

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

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

I PC 512 Jason Pearce, 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:	S2 Snooker Club, 223 Kingston Road, Portsmouth
Postcode (if known):	PO2 7EG

Name of premises licence holder or club holding club premises certificate (if known) Mr Chin To LAM
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Number of premises licence or club premises certificate (if known)
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Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: Pearce	First Names: Jason
Current postal address :	Fareham Police Station, Quay Street, Fareham
Postcode:	PO160NA
Daytime telephone number:	101 ext 4641503
E-mail address: (optional)	jason.pearce@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
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

☒
☒
☐
☒

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

S2 Snooker Club is split into several large areas. The front of the premises contains a bar with seating and pool tables, to the side of this is an open doorway which leads to a large area containing a number of snooker tables. A further bar sits in this area although at the present this is not in use. From this area 3 x group karaoke rooms can be hired for use.

S2 club has a premises licence to sell alcohol, play live music, play recorded music and have late night refreshment between 1200 - 0400 daily.
(ANNEXE 1 - PREMISES LICENCE)

The DPS and Premises Licence Holder is Chin To LAM. He has been the DPS since January 2014. This is the first licensed premises that Mr LAM has operated.

Hampshire Police seek to review the premises licence at S2 club due to associated violence and the likelihood of future violence. The assessment of future risk is based on the type of customer S2 club attracts during the late evening. The lack of management of these customers, coupled with a lack of compliance with numerous premises licence conditions enhance this risk.

The Police case will provide evidence to help determine a proportionate outcome for the review hearing. The Police have carefully considered potential outcome options and believe that 'revocation of premises licence' is the only safe solution to protect the public from harm including persons under 18.

Evidence of recent and historical non-compliance of premises licence conditions will show that any further conditions imposed on the premises licence or changes to licensable hours are likely to be ignored as this has been the case in the past.

POLICE CASE:

At 02:13 on 12th November 2017 a serious assault took place at S2 Snooker club where a 17 year old male was attacked with a bottle and received GBH injuries - laceration to head. This was a Saturday night into the early hours of Sunday morning. There was no specific event or function on at the time that may have been a contributing factor. It was a normal Saturday evening.

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The 17 year old male sustained a serious head injury requiring Hampshire Ambulance Service and consequent hospital attendance. Police reference number for this incident is 44170440315.

(ANNEXE 2 - POLICE INCIDENT REPORT 44170440315).

It is important to mention at this stage that the premises licence states all persons wishing to use the venue must be 'members' and that all members must be 18 or over. The victim was 17 years old. (see ANNEXE 1 - premises licence annexe 2 conditions 1 & 2).

Whilst the incident itself was extremely serious with a person who was not authorised to be in the venue (17) being seriously assaulted with a bottle, it also highlighted a lack of staff ability to be able to manage the challenging customer base.

This matter is brought before a Licensing sub-committee with the objective of preventing further such incidents occurring. If left unaddressed, the current set up will no doubt result in further such incidents. Since the incident on 12/11/17 a further incident of 50 drunks customers outside the premises has been reported (see further below).

Had the premises licence conditions been complied on the evening of 11-12/11/17 when the GBH assault took place, the incident would not have occurred. Had the membership system and door entry system been operating as required by the premises licence, the 17 year old would not have been inside the premises. These are both serious failings under the licensing objectives of 'Prevention of Crime and Disorder' and 'The Protection of children from harm'.

In addition to the GBH assault with a bottle, there was sustained crowd violence and disorder in the early hours of 12/11/17. The staff present had no ability to control or manage the violence presented. There were not sufficient numbers of relevant staff to manage the large numbers of young (17 - 25yrs) customers inside.

CCTV of the general customer base and large scale violence on 12/11/17 will be shown to the sub-committee to evidence the extent of the violence and also to give an indication of future risk - this was a normal Saturday night customer base. The customers seen on the CCTV will be typical examples of weekend evening customers.

(ANNEXE 3 CCTV FOOTAGE AT S2 CLUB ON 12/11/17 - to be shown at hearing)

In addition to the violence on 12/11/17 there were several breaches of the premises licence on 11-12/11/17. These are as follows:

1. Premises Licence Annexe 2 conditions 1 & 2 - A membership requirement for all customers to be members and all members to be aged 18 or over. Clearly the membership criteria and / or entry criteria was not adhered to due to a 17 year old being able to enter the premises. The membership system should check ID against a computer image of the member. This has clearly failed or is not being adhered to.

