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**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
LICENSING ACT 2003**



**Josephine's, 27 The Wardwick,
Derby,
DE1 1HA**

Monday 13th February 2017



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**Derbyshire
Constabulary**

I, Michael Francis Creedon, Chief Constable of Derbyshire Constabulary, hereby confirm that the powers given to me by the Licensing Act 2003 are delegated to the following officers and police staff to carry out for and on behalf of the Derbyshire Constabulary in respect of 'D' Division.

Sergeant 1018 Manjit CHAUHAN
Constable 2013 Mark DUNN
Constable 2673 Kelvin HANNAH
Constable 2168 Mark SUITER
Constable 14051 Gemma RICE
Evelyn McLOUGHLIN (9463)

M. L.

CHIEF CONSTABLE OF DERBYSHIRE

29.1.2016

DATE

Witness Statement

Criminal Procedures Rules, R27.2; Criminal Justice Act 1967, S.9; Magistrates' Courts Act 1980, S.5B

URN 30 30/--/-----/15

Statement of MARK ANDREW SUITER

Age if under 18 over 18 (if over 18 insert 'over 18') Occupation Pc 2168

This statement (consisting of 11 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:

MA Suiter

Date:

2/2/17

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

I am a Licensing Enforcement Officer for the 'South' Division of the Derbyshire Constabulary and I am currently stationed in the Licensing Section at St Mary's Wharf, Prime Parkway, Derby.

I am currently responsible for licensing enforcement matters on behalf of the Derbyshire Constabulary for those premises, within the 'South' Division, licensed under The Licensing Act 2003.

Josephine's bar, 27 The Wardwick, Derby, is located in Derby City Centre which is situated in the South Section of the Division and is within the Derby City Council area. Derby City Council is the Licensing Authority for these premises.

The Derbyshire Constabulary currently records all recordable crime on a computerised crime information and intelligence system. All calls for service to the Derbyshire Constabulary are recorded on a computerised command and control system, further to this we use a database called Inn Keeper on which details of licensed premises are stored. This system also maintains records of contact with licensed premises.

Supporting information will be supplied within the application for review and examples will be within the body of this statement to support the review application. I have not analysed the supporting information ad infinitum but evidenced more fully incidents which led to more formal meetings.. The supporting file is there for a sense of completeness.

Josephine's Bar was issued a Premise Licence in June 2013, this authorised the following licensable activities; the provision of regulated entertainment, the sale by retail of alcohol and the provision of late night refreshment. The times authorised for these activities were between 10:00 hours and 02:00 hours,

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Continuation of Statement of Mark Andrew Suiter

seven days a week. The premise closing time was 02:30hours. The applicant had been in contact with the Licensing Department since 2012, regarding the type of premise being discussed. Police were informed that the investment was to create a 'high end wine bar'

Premise licences are granted by the Licensing Authority on the basis that an operating schedule meets the four licensing objectives and that sufficient controls are in place. PLH's then appoint a Designated Premise Supervisor (DPS) to manage the business on a day to day basis. The DPS, who must be a Personal Licence Holder, is the single point of accountability and primary contact for the Responsible Authorities. They are expected to have policies in place for the safe running of a premise both through any specific conditions set out within the Premises Licence and through good management. These condition and working practises usually evolve with time.

Since the Premises was first opened, as with most other licenced premises, incidents have occurred and interaction with the Police Licensing Department has taken place. Throughout this statement I shall give an account of incidents, crimes and contacts concerning the Premises with have been recorded on Police systems. Supporting statements will be supplied by other officers who have had dealings with the premise or who have compiled other information.

The Premise Licence Holders (PLHs) since 2013 have been Kamaljit Singh Sandhu and Permela Kaur Sandhu.

There have been four appointed DPS's throughout this period. The DPS, prior to the Sub-Committee's decision of 20th January 2017, was Suneeka Kaur Sandhu, whom I shall refer to as Suneeta, throughout this statement. Suneeta became the DPS on the 18th July 2016.

