th February, there was no log for the 5th February, indicating that they're not always completed at the end of the night as was suggested. You advised that you record all refusals of sale. I can confirm that you were subject of a test purchase operation on 19th October 2012, and that there was no record in the book of these two refusals. You have also noted on several occasions two young 16/17year old



Hampshire Constabulary

Chief Constable Andy Marsh

females who often visit the premises from a neighbouring restaurant once they have finished work there. You correctly record in the log book that they are refused and served with a soft drink, however, your licence clearly states that 'in any event no children are permitted on the premises after 2200hrs'. This is therefore a breach of your licence.

You were previously advised to record in this book the time at which you call time at the bar, and the time at which all customers leave the premises. This was in order to disprove that you are open beyond your hours. At a glance I noted the following times from your book:

8th September – everyone left at 0105hrs
22nd September – everyone left at 0105hrs
4th October – everyone left at 0110hrs
6th October – everyone left at 0108hrs
6th November – everyone left at 0120hrs

Your premises licence shows that the premises should be closed by 0100hrs. You are clearly in breach of this, by your own admission. As previously advised, you must adhere to the conditions and times of your premises licence.

Premises: Mr Leaver advised Mr Chowdhury that he must ensure that he adheres to the hours shown on the licence. Mr Chowdhury confirmed that he understood this but felt that an extension to the licence of half an hour might make this easier.

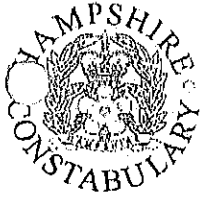
CCTV

Police: Noted that CCTV had been installed since the last full visit, and that the correct date and time was now displayed. I requested that you provide me with footage of my visit on 3rd February. You tried to show this to me on the screen but the footage appeared to only go back to 3rd February (actual date, not the 2nd February as was shown on my visit and therefore required). I left you with a blank VCD and CD for you to do this, which you advised would require a computer (not kept at premises). I also asked how long footage was retained for. You advised 2 weeks, however, as stated, footage beyond 3rd February could not be viewed.

Premises: Mr Chowdhury could not explain why the CCTV would not play and is going to investigate this further and will call police to update.

Toilet Checks

Police: The incident log merely states, infrequently, how many toilet checks were conducted in an evening. The results of the drugs swabs taken on 3rd February are as follows: Bar 2.00 MDMA (ecstasy), Ladies Toilets 2.03 Cocaine, 1.13 Heroin, Gents Toilets 6.25 Cocaine. The reading in the Gents toilets is particularly concerning as any reading above 4.00 indicates recent direct contact with the substance. Conducting toilet checks is vital in deterring drugs related activity. The local beat officer has previously advised you that these ought to be frequent. I now request that you both conduct and record these on an hourly basis, minimum, between 1800hrs and close of business on Fridays and



Hampshire Constabulary

Chief Constable Andy Marsh

Saturdays. I have provided you with posters to support your 'Zero Tolerance' to drugs approach, and encourage you to contact police if you suspect that drugs are being used or that someone on your premises is in possession of drugs.

Premises: Mr Leaver was surprised and concerned by the results and agreed that efforts must be made to deter this. Mr Chowdhury agreed to conduct and record the toilet checks in both the ladies and gents as requested.

Date: 12/02/2013

To,
PC 24191 WOOD
Violent Crime Reduction & Licensing Team
Southampton Central Police Station
Southampton

Dear PC WOOD,

I received your letter dated 7th February 2013 and have reviewed the contents with upmost importance.

First of all, I want to offer my apologies about what has happened, please accept my apology and give me a chance to rectify the mistakes. I will follow up on your suggestions in the letter and I can give you my assurance that in future there won't be any more complaints.

Thanking you and assuring you of my best cooperation in the near future.

Yours sincerely,

(Aminur Ranman Chowdhury)
Siam Thai Lounge
24 High Street
Lyndhurst

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 12:10 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 15/02/2013 14:28

Entered by: #24191 WOOD, B.

Entered time: 15/02/2013 14:28

Remarks: Phone call from DPS & PLH

Phone call PM 14/02/13 from Alan LEAVER

Initially very 'offish' having received my latest letter. Advised that the issue was Mr Chowdhury's lack of English comprehension and that the licence had now been fully explained to him and there would be no further breaches.

I explained that a review was being prepared and that Mr Chowdhury had had ample opportunity to say that he didn't understand, and that I had actually checked with him on several occasions that he did understand.

Mr Leaver was cross that a review was being requested but again insisted that he was against drug use at the premises.

15/02/13 Phone call from DPS Mr Chowdhury

Requesting to know whether I had received his letter. I confirmed I had and asked whether he had written it to which he replied 'yes'.