2. Premises Licence Annexe 2 condition 5 requires entry via an intercom system. There is

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no intercom system in place at S2. On 08/12/17 PC 512 Pearce and PC21945 Rackham were able to enter the premises unchallenged (2150hrs) due to the entry door being left open. The premises is only managed by 1 x SIA security staff on Friday and Saturday evenings from 2200 – 0400. An intercom system should still be in place during these hours. Outside of these times entry should also be via intercom which does not exist.

3. Premises Licence Annexe 2 condition 13 requires door staff (when on duty) to use 'body worn video recording equipment at all times' and footage to be stored for 31 days. The SIA staff member on 12/11/17 was not wearing BWV. On this point, when questioned at a follow up visit, Mr LAM stated that it was the first time the doorman had worked in the role. PC PEARCE requested Mr LAM provide footage of any past employed doorman wearing BWV to help prove it is used (request via an email) to Mr LAM. Mr LAM did not produce this leaving PC Pearce to conclude that it was not used.

(ANNEXE 4 - EMAIL CORRESPONDANCE BETWEEN PC PEARCE AND MR LAM)

4. Premises Licence Annexe 2 condition 14 states that the CCTV system will have 31 days of storage capacity. The CCTV system only retains 7 days of footage. On a follow up visit after the incident on 12/11/17, PC Pearce asked Mr LAM to retain all of the CCTV footage of 12/11/17. After 7 days Mr LAM said it had been wiped. Whilst PC Pearce had obtained some of the footage, other cameras would have helped prove or disprove some points (such as numbers inside and staff on duty).

5. Premises Licence Annexe 2 condition 14 requires a CCTV system that has a clock checked for accuracy. The CCTV system provided footage that was approximately 12 hours out of time when viewed by the Police.

6. Premises Licence Annexe 2 condition 17 states that the capacity for the venue shall not exceed 150. Mr LAM advised that a 'clicker' counter is used by the doorman. The CCTV footage on 12/11/17 shows the doorman without a 'clicker' and clearly not taking account of numbers coming in vs numbers going out. The membership signing in system does not record numbers of members entering the premises either.

Attending Police on 12/11/17 estimated there to be over 200 customers throughout the premises. Mr LAM strongly argued that this was not the case claiming there were approximately 70 customers inside. He was unable to prove this to be the case due to poor entry system recording of members and lack of CCTV retention.

(ANNEXE 5 & ANNEXE 6 - Statements of PC 21277 DODD & PS 3038 HEYWARD)

7. Premises Licence Annexe 2 condition 20 states that all staff must receive regular training at minimum twice per year. Whilst there are training records in existence at the premises the last dated records are in 2015.

In addition to non-compliance of premises licence conditions on 11-12/11/17 there has also been historical non-compliance of the premises licence conditions resulting in past Police / Council engagement and intervention. Taken together with the breaches on 12/11/17, this helps show a course of conduct that is entrenched and unlikely to change.

(see ANNEXE 7 - POLICE AND COUNCIL REPORTS).

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It appears that the Premises Licence Holder does not wish to ensure compliance with the legal requirements of the premises licence or is not fit to manage a premises licence. Little care or regard has been taken to ensure compliance over a period of time and this responsibility can only come down to Mr LAM as the DPS / Premises licence Holder.

The following points list further Police observations that help support this review application.

8. It is apparent that during the CCTV footage of the incident on 12/11/17 there was little control in place by the management or staff. A lone SIA staff member (the doorman) is seen amongst the carnage but he has little impact and is at great risk himself. Fights break out, slow down then start up again and again. There was no ability to manage the violent crowd. It was made up of young males and females, many drinking from bottles of beer. The customer base would lend itself to a significant level of monitoring and management by multiple SIA staff, especially taking into account a 0400 terminal hour for licensable activity. The lone SIA staff member was on duty at the front door dealing with the entry / exit point so unable to perform a role of internal monitoring. A lone SIA staff member is inexcusable for such an environment and not safe for the SIA staff member. Allegedly the SIA staff member left the job after this night and has not returned since, no doubt due to the unsafe environment he was placed in.

