

**WITNESS STATEMENT****Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B****Crime No.** uest**URN** 

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.** (witness)**Date 26.04.23.**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am 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 relating to liquor licensing in the area covered by Birmingham City Council.

Francy is a licensed premises situated at 348, Soho Road, Handsworth, Birmingham. B21 9QL. The premises license holder and designated premises supervisor is Adriana Pesesa.

The premises is licensed to sell alcohol for consumption on and off the premises between the hours of 1200 and 2300 each day of the week. At 0007 hours Sunday 26<sup>th</sup> March 2023 two persons have entered the premises one with weapons. A disorder has occurred whereby the person entering the premises with the weapons has attacked customers in the premises using the weapons and the people inside have fought back using other items as weapons. A number of people have been hit with a weapon and as a result have sustained injuries.

The premises were conducting licensable activity beyond the time when it was supposed to cease. Alcohol is being served to persons not ancillary to a meal and persons can be seen to be vertically drinking all contrary to the operating conditions of the premises license. Persons can be seen dancing and it has been admitted that music was being played.

This matter is subject of three crime reports for wounding against section 18 wounding against The

Signature ..... Signature witnessed by .....

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Offences Against The Persons Act 1861 which are serious crimes by virtue of the maximum sentence on conviction being life imprisonment. This is an ongoing enquiry.

At 0007 hours Sunday 26<sup>th</sup> March 2023 the premises were open and conducting licensable activity.

The CCTV from the premises has been viewed and supports the account that the premises were open and conducting licensable activity beyond the terminal time for this. This was also confirmed by the premises license holder at the interim hearing held previously. This offence has been aggravated by the use of weapons and has been committed by persons in the premises which is carrying out licensable activity beyond the terminal time for this. CCTV was shown in the interim hearing exhibit number reference number MS1. The interim hearing was held on Tuesday 4<sup>th</sup> April 2023 and as a result the premises license was suspended and the Designated Premises Supervisor was removed.

West Midlands Police have since worked extensively with the premises license holder and an agreed position has been reached. This is a set of measures exhibit number reference number MS2 that are designed to ensure that the licensing objectives are promoted and that such an incident could not occur again. It is believed that the measures to replace the interim steps would be the most proportionate and effective means to achieve this. I would request that consideration be given to the adoption of these measures. I now produce exhibit numbers reference numbers MS1 and 2 as evidence.

As this is a live and ongoing enquiry with persons still outstanding and weapons to be recovered I would request that this statement and the hearing be conducted in private.M.SWALLOW.

Signature ..... Signature witnessed by .....

03/2016