Mr Chowdhury wanted to know whether the letter was ok and that I was happy with it. I explained that operating within the confines of a licence is not something which should have to be written down as assurance, it should be the case 100% of the time. Mr Chowdhury went on to say that the problem was that he hadn't understood everything properly. I again asked whether he had written the letter himself, to which he now replies 'yes, i had some help'.

The conversation went on for some 20 minutes with Mr Chowdhury promising and assuring that he would be 'ok' now and that I should give him another 6 months.

I advised that I would not be doing this as I had a responsibility to ensure that the licensing objectives were being supported but that he should operate by the conditions of the licence anyway.

Mr Chowdhury advised that I couldn't have the CCTV footage requested as when he phoned up the CCTV company for instructions to alter the date and time he accidentally deleted all the footage. Mr Chowdhury confirms that this is the only time that the date/time has been changed and that he now knows how to do it

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hitelf.

24191

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Working Sheet

Hampshire Constabulary

Printed: 18/04/2013 12:32 by 24191

Occurrence: **44080359908 Z Prem Licence (Management Occurrence)**

Author: #24191 WOOD, B.

Report time: 19/02/2013 13:41

Entered by: #24191 WOOD, B.

Entered time: 19/02/2013 13:41

Remarks: Email from PLH

From:**Sent:** 19 February 2013 13:06**To:** LICENSING WESTERN Mailbox**Subject:** License Visit Letter - Siam Thai Lounge, Lyndhurst

Dear PC Wood,

Re: License Visit Letter - Siam Thai Lounge, Lyndhurst

Thank you for your letter, 7th February 2013, apologies for not replying sooner, I have had problems of a personal nature which needed to be attended to.

As discussed on a recent telephone conversation with you, I have spoken to Mr Chowdhury and explained to him the need to comply with the premises license and he has assured me that he will.

I am sorry for any misunderstandings that Mr Chowdhury may have had and I hope we can move forward together so that Mr Chowdhury can continue to run his business whilst complying thoroughly with the premises license.

Thank you for your assistance with this matter, please do not hesitate to contact me if there are any further problems.

Yours sincerely,

Alan Leaver

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Working Sheet

Hampshire Constabulary

Printed: 18/04/2013 12:38 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #22237 CONWAY, S.

Report time: 02/03/2013 19:13

Entered by: #22237 CONWAY, S.

Entered time: 02/03/2013 19:13

Remarks: Licensing visit 02/03/13

0045hrs 02/03/13 – Siam Thai Lounge, Lyndhurst. Noisy group of people sat outside the premises. DPS moved the group on when spoken to by police. DPS stated that part of the group had been loitering as they were underage and had not come from his premises. Inside there were a number of people who were being loud. One male was left by his friends due to being quietly argumentative to them. He was unsteady on his feet, but was allowed to finish the dregs of at least 3 spirit drinks. Ion track swabs were done, by which time the remaining customers had left. This was about 0055hrs. On leaving another group of customers were shouting and were asked to move on by the DPS (after the group were pointed out to him by police). On walking around to the car park, a group were found being very loud, shouting and singing. Two members of the group had alcohol from the premises – one was a half full bottle of 500ml Tiger beer, the other was a 'highball' type glass which was $\frac{3}{4}$ full. Both items were seized and returned to the bar. The DPS and his staff stated that they never let bottles and glasses leave the bar, and suggested that the items had been hidden from their view. Meeting to be arranged with PS Plascott.

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of: Sharon Conway URN
 Age if under 18: Over 18 (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: _____ (witness) Date: 20/3/13

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

On 2nd March 2013 I was on duty in full uniform with PS 18 Plascott. I am a Licensing Officer and have a responsibility within my policing area to ensure that the Licensed Premises are promoting and upholding the four licensing objectives.

These are as follows:

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

At about 00:45 hours, myself and PS Plascott attended Siam Thai Lounge, High Street, Lyndhurst. Outside the premises, there is a bench. A group of young people had congregated around this bench. The group were being loud, and could be heard shouting as I approached from the car park behind the venue.

At the Siam Thai Lounge, the designated premises supervisor (DPS), Aminur CHOWDHURY, was spoken to. The DPS was told about the group of people loitering outside. Although CHOWDHURY did tell the group to move away, he stated that the group had not come from his premises.

Inside the premises, there was about 30 people left, getting ready to leave. The remaining customers were loud and noisy. I saw one male who was unsteady on his feet and swaying. He was with two females. After a heated conversation, the females left. The male then finished the ends of three spirit drinks. No member of staff made efforts to remove the glasses from the table at this time.

Myself and PS Plascott went to the toilet area, in order to swab the toilets for the Ion Track machine. This swabbing would provide indications of drug usage.

