

WITNESS STATEMENT

Crime Number:.....

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5BURN

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Statement of: Pc Abdool Rohomon. BEM

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Officer (4075)

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: at E BEM. Date: 20.10.20

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

This statement is made in direct response to the implication of submissions made at the interim steps challenge hearings on 16 October 2020, on behalf of the licence holders of Nakira and Petite Afrique, that West Midlands Police may have unfairly targeted certain venues because they are used or operated by members of the black community. The suggestion was made without any supporting evidence and is false. As an officer with a BAME background myself, I personally resent the accusation that we have targeted these particular venues because of the ethnic background of their customers or operators.

WMP follow the approach set down by our Senior leadership team: to engage and educate and only taking enforcement action if the problems continue with little or no effective response by operators. We have done this with premises across the whole of Birmingham, including venues in the City centre, Moseley, Broad St, Southside, and Sutton to name a few. Most venues take their community responsibilities seriously and have responded well to police (and local authority) engagement, advice and warnings and operate in a compliant fashion. Nakira and Petite Afrique are two notable exceptions.

In the cases of Nakira and Petit Afrique, both involved deliberate, clear, repeat and serious breaches of the Covid regulations and guidance by the venues. This was despite prior police engagement with the operators in an effort to engage, educate and advise them in order to assist them with their compliance duties, risk assessments, and operating procedures. This was all done with the aim of reducing the spread of this pandemic disease in our community.

It was only after the failure by them to properly and responsibly respond to police engagements that applications for summary reviews were launched. This was because it became clear that the operators were either unable or unwilling to comply with Covid regulations and guidance and so immediate steps needed to be taken to prevent future breaches and so promote the licensing objectives. The summary reviews were launched following the approval of a Superintendent of WMP.

at E BEM

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WMP have spoken to numerous licensed operators who have expressed annoyance at other premises who are not playing by the rules, and are seen to be getting away with flagrant non-compliance, whilst they are struggling to do their best in a law-abiding fashion.

We have also received numerous complaints from members of the public about non-compliant licensed premises. These have been actioned by officers on patrol and also in dedicated Police operations. The have been sent through to the licensing department.

It is our policy to only take high-level direct enforcement action against premises licences (such as by applying for a summary review), where there has been prior engagement, advice and education in the first instance and this has not been complied with, and/or where a particular breach is very serious and poses serious risks to the public.

WMP have approached the enforcement of Covid related breaches in licensed premises without discriminating on the basis of the race or ethnic background of the customers or operators of these venues.

However, based on the evidence, the police have no confidence that Nakira or Petit Afrique would operate in a compliant manner if they were permitted to continue to operate as licensed premises in the future. Urgent licensing procedures were required to promote the licensing objectives. That is the reason why summary reviews were launched in these cases, irrespective of the ethnicity of their clientele or operators. Any particular impact of these summary reviews on BAME operators and customers needs to be weighed against the strong public interest in protecting the whole community during the Covid pandemic

St Bon

Signature: *St Bon*

Signature witnessed by:

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