

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 21st 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.

The Castle and Falcon is a licensed premises situated at Ceol Castle. 402, Moseley Road. Sparkbrook, Birmingham. B12 9AT..The premises license holder is Molloy Enterprises Ltd and designated premises supervisor is Mr Dominic Molloy. The premises was licensed to sell alcohol for consumption on and off the premises between the hours of 1000 and 0400 each day of the week.

At 0355 hours Saturday 24th February 2024 it is believed the premises were open and conducting licensable activity. At this time a person has been ejected from the premises from the beer garden. On the footpath outside the premises an argument has ensued between the person ejected and friends with staff and door staff from the premises. This has culminated in a disorder taking place where a number of punches have been thrown. As a result of being punched a person has fallen to the ground unconscious. This person is currently undergoing hospital treatment and was only brought out of an induced coma on 11th March 2024. A member of staff from the premises has been charged with unlawful wounding in relation to this incident.

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

On 8th March 2024 following extensive work between the premises and West Midlands Police an appeal was heard in relation to the interim steps by the Local Authority. This resulted in the interim steps being lifted and replaced by agreed conditions and revised timings for licensable activity for the premises. The premises have been operating under these conditions and times since the hearing and there have been no issues. West Midlands Police would respectfully request and recommend that this set of conditions and revised timings be adopted as the summary order in relation to the premises. This is an agreed position with the premises license holders. During both hearing I played CCTV footage of the incident exhibit number reference number MS1 and mobile phone footage of the incident exhibit number reference number MS2 which I now produce as evidence. M.Swallow.

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