By the time we had returned to the front of the premises, the remaining customers had left. This was about 00:55hours. The premises licence has a closure time of 01:00hours.

Signature: _____ Signature witnessed by:

After a short conversation with the DPS, PS Plascott and I left. Outside, a group of customers remained in the area. The group were shouting. After direction from PS Plascott, the DPS went outside and asked the group to move away from the area.

PS Plascott and I then went back to the car park. On walking around, a group of adults I recognised as being in the Siam Thai Lounge were loitering in the car park. The group were very loud, shouting and singing. I saw that one male in the group had a large bottle of 'Tiger' beer with him, which was opened and the male was drinking from. A second male had a tall glass which was 3/4 full. Due to the anti social behaviour of the males and the rest of the group, I asked for the alcohol to be handed over to me. Both males handed the drinks over.

Having just seen the group leave the Siam Thai Lounge, and I had seen similar bottles and glassware in the premises, PS Plascott and I returned to the premises.

On returning to the Siam Thai Lounge, the DPS and his staff were still present. The DPS accepted that the bottle and glass had come from the premises, however stated that they never let bottles or glasses leave the premises. The DPS and his staff members suggested that the items had been hidden from their view when the customers left the premises.

Lyndhurst High Street is a single one way road, with buildings close to the road. This creates a situation, especially at night when there is no other noise, whereby people shouting and singing seems louder than the noise would be at other times of the day. The groups that I witnessed were so loud that they could be heard some 100m to 200m away, and there was buildings between the groups and the position I first heard them.

Signature: ..

Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of: Jonathan Harris URN
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

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

Signature: (witness) Date: 11th April 2013

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

I am PC 24288 Harris, employed by Hampshire Constabulary and stationed at Southampton Central Police station in the post of Violent Crime Reduction and Licensing Officer.

On Friday 15th March 2013 at 2335 hours, I was on duty and in full uniform when I pulled up in an unmarked vehicle near to Siam Thai Lounge Restaurant in Lyndhurst. I had been asked to pay attention to the venue at this time as my colleagues in the Licensing Department had been looking into complaints made by local residents about noise and drunkenness linked to the premises. I parked the vehicle about 10 meters down the road on the same side as Siam Thai Lounge and could clearly see the front of the premises.

I immediately counted around 8 people stood on the raised area directly outside the premises. It was a young crowd, which I believed to be in their late teens to early twenties. One large built IC1 male particularly caught my attention. He was very unsteady on his feet and was trying for a couple of minutes to get his arm in his jacket. He had got one arm in, but just did not appear to have the coordination to put in the other. At the time, I considered whether he was doing it for show or if he was genuinely that intoxicated.

It was not clear what the group were waiting for. They were not particularly noisy, but in a quiet village like Lyndhurst, their voices travelled and I could understand how it could wake or disturb nearby residents and cause annoyance. 4 other people then came outside from the Siam Thai Lounge and then the group walked off towards the Maserati garage located further down the road.

5 minutes past and another group of 5 to 6 people came outside the Siam Thai Lounge. They started to shout out to the group that were now waiting around near to the Maserati garage a good 80 meters down the road. A female who was with that group then stood very near to my vehicle under an alcove of a shop with a male who I believe was the

Signature: Signature witnessed by:

designated premises supervisor (DPS) of the Siam Thai Lounge to smoke a cigarette. The male once he finished his cigarette, returned to the Siam Thai Lounge and turned off the lights. I had met the DPS on a previous visit to the premises. The female that had been stood with him I thought had gone as she walked behind my vehicle. I very quickly realised that she had not disappeared when there was a loud bang at the passenger side of the vehicle. The female had run back around to the side of the car, slipped and fell against it. She then opened the door and stood leaning over in front of me and said "OH, YOU'RE A POLICE OFFICER AREN'T YOU". She was very unsteady on her feet, her eyes were glazed and she was slurring her words. I formed the opinion that the female was very drunk. She was smoking the butt of a cigarette and I said to her "GET THAT OUT OF THE CAR, IT STINKS" and she went away and formed up with the group further down the road.

The premises now appeared shut and there was no further reason to stay in the area.

Signat...

Signature witnessed by:

2010/1



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:

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Statement of:

Age if under 18: Over 18 (if over 18 insert over 18) Occupation: Retired

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: X Date: 21/03/13

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

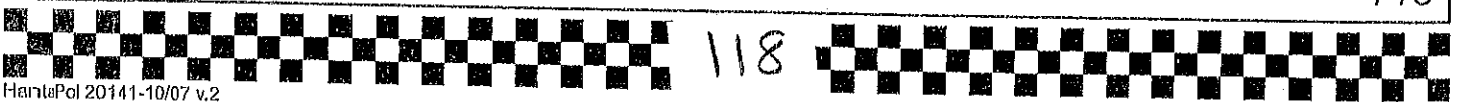
I am the above named person and I live at the address shown over the page.