In July 2014, the licence was varied and licensable activities extended until 0300 hours, seven days a week. The closing time of the venue was also extended until 03:30 hours. There were no variations to the operating conditions.

On 3rd August 2014, at 01:41 hours, an incident was reported at the club. An ejected male had been allowed re-entry and shortly afterwards assaulted a customer and another male with a bottle causing serious injuries.

On 4th August 2014 a meeting was held between Pc 2013 Dunn, Tony Sandhu, Wendy Chapman, the

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DPS and the security company involved. The premises had been open since December 2013. This was the first main incident and a number of operating policies were agreed in an attempt to uphold the Licensing Objective Prevention of Crime and Disorder. No variation was submitted at the time. The correspondence for this can be viewed on pages 1 and 2 of annex A. Within this document was the requirement for the Head of Security to be issued with and to utilise a body cam. It has been identified that this no longer happens.

In 2015 there were 24 incidents which are attributable to the premise. The redacted police documentation is available in annex B. A summary is below.

2015 Incidents/Crimes reported.

<u>Time Of Incident</u>	Assault	Fighting	Knife	Damage	Ejection	Other/ Drunk etc.	Total
Before 2300							0
23:00-23:59		1		1			2
00:00-00:59						1	1
01:00-01:59	2				5	2	9
02:00-02:59	4	1		1			6
03:00-03:59	4	1				1	6
After 03:59							0
TOTALS for incidents	10	3		2	5	4	24

Twenty one of the twenty four incidents reported to the police and linked to the premise happened after 1am.

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In 2015 eleven incidents were reported between January and June.

On the 20th June a door man assaulted a customer and received a caution for common assault. (crime 18617/15)

At 01:34 hours on the 28th June 2015 police officers had to enter the premise at the request of door staff to help remove a customer causing trouble. Routine ejections of customers are not normally reported to the police but are only recorded if police intervene or are requested to do so by a third party. Police are rarely required to enter a premise with regards to ejections. (Incident 94 28/06/15)

The other incident logs are available in annex B. Of the eleven reported, there were six assaults and two ejections.

In 2015 thirteen incidents were reported between July and December.

At 03:30 hours on the 27th September 2015, crime 41503/15 refers; a passing patrol officer was informed of an assault inside the club. The informant stated that a fight had broken out in club and in the melee an object had been thrown causing injury to the informants face. A small cut close to the right eye. A second person then approached the police and was also suffering minor injuries.

The door staff had then emptied the premise. No call had been made to the police and potential evidence and witnesses were lost. A member of staff was spoken too and he stated that the club had emptied and then closed up.

CCTV was viewed and a male was seen to be kicked and punched by a group of males and a bottle used to hit another man. A general melee is ongoing before door staff intervenes and customers leave. This included the suspect, whom was never identified.

On the 11th October 2015, a minor disturbance took place inside the premise. An intoxicated female was carried form the premise by friends. Whilst door staff where then dealing with the disorder, a number of customers then entered the premise.

On 20th October 2015 a meeting was held between Pc 2013 Dunn, Pc 2168 Suiter and Mr Sandhu. This

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Continuation of Statement of Mark Andrew Suiter

was to discuss these two incidents and door entry policies in particular. Annex A pages 3-4 is a record of a letter sent after the meeting. A pertinent section below:

'This will include a more structured entrance policy using physical barriers and a coherent entrance policy. Door staff are to be informed over this and given primacy over entry'

These incidents took place between 02:25 hours and 03:00 hours. Mr Sandhu is going to monitor admittance between 02:00 and 02:30 hours to see if there is any link between the two.'

Mr Sandhu was informed about ID scanners and the potential for them both discourage potential troublemakers and also identify those involved in crime and disorder. A barrier was introduced and has been in use since then. This has helped control any queue at the premises

In December 2015 there were three reported assaults and one reported fight at the premise over the Christmas period. On the 13th December 2015 a male reported being punched to face and received an eye injury. (crime 39338/15, incident 127). Police also traced a fight to the premise which had not been reported by staff.