9. The CCTV footage on 12/11/17 of the front door shows a sign prohibiting bottles being taken outside. Customers are seen abusing this requirement and it was of little importance to the SIA doorman standing at the door.

10. When Police attended the premises shortly after the GBH incident on 12/11/17 they were called by Hampshire Ambulance Service, not staff at S2. Police spoke to the doorman and bar manager who both denied that such an assault had taken place. Both would have been aware of the large scale disorder and blood at the scene. Attending Police also saw evidence of drunkenness and a lack of customer management.
(see statement of PS 3038 HEYWARD - ANNEXE 6)

11. The scene of the GBH was cleaned up prior to Police arrival. This was a serious assault where a significant amount of blood was spilt. Preservation of 'scenes' for serious offences is essential to preserve evidence. The cleaning of the scene and apparent lack of knowledge of the incident suggests an intention to avoid such an incident being linked to the premises. This leaves us to conclude that similar incidents either do not normally occur at S2 Snooker club or incidents occur and are not reported. Looking at the customer base and hours of operation, it is reasonable to believe that incidents probably do occur on a regular basis but are not reported to the Police. The GBH was only reported due to the serious outcome leading to Hampshire Ambulance Service becoming involved. A friend of the victim had called the Amulance service due to concern for his friend.

12. Further incidents of note in 2017:

ANNEXE 8 has been removed - please disregard from scanned incidents.

16/04/17 @ 23:35. Customer at S2 Snooker club has assaulted a female outside, knocking

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out 7 teeth. Several other associated assaults. Police ref 44170142449.
Police incident report ANNEXE 10)

23/09/17 @ 02:15 - Fifteen people fighting outside snooker club. Police ref: 44170368686.
(Police incident report ANNEXE 9)

02/12/17 @ 01:34. Report of 50 persons outside premises drunk. CCTV reporting crowd is dispersing. Police ref 44170469303.
(Police incident report ANNEXE 11)

13. Mr LAM suggested to PC Pearce that the GBH could not have been caused inside the club as alcohol is decanted into plastic glasses. S2 sell lager in bottles. When asked why the bottles of lager are not decanted into plastic glasses, Mr LAM said that the customers would not accept that. This indicates who is actually in control at the premises.

14 The statements from PC 21277 DODD & PS 3038 HEYWARD who attended S2 Snooker club on 12/11/17 provide evidence of customer drunkenness and intoxication, victim's injury, quote by security guard of 200 inside, CCTV being out of time, poor management and potentially staff trying to cover up the serious assault by saying they were not aware of it. PC DODD also provides Body Word Video footage on the night (exhibit CADS2/SH - 01 S2 SNOOKER HALL).

Statements provided as ANNEXE 5 & 6.

BWV provided as ANNEXE 12 - to be shown at hearing.

In summary it is clear to the Police that S2 Snooker club has contributed to a very serious assault taking place against a 17 year old male. The premises presents an ongoing risk of violence, crime and disorder based on the challenging customer base, a lack of management and a long term lack of compliance of premises licence conditions.

Collectively these factors will result in future problems, potentially to persons under age (under 18) as was the case on 12/11/17.

The sub-committee have the opportunity to address this matter by taking away the risk presented.

Cutting hours and additional conditions added to the premises licence are options for consideration but are unlikely to be complied with based on past evidence so considered inadequate.

The only safe outcome to protect the public from harm including protecting persons under 18 from harm and also to prevent crime & disorder is to revoke the premises licence.

The Police respectfully request your consideration of this matter.

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

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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

/a

Please tick

- ☒ I have sent copies of this form and enclosures to the responsible authorities and the
premises licence holder or club holding the club premises certificate, as appropriate
- ☒ I have sent a copy of this representation to the principal licensing officer of Portsmouth
Council

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

Signature of Officer Completing

Name	<u>PC 512 Jason Pearce</u>	Collar Number:	<u>512</u>
Signature:	<u>Jason Pearce</u>	Date:	<u>13/12/17</u>

Signature of Authorising Officer (Inspector or above)

Name	<u>Inspector Justin ROBERTS</u>	Collar Number:	<u>2841</u>
Signature:	<u>Justin ROBERTS</u>	Date:	<u>13/12/17</u>