

## WITNESS STATEMENT

Crime Number:.....

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

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Statement of: Mark Swallow.....

Age if under 18: Over 18..... (if over 18 insert 'over 18') Occupation: Police Licensing Officer 60264.....

This statement (consisting of two 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: M.Swallow..... Date 22nd March 2024.....

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

I am Police Licensing Officer 60264 Mark Swallow of the West Midlands Police Force currently stationed at Lloyd House Police Station. I am part of a team that deals with all matters concerning premises and persons that hold licenses under the Licensing Act 2003.

Elite Cocktail Bar and Restaurant is a licensed premises situated at The Cross Keys, 81, Steward Street. Winson Green, Birmingham. B18 7AF. The premises license holder and designated premises supervisor is Mrs Angella Raymond. The premises is licensed to sell alcohol for consumption on the premises between the hours of 1200 and 0100 on each day of the week. The premises has an operating condition that all members of the public must be out of the premises by 0130 hours each day. On 27<sup>th</sup> September 2023 Miss Raymond met with staff from West Midlands Police Birmingham Licensing Department to discuss extending the hours of the premises for licensable activity. Miss Raymond was informed that West Midlands Police did not support any extension of hours beyond the level that they were then.

At approximately 0145 hours Friday 23<sup>rd</sup> February 2024 the premises were open and conducting licensable activity. At this time an incident of disorder has occurred which has involved up to fifteen persons. At this time the premises should have stopped all licensable activity and should have been free of all members of the public. If this had been the case then this incident would not have occurred. After the incident people left the premises of their own accord and no staff appear to have intervened to stop the incident. The premises have not called the emergency services. During the evening persons were also allowed to smoke in the premises and from Miss Raymonds account of events it is believed that the premises had exceeded its capacity for patrons and had allowed a promoted event against the operating conditions of its premises license.

An expedited review was applied for in relation to the incident and a hearing was held on 29<sup>th</sup> February 2024 which resulted in interim steps being issued that the premises license was suspended and the designated premises supervisor was removed.

I can say further that;

West Midlands Police hold information in April 2023 class A drugs are kept at Elite Cocktail Bar, 81 Steward Street, B18 7AF and dealt to customers. The bar allows after hours drinking in breach of licensing conditions.

West Midlands Police hold information in February 2024 that during a disorder inside Elite Cocktail Bar, 81 Steward Street, B18 7AF guns were drawn, people injured and gang nominals were present.

Miss Raymond was the designated premises supervisor of a licensed premises situated in Walsall when its premises license was revoked in 2022 for persistently failing to promote the licensing objectives. The premises had also continued to trade without a premises license holder in place and was subject to a closure notice.

I was present at a meeting with Miss Raymond on 11.3.24 to discuss the matters. She stated that the venue had been hired by a male named Ricky a businessman from Dudley Road, Winson Green who had hired the venue for a party. The fee for hire was £350. The organisation of the event was done by Ricky and there was an entrance fee charged on the door. He was aware the event should finish by 0130. Ricky also provided a DJ and 3 security personnel who Miss Raymond knew from working as security previously. She believed there were 80 persons present at the venue from the tickets sold.

At the hearing CCTV was played of the disorder in the premises exhibit number reference number MS1 and there is also CCTV footage of persons smoking within the premises exhibit number reference number MS2 exposing a breach of the fire regulations and an illegal act which I now produce as evidence. The further breaches of the operating conditions for the premises and the Licensing Act 2003 are serving alcohol after the terminal time for it, having persons in the premises after 0130, hosting a promoted event and having more persons in the premises than the agreed safe capacity of 60.

Despite diligent attempts to find an acceptable operating model for the premises in order to ensure that the licensing objectives are promoted and that an incident such as this would not occur again this has not been possible to achieve. Miss Raymond has consistently failed to recognise any failings in the premises and persists in her wishes to operate a late-night venue. Miss Raymonds suggestions have been ill thought through and unworkable. This has been an example of Miss Raymonds approach to her trade and her actions show an inability to promote the licensing objectives. It is clear that Miss Raymond has not demonstrated an attitude that would engender trust in her to promote the licensing objectives.

Due to the systematic breaches of the premises license conditions and the failure of Miss Raymond to promote the licensing objectives in particular the prevention of crime and disorder and the promotion of public safety and despite attempts being made to find an alternative course of action which has been unsuccessful therefore the only course of action that West Midlands Police would recommend and request is that the premises license is revoked and Miss Raymond is removed as the Designated Premises Supervisor.M.Swallow.