As a result of this Pc 2673 Hannah and Sgt 1018 Chauhan of the Licensing Team had a meeting with Mr Sandhu on the 31st December 2015. The letter is attached, annex A, p5-6, and Pc Hannah has submitted a statement outlining its contents. This covers dispersal of customers and the possibility that Mr Sandhu was over ruling door the DPS and door staff with regard to allowing customers in.

Mrs Permela Sandhu, became the DPS on 26/01/16.

There has been no appreciable increase in incidents over the two years of trading. However the interaction between the Police and the PLH's has been monitored and any changes in working practices have come as a result of incidents. It is the opinion of the Police that the onus should rest with the PLHs and DPS to identify and manage these incidents pro-actively and to prevent crime and disorder, rather than react to incidents.

In 2016 there were 21 incidents attributable to the premise and a timeline is shown below. These are also available in a redacted form in annex B

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2016 Incidents reported.

<u>Time Of Incident</u>	Assault	Fighting	Knife	Damage	Ejection	Other/ Drunk etc.	Total
Before 2300	1	1					2
23:00-23:59						2	2
00:00-00:59					1		1
01:00-01:59		1			1	1	3
02:00-02:59	1	1	1		2		5
03:00-03:59	3	3				1	7
After 03:59	1						1
TOTALS for incidents	6	6	1	0	4	4	21

There were six incidents reported in the first six months of the year.

On the 13th March 2016, at 02:51 hours, there was a fight at the premise and door staff asked the Police to enter the premise and help eject a number of patrons. At 03:16 hours a male reported that he had been hit with a bottle by an unknown offender. Both person involve had been at the premise prior to the assault. (crime 11166/16 refers) This took place a short distance away. The premise was operating under a TEN and was open until 4am, although because of the disturbance, the premise shut at 3am.

On 21st March 2016 I held a meeting with Mr Sandhu to discuss this incident. He stated the cancellation of an event in the City had meant he was busier than usual. Although he himself had an event on He

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Continuation of Statement of Mark Andrew Suiter

identified that a lot of the customers were not regulars. He stated that his door staff had used the pub watch radio to request police assistance. Also discussed were the following; new door procedures; guest lists were to end by 1am. This was to negate late entrants forming more than one easily monitored queue. No stamping of guest for re-admittance, payment would be required. Pre booked booths would now have to supply identification. These measures were to reduce any potential for disorder within the premise.

On 19th June 2016 an incident occurred when male was allowed entry to the premise at around 01:15 hours. When he left he showed the staff a knife in his waistband before attending a nearby take away when he was arrested. Pc 14051 Rice's contains details of this matter. Pc 2673 Hannah's statement contains details of a meeting he subsequently held with both the PLH's, DPS and door staff on the 21st June 2016. A letter was also sent. (Annex A p 7-8)

An action plan was agreed with the parties and this was signed by Suneeta Sandhu on 7th July 2016, she became DPS on the 13th July 2016. The action plan and Josephine's own door policy can be found on pages 9 and 10 in annex A

There were two other assaults reported in this period.

In the last six months of 2016 there were fifteen incidents linked to the premise. The majority were low level and those often associated with popular night time venues. This comprised of four assaults, four fights, four ejections, two thefts and two minor nuisance.

At 0309 hours on 11th December 2016 a disturbance took place on the street after a group had been ejected and continued to fight outside.(incident 207) A number of police resources were dedicated to prevent further problems and disperse the crowd. One person was arrested.

Throughout the festive period Josephine's applied for four temporary events notices. These were for the 17th, 24th, 26th and 31st December 2016. There were no police objections and an e-mail was sent to Mr Sandhu. (Annex A page 11).