I have lived in Lyndhurst village since 1999 and during this time I have experienced problems with a licensed premises situated across the road from my flat. This premises is currently called The Siam Lounge. The premises has previously been called The Plum Monkey and before that Coburns. I believe it has been called The Siam lounge for the last 18 months or possibly more. When the premises first opened I believed that it was a restaurant however I believe that the premises is now used predominantly as a bar. Since the Siam Lounge has been open I have witnessed a number of incidents aside the premises late at night. I have also experienced noise nuisance and have been intimidated by a number of the incidents that I have witnessed from my flat. The noise and the incidents that I refer to have been associated directly to The Siam Lounge.

I will firstly refer to the noise nuisance. The noise nuisance occurs after the Siam lounge has closed, this is around one'd close in

Signature: X Signature witnessed by:

PTO





RESTRICTED (when complete)

WITNESS STATEMENT

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

2

URN :

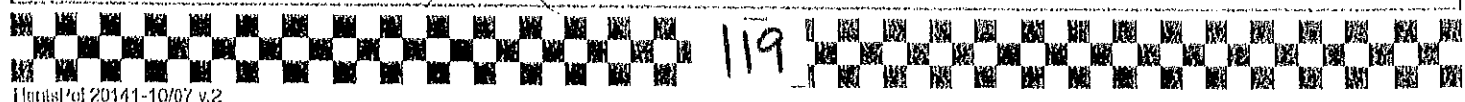
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Continuation of Statement of:

the morning. The customers who use the Siam Lunge congregate directly outside the premises when they leave. I know that these persons have been inside the Siam Lunge during the evening as I have witnessed them leaving from my flat. Sometimes the noise can go on until as late as 0200 hours. The noise has been particularly bad during the summer. The noise nuisance includes customers leaving the premises heavily intoxicated, and as a result they are extremely loud, shouting and shrieking, laughing loudly and swearing. In the summer this behaviour can go on as late as 0200 hours. I have actually stood at my window and watched persons leaving the Siam Lunge and behaving in this manner. My window looks directly down onto the entrance to the Siam Lunge. This noise keeps me awake, I have even been woken by the noise when I have slept in my back bedroom which is situated on the other side of my flat, this demonstrates how loud the noise is. The persons leaving the Siam Lunge and who are responsible for this noise and behaviour are clearly under the influence of alcohol. I know this because I have stood at my window and watched them. These persons are loud, they argue and shriek. I have witnessed persons fighting, vomiting outside the premises, playing chicken in the road and jumping over the post box outside the Siam Lunge when I have been woken or disturbed by this noise and anti-social behaviour, I have actually watched

Signature: X

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 :

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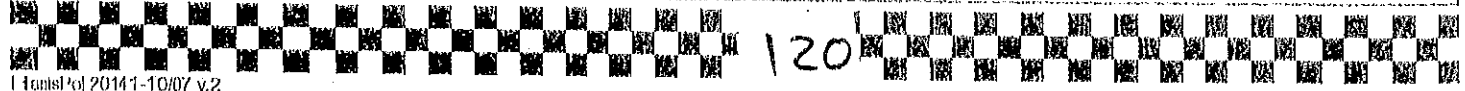
Continuation of Statement of:

the customers leave the Siam lounge, I have then noticed that the licensee has then closed the venue. I have never seen him outside his venue trying to disperse his customers or try to get them to be quiet or stop their behaviour.

I will describe one particular incident that occurred last Friday which would have been Friday 15th March 2013. This incident took place at about 0100 hours. I saw about six people coming out of the Siam lounge, I happened to be in my front room sewing. I heard some noise outside and looked out of my window, I could hear persons talking loudly, once they had come out of the Siam lounge, they remained directly outside the venue and talked loudly. Some looked to be on mobile phones. As I watched I suddenly saw a young lady who looked to be aged in her early twenties. I had seen her come out of the Siam lounge with the group. I was alerted to her as she actually fell over in the street. I then saw a couple of the group pick her up. I realised that this female was extremely drunk. Once she was on her feet she stood with the group and I could clearly see her swaying. She then fell over again and was picked up for a second time. She then stood for a few moments and then walked a few paces towards the post box. At this point she fell over again and fell heavily. She was again picked up and placed on the bench directly outside the Siam lounge, within moments she fell off of the bench.

Signature: *X*.....

