

WITNESS STATEMENT**Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B****Crime No.****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 THR 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 4TH OCTOBER 2021.**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.

Bambu Nightclub is located at 1st Floor, Kotwall House, Wrottesley Street, Birmingham. B5 4RT. It is a nightclub which is licensed between 1000 and 0400 on each day of the week.

The premises were open and carrying out licensable activity on the evening of Friday 10.9.21 going into the morning of Saturday 11.9.21.

At 0217 hours two crimes of section 18 wounding were reported to West Midlands Police whereby two persons received stab wounds one to his right shoulder and hand and the other to his right hip. A further person was arrested for affray who was fighting with others at the location. Enquiries into these matters are ongoing.

Officers attempted to enter the premises after being made aware of the first stabbing and were confronted by a largescale disorder taking place on the staircase. This was so ferocious that officers were forced back outside and persons were then coming out of the premises. One male was able to be arrested from this disorder, although in order to ensure their safety and effect the arrest officers were forced to deploy incapacitant spray.

Enquiries inside the premises revealed a further male with a stab injury to his right hip. This is believed to have happened in a room near to the entrance of the premises.

Signature Signature witnessed by

Crime No. URN

Statement of MARK SWALLOW

Both males that were injured were taken to the Queen Elizabeth Hospital to have their injuries treated. Neither set of injuries are believed to be life threatening. Enquiries at the scenes outside Bambu have revealed two knives and a wallet that have been discarded. These have been recovered by the police and are subject of further examination. There were a number of scenes with large amounts of blood in the premises and upstairs was an opened first aid kit which appeared to have been used to treat the persons with injuries. The cctv system from the premises has been seized. Security from the premises made officers aware of the stabbing incident outside of the premises when they became aware of the fact that the male had been stabbed.

The Designated Premises Supervisor was identified as Jasbeep Qaul who was spoken to by officers. He has stated that he was not at the premises at the time of the incident. Qaul has stated that the premises were being used for a private party and a list that is believed to show the details of the attendees has been seized.

It is noted that as a result of operating licensing conditions and conditions imposed by Licensing Sub Committee A on 8.7.19 the premises must risk assess each days business and events providing these to West Midlands Police 28 days prior to them occurring, all customers and staff including DJs attending the premises must be searched, nominated security staff must wear body cams and the cctv was to be updated.

I have made enquiries into the events that has led to these incidents taking place. I found that the Designated Premises Supervisor had not completed an adequate risk assessment for the event and had then submitted this to West Midlands Police on the day of the event which was far too late for comprehensive checks to be made into the information. This has meant that the birthday party as booked was in fact an event with gang orientated attendance. Due to the appearance of the risk assessment this would have taken in-depth enquiries to reveal the inadequacies of it. This has led to an inadequate response to the threat posed by the event and allowed the issues that manifested themselves to take place. It is my belief that the DPS either acted out of complicity or neglect in the preperation of the risk assessment and there is no reason to believe that he acted other than alone in this. The search regime has also failed and knives have been taken into the premises.

Signature Signature witnessed by

Crime No. URN

Statement of MARK SWALLOW

I have worked with the Premises License Holder Kadir Ahmed since the event to provide a robust regime whereby these issues would not re-occur. An agreed position has been reached between the Premises License Holder and West Midlands Police. As a result an appeal was made against the Interim Steps Order and was held on 1st October 2021 where conditions were agreed by the Sub-Committee allowing the premises to re-open.

The agreed conditions are:

- The licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY".
- All persons (including staff, DJs and entertainers) entering the premises whenever licensable activities are being carried on will be subject to a search. This search will include a full body search AND metal detection. Each of those activities will be undertaken by a separate door supervisor.
- The licence holder will have available for use a working bleed kit whenever licensable activities are carried on from the premises.
- No person will be allowed entry to the premises after 03:00, save for re-entry for persons who were on the premises before 03:00. Every person re-entering the premises will be strictly subject to the body and metal detection search.
- The licence holder will consult with WMP when they intend to vary the DPS on the premises licence.
- The licence holder will consult with WMP before changing the company that provides door security at the premises.

It is further agreed that the authorised hours on the premises licence will be modified by reducing the terminal hour for licensable activities on a Friday and Saturday as follows:

- the sale of alcohol by retail to 04:00, and
- regulated entertainment and late night refreshment to 04:30.

Additionally the Designated Premises Supervisor has been dismissed and replaced by a new DPS after consultation with West Midlands Police. It is my belief that these conditions provide a double-check failsafe for the issues identified and puts in place conditions whereby the licensing objectives are being promoted. M. SWALLOW.

Signature

Signature witnessed by

03/2016

Crime No.

URN

Statement of MARK SWALLOW

Signature Signature witnessed by

Witness contact details

URN : / /

Name of witness: Mr/Mrs/Ms/Miss/Dr

Former name

Email address:**Email address needed for correspondence i.e. support material to be sent**

Address

Postcode:

Preferred telephone number:

Alternate telephone number:

Agreed means of contact and frequency :

Gender

Date and place of birth

Ethnicity Code (16+1)

DATES OF WITNESS NON-AVAILABILITY: (12 months)**Witness care**

Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case. ALSO crimes involving gun and knife crimes and victims of Modern Slavery Act 2015*)

Yes ☐ No ☐ If 'Yes', submit **MG2** with file in NGAP, contested or indictable only cases OR to read VPS in GAP cases.

Witness Consent (for witness completion)

- | | | | |
|---|------------------------------|-----------------------------|------------------------------|
| a) I am aware that I may have to attend court. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| b) I have been given the Victims' leaflet with the crime number on . | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| c) The Victim Personal Statement scheme (victims only) has been offered to me. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| d) It has been explained to me what will happen next with this investigation | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| e) I consent to police having access to my medical record(s) in relation to this matter (<i>obtained in accordance with local practice</i>) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA, CLPD. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| g) Child witness cases only. I have had the provision regarding reporting restrictions explained to me. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| I would like the CPS to apply for reporting restrictions on my behalf. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

- *I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.*
- *I understand that my details may be passed to other agencies who can offer me help and support in relation to being a victim of this crime.*

I give my informed and explicit consent for my personal details to be passed to other agencies that can support me or are involved in the criminal justice process. Yes ☐ No ☐

Signature..... Date

Parent/guardian signature..... Date

Address

Contact tel no

Supporter signature..... Date

Statement taken by (*print name*):

Station:

Time and place statement taken:

Signature Signature witnessed by