This re-emphasised the need for the action plan agreed in July to be adhered too and a last door entry to be at 3am

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Continuation of Statement of Mark Andrew Suiter

At 23:00 hours on Saturday 17th December 2016, the police arrived at the premise just as a group were being ejected. Door staff waved the police over to help with the males who were starting to argue with them. Two persons were arrested, one for being drunk and disorderly and one who assaulted a police officer. (crime 16000420624)

On speaking with Suneeta she stated that the group had initially been allowed entry. However two of the group then refused to pay and as a result they were all ejected. In some ways this incident could highlight some of the contradictions already mentioned. The premise has built up a number of policies and procedures. The persons who refused payment were ejected lawfully, along with the other males in the group, a sensible precaution. However, two of the males arrested on the street were clearly intoxicated. If they had paid an entry fee, then in essence they would have continued to drink and possibly become further intoxicated.

Only one other incident was related to the TEN's which had been in place. This was an assault on the morning of New Year's Day (crime 17*20723 refers). One female had assaulted another at 0400 hours. This crime was recorded as a result of Suneeta Sandhu contacting the police and showed how the Premises does work in tandem with the licensing department.

At 02:48 hours on Sunday 15th January 2017 a member of the public received a fractured skull, after being assaulted by the head member of the door team. It is the understanding of the police that the management at the premises had requested that he would act as head doorman and had been doing so for a few weeks previously. As such he should have been aware of the management's requirements of the door team and how to deal with customers. Crime 17*20107 refers. This incident triggered the Section 53a procedure. At the time the DPS was off work and both PLH's were at the premise and in de facto control.

At the 53A review it was noted that a phone call was made to EMAS by a customer rather than staff. Since then it has been ascertained that the call was made at 02:44 hours (the CCTV shows the incident at 02:48 hours so there is a slight difference of 4 mins which is due to clocks being different) by a third party. No other call was made. This was noted at the hearing. The police state that it was the responsibility of the venue, even if the call was a duplication, to make sure that all relevant emergency services were update. The Police were not contacted on the phone. Nor were officers, who were now dealing with one of the customer's originally ejected, informed of the more serious incident inside. They were stood 10-15 feet from the premise.

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Continuation of Statement of Mark Andrew Suiter

During this time Mr Sandhu and the suspect were seen to be viewing Mr Sandhu's phone. The CCTV system can be viewed from any linked devices and although the CCTV does not show this it is believed that the suspect and Mr Sandhu were reviewing the CCTV on the mobile device.

EMAS arrived at 02:56:40 (camera time) and it was only at this stage that the police officers outside were aware of the seriously injured male inside. The suspect leaves at 02:58:52 (camera time) Police enter the premise at 02:59:17 (camera time).

Some of the other guests captured on the CCTV are not dressed in accordance with the dress code. Although this is not an enforceable condition previous discussions with Mr Sandhu had identified a link between problematic customers and their attire. Although not relevant to the interim review it is an example of how voluntary agreements have not always transposed into a working practice.

Although a working relationship with the PLH and DPS had been established it was decided that the incident was a serious crime and that any decision regarding the current operating schedule would require the Licensing Authority to be both aware of and agree a way forward.

The Police paperwork submitted for the Section 53A review also contained a thumbnail sketch of incidents related to the premise. The interim measures requested by the police were to pull back the hours for licensable activity until 00:30 hours and closure by 1am. (Annex A, p14-17)

Sixteen of the twenty one incidents reported to the police in 2016 occurred after 1am.

The police believed that this would reduce the possibility of a similar incident, prior to the Licensing Authority being allowed to review the Premises and the operating schedules. A door team log was also requested, due to inability of staff on the evening to provide information regarding the location of the suspect of the assault.

The meetings and voluntary agreements, over the preceding three years, had been insufficient to prevent an incident of this nature. It was the Police's opinion that a change to the licence's operating schedule, most notably the hours available for the retail sale of alcohol, will be required to reduce incidents of crime and disorder in the short term, with a review pending.

Mr Sandhu openly admits that the premises normally only trades on a Friday and Saturday. The target

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Continuation of Statement of Mark Andrew Suiter

customer base, established over the last four years through the marketing of the premises, is condensed between midnight and 03:00 hours. Sufficient revenue has to be generated to maintain the business through wet sales. Although the police are not party to the finances of the club, nor do they wish to be, any discussion around these operating times, the police believe, would have been academic.