Signature witnessed by:





Continuation of Statement of.....

and again had to be picked up. By this time it was about 0130 hours when suddenly a taxi pulled up. The group got into the taxi and left leaving the female on her own on the beach. I was very concerned about this as she had been left on her own, was extremely drunk and clearly vulnerable. I must point out that I did not see the licensee come out of the Siam Lounge to actively encourage the group to be quiet or move on or to check on the female, yet these people had clearly been drinking in the premises, and as I have pointed out the female was clearly drunk.

At this point I became very concerned about the female due to her condition, I went out and tried to speak to her. She was clearly very drunk and her speech was slurred, she could not string a sentence together. She was then sick in front of me, this was still whilst she was sat on the beach directly outside the Siam Lounge. I stayed with her for a little while and ascertained that she lived locally. After a few moments the female walked off up the High Street, she staggered but did not fall over. I had offered to help her but she kept saying no. When she left, I went back to my flat. When all this was going on the Siam Lounge was closed and I had actually seen the licensee leave the premises to go home, this was while I had been watching from my flat and before I had gone out when he left he actually walked off over Marsh he could not have missed the group outside his premises. I was so angry that this female had been able to get into this state and had then been left in this state alone.

I have also witnessed fights in the past, there have been outside the Siam Lounge and I have seen that these individuals have been drinking

Signature: X.....

Signature witnessed by:



Continuation of Statement of:.....

The noise also keeps me up at night and on one occasion I was
 so tired I actually opened my window and asked these
 people to be quiet. The situation really frustrated me and
 affects my quality of life. I would support any action that
 the police take in addressing this problem.

I have no issue with persons going to pubs to drink however
 it is not fair when the behaviour affects nearby residents.

X

Signature: X

Signature witnessed by:

Working Sheet

Hampshire Constabulary

Printed: 09/05/2013 10:37 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #21521 SMITH, G. Report time: 20/04/2013 02:03
Entered by: #21521 SMITH, G. Entered time: 20/04/2013 02:03
Remarks: Observations 20/04/13

Myself, PC 21071 Norris and SC 99046 Nichols attended the premises at 00.030hrs (in plain clothes). As we walked past one of the staff turned the sign in the window to closed.

We remained outside for half an hour until 01.00. During that time approx 8-10 customers left the venue, they were in two groups of four to five. Two males, one from each group were drunk, loud and unsteady on their feet. There was no attempt from the staff to encourage the groups to leave the area quietly. One male from one of the groups sat next to us and was chatting, during conversation we asked if he had eaten at the venue, he said he hadn't.

There was no noise coming from within the premises that could be heard immediately outside.

21521

Working Sheet

Hampshire Constabulary

Printed: 09/05/2013 10:38 by 24191

Occurrence: **44080359908 Z Prem Licence (Management Occurrence)**

Author: #21521 SMITH, G.

Report time: 21/04/2013 02:40

Entered by: #21521 SMITH, G.

Entered time: 21/04/2013 02:40

Remarks: Licensing visit 21/04/13

Premises visited Saturday at around 00.40 in uniform and sat in an unmarked vehicle outside.

There was a group of 3 males and a female outside being quite loud, one of the males in particular was banging the door and shouting at the owner to be let in there was no response from within despite the obvious nuisance. One of the males spotted us and had a word with the loud one who just carried on. We went in past the group and as we did the rest of the customers, about 6 persons left. We had a brief chat with the DPS who told us he encourages people to leave quietly! We had seen nothing of him doing this on the two occasions we attended. When we left there was no-one to be seen.

21521

RESTRICTED

D

Working Sheet

Hampshire Constabulary

Printed: 09/05/2013 10:38 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 27/04/2013 17:02

Entered by: #24191 WOOD, B.

Entered time: 27/04/2013 17:02

Remarks: Visit 26/04/13

Attended at 2355hrs. Group of 8-10 outside on the steps showing no signs of wanting to go in. At about 0003hrs the group went back into the premises. At 0010hrs a young couple exited the premises carrying glasses containing liquid. They were stopped by us and glasses re-claimed. On taking these back to the premises at 0020hrs I was initially refused entry by a male inside who pointed to the locked door. He did eventually allow me in to return their glasses. DPS advised that this male had been at the door since 0000hrs and that the glasses could not have come from the premises. He was assured that we had witnessed this happening. Although there was a large number of people in the premises there was no music playing at the time that I went in.

RESTRICTED

**** and **** are buying Coke and MDMA from an IC3 male called **** from Southampton. **** comes in a silver or grey 5 series BMW or in a Porsche to deliver the drugs then leaves. **** and **** then deal the drugs in Lyndhurst. Once the pubs close they deal from the Thai restaurant in the High St. It is not known whether or not the manager of the Thai restaurant is aware but believed he must be as the subjects do not buy anything while there. They just go in to deal. / On Saturday the 16th Feb 2 males took the MDMA and went off of their heads. It is suspected that the MDMA had acid in it.