The request by the Police at the section 53A review was for a reduction of operating hours was based both on the history of the Premise and the operating conditions at that time. This was seen as a proportionate and balanced approach. It is recognised that the majority of incidents will occur between 1am and 3am because of the operating times and targeted audience. In doing so the Premises is liable to attract those persons who have been drinking prior to attending the premise.

In the interim review incident, the male being helped/restrained is acting in a manner of somebody who is intoxicated. He had been deemed sufficiently sober at his time of entry to be allowed in. The Police can only surmise he was allowed to become intoxicated on the Premises.

The Licensing Act makes it an offence of allowing disorderly conduct on a licensed premises (Section 140) and for the sale of alcohol, to a person who is drunk (Section 141). It may be that all staff, other than any personal licence holders, may receive benefit by receiving a basic level of training to identify intoxicated persons and know their powers to refuse service.

The Decision of the Sub Committee was for the removal of the DPS Suneeta Sandhu and the imposition of a door team log. (Annex A p18-21)

The DPS was initially replaced by Mr Sandhu to allow the weekend trading (the decision being published during the afternoon of Friday 20th January). On 25th January Mrs Permula Sandhu was nominated as DPS.

The history of incidents show a pattern of seemingly issue free months culminating with an incident which then requires police intervention and is of sufficient concern to require a meeting with the PLH or DPS.

As a result of the interim hearing a meeting took place on Wednesday 25th January 2017 with the PLH's and the ex-DPS along with Karen Cochrane who is acting as the legal representative for Josephine's. A number of constructive suggestions were put forward by them, concerning both working practises and possible conditions. The applicants also stated that a new manager was to be employed to further strengthen the management team.

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Continuation of Statement of Mark Andrew Suiter

It has been identified that there is some scope for more focussed internal management and the Premises applications of its operating procedures. If any conditions are agreed upon are then placed on this licence, this could alleviate the need for the reduction of operating times. The Premise would then be fully aware of both its obligations and responsibilities.

A dialogue has taken place with the Police, who feel these steps should also be given consideration as a permanent reduction in times may significantly impact on the business.

If further incidents or any breaches of any conditions placed on the license after any hearing occur within Josephine's and are serious enough to bring before the Licensing Sub-Committee then the Police would be requesting limitation of operating hours or a revocation

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Witness Statement

Criminal Procedures Rules, R27.2; Criminal Justice Act 1967, S.9; Magistrates' Courts Act 1980, S.5B

URN 30 30/--/----/16

Statement of Kelvin Lee Hannah.....

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

This statement (consisting of 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:



Date: 20/1/17

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

I am a Licensing Enforcement Officer for the South Division of the Derbyshire Constabulary and I am currently stationed in the Licensing Section at St Mary's Wharf, Prime Parkway, Derby.

I am currently responsible for Licensing enforcement matters on behalf of Derbyshire Constabulary for those licensed premises, within 'South' Division, licensed under the Licensing Act 2003.

I hold the BIIAB Level 2 certificate for personal licence holders, the BIIAB level 2 certificate for Designated Premises Supervisors and the BIIAB level 2 certificate for Licensing Practitioners.

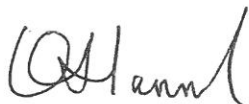
I have over 14.5 years experience as a Police Officer, and have worked as a uniform patrol officer in various parts of Derbyshire and as part of a joint response unit based at East Midlands Airport. I have served as a specialised licensing officer based in at St Mary's Wharf Police Station Derby since 2014.

South Division is comprised of six Police areas know as sections and these are:

Ilkeston Section
Long Eaton Section
Pear tree Section
Derby East Section
Derby North Section
Derby South Section

In my duties as a Licensing Officer I undertake Night Time Economy duties in the city of Derby twice a month, on a rota with the other licensing officers. I am very experienced at dealing with public order situations, and people who are under the influence of alcohol, as I also work as a public order officer and a football intelligence spotter at Derby County football matches.

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Continuation of Statement of Kelvin Lee Hannah

During my duties I liaise and assist licensed premises within the south division of Derby and work with them in order to uphold and promote the Licensing objectives, and to ensure Derby and its surrounding areas are a safe place for all.

In this statement I am going to list my involvement and communication with Josephine's Bar, which is situated at 27 The Wardwick in Derby, this is a licensed Premises. I have documented my liaison on the Innkeeper database, which is used by licensing officers and drawn my visits and information from that..

These premises are a late night premises which are part of the Night Time Economy, and are a popular destination for revellers in the City of Derby into the early hours of the morning.

Since 2014 I have liaised with responsible persons at the premises, and these are listed in time order as follows and shows my eagerness to work with the premises to promote the licensing objectives.

13th December 2014 – I attended the premises whilst on Night Time Economy duties and spoke with Dan Wentzal of Bridgegate Security and DPS Gary King. I was told a new dress code was in place, and that the premises wanted to attract a similar clientele to Revolution De Cuba across the road. Gary said he wanted to change the image of the bar to attract good clientele.

31st May 2015 - Attended to undertake drug swabbing in the toilets as part of a Divisional anti-drugs initiative and gave basic advice.

18th September 2015 – Attended to undertake door staff checks with a representative of the Security Industry Authority. Checks were satisfactory and badges were checked along with SIA staff employed.

2nd October 2015 – Attended as a follow up after a fight at the premises between two groups. Spoke to Jay Marvel (manager) and two groups, one from Nottingham had been in dispute and someone had thrown a glass hitting a bystander. The female allegedly sustained a cut near to her eye. Police had to intervene and Jay said another doorman was needed but Mr Sandhu stated to him '4 door staff was enough'. CCTV was provided for the investigation and advice given.

2nd December 2015 – Meeting held with Jay Marvel, Gary King (DPS) and Tony Sandhu with myself and PC Dunn over Temporary Event Notices at the venue. Tony said he planned to put four TENS in for the Christmas period to operate licensable activities until 4am. Concern was raised over this and it was felt that more time was needed to gain confidence from new procedures put in place that promoted the licensing objectives.

On 31st December 2015 - Myself and Sgt Chauhan had a pre-arranged meeting with Tony Sandhu after allegations were made around his over his supposed overruling of door staff and DPS on persons entering the venue. Tony denied this was the case but stated he found it difficult to enforce a strict dress policy. Issues around dispersal from the venue during the Night

Signature *Kevin Lee Hannah* Signature witnessed by

Continuation of Statement of Kelvin Lee Hannah

Time Economy were also discussed. Sgt Chauhan also discussed certain displaced problem customers from Deez bar, and Tony acknowledged this issue, and it was something he was aware of and appeared unhappy with. Tony said he had voluntarily imposed a last door entry policy of 02:30 hours and CCTV was requested around investigations into Deez bar as it was alleged that customers involved in that major disorder had been in Josephine's beforehand. We also pointed out the large numbers of customers spilling out onto the road at the end of the night, and how this could be managed better by the premises. A dispersal policy was discussed and Tony said he would look into this. It was pointed out that NTE Police Officers had informed licensing over the issue after being used to control the issues and that this must be looked at in a timely manner.

A letter detailing the meeting was sent to Tony Sandhu that day. (Annex A p5-6)

On 29th April 2016 - Attended and issued posters and gave advice on upcoming Operation Zao (Anti knife crime initiative) Spoke to management and SIA door staff on their role moving forward around this partnership in the City.

On 1st May 2016 – Operation Zao conducted at the premises with SIA door staff and Police supporting them. 23 Searches were made at the premises along with visible knife wands which were in use to prevent knives being used in the Night Time Economy in the NTE in Derby.