44130061932 Intelligence Intelligence Drugs

17/02/2013 10:47

This dealing occurs regularly through the week and every Friday night. **** is also

E41 (WN) A MAN CALLED **** IS LIVING IN SOUTHAMPTON. **** HAS ADMITTED TO BEING INVOLVED IN RMS: 44120069722. HE ARRIVES BETWEEN 21.00 AND 00.00 ON FRIDAYS AND SATURDAYS AND HE STOPS AT THE CAR PARK AT THE BACK OF WELLANDS ROAD IN LYNTHURST BEHIND MELMANS PUB. HE STAYS IN THE CAR AND DEALS COCAINE AND A FORM OF LSD FROM HIS CAR. THE LSD IS KNOWN TO BE DIPPED IN ACID AND IS MAKING PEOPLE VERY ILL. HE IS NEVER THERE FOR VERY LONG EACH TIME BUT IS ALWAYS THERE ON A FRI AND SAT. HE THEN LEAVES AND GOES BACK UP THE CADNAM ROAD BACK TO

44130067420 Intelligence Intelligence Drugs

21/02/2013 16:08 SOUTHAMPTON. HE NORMALLY TRAVELS WITH ****.

821

50

UNUSED
MATERIAL

Working Sheet



Hampshire Constabulary

Printed: 17/04/2013 08:53 by 24191

Occurrence: **44080359908 Z Prem Licence (Management Occurrence)**

Author: #1416 WHITE, A.

Report time: 02/03/2012 13:31

Entered by: #1416 WHITE, A.

Entered time: 02/03/2012 13:31

Remarks: new report

Myself and PCSO Quinn conducted a Licence check at the Thai Lounge on Friday the 02/03/12 at 12.15 hrs

This was with the DPS Rahman Chowdhury .

We went through the check list with him- We explained how to start a Incident Book and Refusals Book .He now has one in place.

He lives in Soton but there are 2 other DPS'S who live on site. A Apha Phichet 25/01/89. They didn't have this displayed in the Bar .We explained this had to be done

They don't have door staff

He stated he checks the Toilets at the end of the evening. We told him this needs to be done more often.

There does not appear to be any staff training in place. He does not appear to know how to implement training and what topics need covering etc.He needs assistance in this matter.

When speaking to him he appears not to understand but not sure if this is put on.

We have advised him we will be checking on a regular basis

I have sent a task to the Licencing officer

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 09:30 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #1416 WHITE, A.

Report time: 08/06/2012 15:00

Entered by: #1416 WHITE, A.

Entered time: 08/06/2012 15:00

Remarks: new report

Myself and PCSO Quinn conducted a Licence visit 08/06/12 at 12.00 hrs with the DPS Mr Chowdhury.. He was able to show us a up todate incident book and Refusals book. Both with numerous dated entry's .We explained about the rumours thta he wa sservering alcohol after 01.00 hrs at weekends. He denied this and i told him we would be keeping aneye on the Premisses. We aslo mentioned we had heard about under age drinking . He explained he caught giving his Alcoholic drink to his under age sister. He had bought a soft drink at the bar for her. They have been warned after they were named at Pub Watch

The only issue was checking and recording Toilet Visits. This he stated he would do.


Mr Chowdhury is going to attend our next Pub Watch meeting.

I have faxed the visit form to CRB.

I feel a lot more positive following thise visit .We will continue to monitor the premisses.

44080359908

<p>○</p>	<ul style="list-style-type: none"> Do door staff have their SIA badge on display? 	<p>N/A</p>
<p>Toilet checks</p>	<ul style="list-style-type: none"> Are these conducted by staff? How often? 	<p>YES → will do so each HR</p>
<p>Staff training-due diligence</p>	<ul style="list-style-type: none"> Are there written records of the checks? Do they have training about not serving drunks and serving of persons under 18 years old? Is there a written training package or is it verbal? Do staff sign & date to say they have received the training? When was the last staff training carried out? What does the training contain? Do they have an age verification policy (challenge 21 or 25)? Does it contain signs symptoms of drunks and drug taking/effects? Does it have an exam for the staff at the end? Do they have refresher training? How often do they have it? 	<p>NO - will now do so</p> <p>Challenge 21 on display What ID is OK</p> <p>only MR CHONDMURY and one other member of staff serve Alcohol</p>
<p>Visual observation of officers</p>	<ul style="list-style-type: none"> Do they have written records of this? Is there any evidence of drug use- check flat surfaces? Are there drunks on the premises?- If so bring to the attention of the Manager (what did they do) Was there disorder or abuse directed at you? If so what did the Manager do? Raise it with them. 	<p>} AIO</p>



Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 08:53 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #1411 FREEMAN, M.