On 21st June 2016 – Meeting convened with Tony Sandhu, Raj Bolla (Bridgegate security) Suneeta Sandhu and Parmela Sandhu over a serious incident at the premises. A male had brandished a knife to door staff after he was asked to leave the premises as it was the end of the night. After threatening door staff the male ran from Police who attended and arrested the male and recovered the knife in question. We discussed this incident in particular and other incidents and the cumulative impact this was having. It appeared the male entered at around 01:15 hours and was believed he entered with the knife. Questions were asked around how this was allowed to happen, and why searches appear to have not taken place. Discussions took place around using knife wands and searching, and PC Dunn pointed out that this had been discussed before and it was disappointing as we had recently worked with the premises on a anti knife crime initiative. Talks around acts hired, and a causal link between acts and violence were discussed, and the Police position to consider a review in relation to a reduction of hours due to the issues and concerns thus far. Also discussed with Raj Bolla was the fact that SIA door staff refused to give details to Police, and he accepted he did not agree with this or find it acceptable on behalf of Bridgegate Security. An action plan was discussed and all points discussed were taken down and a voluntary agreement was made between both parties to help promote the licensing objectives. From this meeting an action plan was formulated and on the 7th July 2016 this action plan was signed by PC Suiter and DPS Suneeta Sandhu. All parties were in agreement with this action plan. (Annex A p 9)
Letter sent to Josephine's regarding incident. (Annex A, p 7-8)

2nd September 2016 – Had an email from a Police Officer around a concern she had over the behaviour of a member of door staff at the premises. It was alleged the door staff member swore at an officer during an altercation outside the premises at closing time. I contacted Raj Bolla around this and asked him to look into this and to ensure it did not happen again. I also

Signature *Col Hannah* Signature witnessed by

Continuation of Statement of Kelvin Lee Hannah

discussed how we should be working together to promote the licensing objectives and I was keen that this should happen. Raj fully agreed with me and said he did not agree with the member of door staff swearing, and it was over dispersal and crossed wires with the Police in attendance.

10th December 2016 – Informed by Inspector Keene who was not happy after being involved in a conversation with Tony Sandhu, the Premises Licence Holder. The Inspector stated he was assisting in an issue at the mouth of the premises involving Tony's relatives which was getting out of hand. Inspector Keene stated that he was told to move away from the premises and he was not happy about this or the attitude of Tony Sandhu. He felt this was unacceptable and Police were there for a reason and to prevent 'crime and disorder' at his premises. A letter was sent on behalf of the Officer around this incident to Tony Sandhu detailing the Police concerns. (Annex A p12)

24th December 2016 – Discussions were had at the venue with DPS Suneeta Sandhu and PC Dunn, with myself present. Discussions took place around the DJ'S who would be performing on Christmas Eve, and how it may impact on the licensing objectives. It was left with the premises whether to take the advice offered or to continue with events as planned. A phone call was later received confirming some alterations had been made to the line up planned by the DPS.

5th January 2017 – Received a call from Suneeta Sandhu (DPS) around a concern over a female who was assaulted outside the premises on New Year's Eve. She told me her hair had been pulled out, and she felt it was a nasty attack and the female had not reported the issue to the Police. I asked Suneeta to save the CCTV, and said I would be glad to speak to the victim if she wanted to speak to an Officer over reporting the issue.

6th January 2017 - Received a call from a female who stated she had been a victim of assault at the premises. I gave her advice and she said she would be officially reporting the issue in due course.

8th January 2017 – Attended and spoke to Suneeta (DPS) around searching at the premises. I loaned her a knife wand as it appeared only 'pat downs' were being conducted at the premises not wandings as per the agreed action plan. Suneeta also discussed her ambition to go until 04:00 hours on Friday and Saturday nights but that she would not apply for this without Police agreement.

11th January 2017 – Spoke to Suneeta around a concern I had over a member of her door team. Over a period of time I saw that the door staff known as 'Ads' seemed uninterested and did not appear vigilant at all. Suneeta agreed and said she would be communicating this with Raj Bolla at Bridgegate. The male was texting on his phone while customers were entering and did not engage with Police. I spoke with Raj Bolla about this male and felt that he needed to be more proactive in his position as per the agreed action plan.