Report time: 24/02/2012 21:30

Entered by: #1411 FREEMAN, M.

Entered time: 24/02/2012 21:30

Remarks: Lic. Visit, PS 1411 and PC 1416

Lic. visit conducted at premises, 1930, 24/02/12

Spoke with DPS, Aminur Rahman CHOWDHURY, premises quiet, approx. 8 customers.

Reminded DPS of Lic objectives;

) Prevent Crime and disorder

Prevent public nuisance

Promote public safety

Protection from harm of children <18

DPS appeared unsure of above and reasons for maintaining below records.

No training records maintained

No refusals log.

No incident log.

) Advised to maintain records, dated and timed, and in doing so promote Lic objectives, advised to invest in records for above.

No door staff at premises.

Appt. made for LBO, PC 1416 to attend, week comm. 27/02/12 and support introduction of above.

Full Lic visit questionnaire to be completed.

PS 1411

Working Sheet

Hampshire Constabulary

Printed: 17/04/2013 11:43 by 24191

Occurrence: **44080359908 Z Prem Licence (Management Occurrence)**

Author: #1411 FREEMAN, M.

Report time: 31/12/2012 21:57

Entered by: #1411 FREEMAN, M.

Entered time: 31/12/2012 21:57

Remarks: Lic visit, 31/12/12

Visit conducted by PS 1411, PCSO 14854 to promote Lic. objectives.

Approx. 30 persons in restaurant, all sat at tables having meal

Spoke with DPS, Aminur Choudhury, stated he was open until 0300, premises licence checked and in order

5 staff on duty within restaurant and 2x door staff from 0001.

PS 1411

Working Sheet

Hampshire Constabulary

Printed: 18/04/2013 12:40 by 24191

Occurrence: 44080359908 Z Prem Licence (Management Occurrence)

Author: #24191 WOOD, B.

Report time: 15/04/2013 12:40

Entered by: #24191 WOOD, B.

Entered time: 15/04/2013 12:40

Remarks: H2H ref noise complaints

From: White, Andrew,1416

Sent: 09 March 2013 14:06

To: Plascott, Christine

Subject: RE: Sian Lounge

Hi Christine

Myself and PCSO Quinn conducted H/2/H last night on flats that overlook the Thai Lounge.

stated no problems

stated no problems.

They both live in upstairs flat opposite

ves in flat above Lyndhurst Antique Centre 1 Romsey Rd stated Fri/Sat nights it vary's 01.30 ish .In summer worse. She also stated as the evening goes on prices behind the bar go up .Also he doesn't use the till just a calculator She stated we can use a room that overlooks the Thai Lounge. It would be well worth giving her a ring she is up for keeping a log etc.

Her contact details are mobile

I am on leave for 2 weeks

Cheers Andy

From: Plascott, Christine

Sent: 28 February 2013 14:54

To: White, Andrew,1416

Subject: Sian Lounge

RESTRICTED

Andy,

We are currently looking at the above location as it appears that the DPS is running it as a bar as opposed to a restaurant and he is failing to abide by various other conditions on the license. We only have one resident at this time who will provide a statement but I believe that there may be others who will. We have been through the council which is where the complaints have been made however the officer on licensing has advised that the complainants will not allow their names to be released to the police, not quite sure this is the case!

Can I ask if you can assist by carrying out a brief door knock

Can you let me know if you can assist?

Thanks

Christine

Appendix 2

* Environmental Health Pollution Supporting review of Premises Licence

Sarah Wilson

From: Edward Vandyck
Sent: 31 May 2013 11:42
To: Licensing e-mail address
Cc: 'western.licensing@hampshire.pnn.police.uk'
Subject: SIAM THAI LOUNGE, 24 HIGH STREET, LYNDHURST, SO43 7BG
Attachments: 024 HiSt s80 Letter 11.09.13.pdf; 024 HiSt s80 noise 11.09.13.pdf; 024 HiSt s80 odour 11.09.13.pdf

Dear Sirs

I am writing on behalf of the Environmental Protection section of Environmental Health, Licensing Act Statutory Consultee, to support the License Review of the above premises called by the Police.

The operation of the kitchen extract equipment continues to cause complaint of odour and noise nuisance to at least 3 properties in the vicinity, at least two of which are residential. This Authority found that statutory noise and odour nuisance was being caused, and took formal action by way of abatement notices served on 13th September 2011.

The abatement notices and accompanying letter (copies, attached) required that effective extract system was installed within 20 weeks. This period allowed sufficient time to obtain planning permission and install the extract.

Progress in installing the system has been dilatory in the extreme, and at the time of writing, 20 months after service of notices, the extract causing the nuisances has not been replaced.

The adverse impact to people living nearby is particularly acute in the warmer part of the year. Currently, nearby residents and others are contemplating further months of statutory nuisance. An extract system having been designed, and given planning permission on 17th October 2012, parts of the system (at least) reside, unused on the roof of the premises. The Local Authority is to consider undertaking a criminal prosecution should the equipment not be installed shortly.

It is known that of a number of other agencies have undertaken enforcement action at this premises in recent times. Any action that might be taken by the committee to require the end of ongoing nuisance caused, and with it an improvement in the very poor management of this premises, would be welcome.

Yours sincerely,

Edward Vandyck
Senior Environmental Health Officer
Environmental Protection | Public Health and Community Safety
023 8028 5588 | Internal 4444
edward.vandyck@nfdc.gov.uk | www.newforest.gov.uk

Public Health and Community Safety
Head of Service: Annie Righton

Mr A Chowdhury
Siam Thai Lounge
24 High Street
Lyndhurst
SO43 7BG

Our Ref: EPNSE/11/05964
Your Ref:

13 September 2011

Dear Mr Chowdhury

Environmental Protection Act 1990 - Noise and Odour Nuisance
NOTICES SERVED - Extract System

Further to my earlier site meeting with you, I can confirm that it is clear that your kitchen extract is causing excessive noise and odour to nearby residential property, and that the odour control system does not comply with current standards.

Observations have confirmed the existence of a statutory nuisance and accordingly **NOTICES** are enclosed.

I can strongly advise that a new or modified system is installed following the good practice contained in current DEFRA guidance. Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems. A copy may be found at:-

<http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf>

The period of compliance for the notice (20 weeks) takes account of the likely need to obtain planning permission in this case. A copy is being sent to the Local Planning Department. Also the owner of your premises is being sent a copy, again for information only.

You have a right of appeal to the Local Magistrate's Court within 21 days of the date of the service of this notice. Appeals should be sent to the Clerk to the Justices, Southampton and New Forest Magistrates Court, 100 The Avenue, Southampton, Hampshire, SO17 1EY.

Please do not hesitate to contact me should you require further information or advice.

Yours sincerely

Edward Vandyck
Senior Environmental Health Officer
Environmental Protection

Tel: 023 8028 5588
Email: edward.vandyck@nfdc.gov.uk

newforest.gov.uk
Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

cc. Planning Directorate, New Forest National Park Authority, South Efford House, Milford Road, Lymington, Hampshire SO41 0JD

Abatement Notice in respect of Statutory Nuisance

To Mr A Chowdhury
of Siam Thai Lounge, 24 High Street, Lyndhurst, SO43 7BG

Ref: 489/11/12

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the New Forest District Council ("the Council") being satisfied of the likely recurrence of a statutory nuisance under section 79(1) that Act at the premises known as

Siam Thai Lounge, 24 High Street, Lyndhurst, SO43 7BG

within the district of the Council arising from

noise, to nearby residential property, from the kitchen extract system

HEREBY REQUIRE YOU, as the occupier of the premises within 20 weeks from the service of this notice, to abate the same and also

HÉREBY PROHIBIT the recurrence of the same.

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale** together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated 13/09/2011

Signed.....

Mr E Vandyck
Senior Environmental Health Officer

the officer appointed for this purpose

Please address any communications to:

New Forest District Council, Environmental Protection, Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See notes on the reverse of this form.

** Currently £5000, subject to alteration by Order.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80 (3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonably in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and -
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises),
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
- (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises; or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may:-
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where:-
 - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either:-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
 - (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply

Abatement Notice in respect of Statutory Nuisance

To Mr A Chowdhury
of Slam Thai Lounge, 24 High Street, Lyndhurst, SO43 7BG

Ref: 490/11/12

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the New Forest District Council ("the Council") being satisfied of the likely recurrence of a statutory nuisance under section 79(1) that Act at the premises known as

Slam Thai Lounge, 24 High Street, Lyndhurst, SO43 7BG

within the district of the Council arising from

odour from food preparation, to nearby residential property, from the kitchen extract system

HEREBY REQUIRE YOU, as the occupier of the premises within 20 weeks from the service of this notice, to abate the same and also

HEREBY PROHIBIT the recurrence of the same.

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

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The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated 13/09/2011

Signed.....

Mr E Vandyck
Senior Environmental Health Officer

the officer appointed for this purpose

Please address any communications to:
New Forest District Council, Environmental Protection, Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

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 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
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- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
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 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
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 - (a) the nuisance to which the abatement notice relates -
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 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
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- (3) Where paragraph (2) applies the abatement notice -
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply

Home Office

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

October 2012

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on

how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is

nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing

objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.