16th January 2016 - Spoke with Raj Bolla after events involving his door staff. He told me he had viewed CCTV and said that 3 of the staff would not work in Derby again. I expressed disappointment at events and said I would be in touch in due course.

Signature  Signature witnessed by

Continuation of Statement of Kelvin Lee Hannah

16th January 2017 – Spoke with Suneeta around recent events and she asked about the condition of the victim of the assault at her premises. Suneeta confirmed that she would not be open until Friday and said she wanted to work with the Police.

As stated I have always been willing to work with the premises and the responsible persons representing Josephine's. I believe I have engaged with them in very reasonable manner, and will continue to do so in the future. I have a good working relationship with staff and hope concerns raised can be addressed appropriately.



Signature  Signature witnessed by

WITNESS STATEMENT

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

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Statement of: **Gemma Rice**

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Constable 14051

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

 14051
Date 1st February 2017Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Licensing Enforcement Officer for Derbyshire Police. As part of my role I am expected to work closely with licensed premises and support my police colleagues on licensing related matters. I have eight years' service with Derbyshire Police and I have been in the licensing team for just over one year. Part of my role includes working night time economy shifts at weekends in DERBY CITY CENTRE.

On 19th June 2016 at approximately 0255 hours I was working covering the night time economy using the call sign DN23.

I received information about an incident over the pub watch radio that there was a male outside JOSEPHINES, WARDWICK DERBY brandishing a kitchen knife.

I passed this information over the police radio and I am aware a foot chase occurred with the male offender involved and he was apprehended a few streets away. The knife was located after being discarded by the offender.


When it was apparent that the male had been arrested and my colleagues were safe and well, I attended JOSEPHINES to try and establish what had actually occurred.

I spoke to two door supervisors at the premises. I took details for one them which I can provide. The other door supervisor refused to provide his details.

I asked him why he wouldn't give his details and he said it was because he knew the male who had been seen with the knife was a member of the A1 crew and a gang member. He said that he didn't want any repercussions. He initially denied that this male had been in the premises but when challenged admitted that he had been but he hadn't seen a knife inside. He confirmed that he had allowed the offender to enter the

Page 1 of 1

Signature:

 14051

Signature witnessed by:



premises knowing he was a gang member and admitted that he hadn't been searched as he felt intimidated by him. However there was no report made to police regarding this.

He eventually did give his details after me telling him how disappointing it was that he wasn't supporting police and that he was in a position of responsibility. Both males refused to provide a witness statement. I then told both the door supervisors to wait in the premises whilst I checked CCTV as I would need to speak to them again.

I then spoke to the Designated Premises Supervisor Suneeta SANDHU. She took me upstairs at the premises to view the CCTV footage. The footage clearly showed the offender in the bar area and he then pulls a large knife from his waist band and walks around the premises. He also appears to be under the influence of a substance.

It was clear by the size of the knife that a simple search of the male would have indicated he was in possession of it. I am aware there was no checks made with any knife wand or metal detector device prior to the male entering the premises.

I asked Suneeta to burn a copy of the CCTV footage and informed her about the unacceptable behaviour of the door staff.

I then went back down to talk to the door supervisors again to discover that they had already left the premises despite me telling them to wait. They had both ignored me and left anyway.

This incident was extremely serious and could have been much worse. This male had gone on to enter another nearby premises brandishing the knife and he had also used it to threaten police.

It was very disappointing to hear that the door supervisors at JOSEPHINES had known this male was a member of an organised crime group and they had allowed him to enter the premises completely unchallenged putting all staff and customers in the premises at risk. The knife was concealed in a very obvious place on the males body and could have been detected with a search.

The door supervisors had then tried to deny the male had been in the premises or brandished a knife. They had then not been forthcoming with details and refused a statement. Both had then refused to listen to instructions from a police officer and left the premises.

I informed PC HANNAH regarding my concerns about the door staff and I am aware that he had a meeting with the Premises Licence Holders on a later date about it.

DR. 14051

Signature:	<i>DR. 14051</i>	Signature witnessed by:	
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PAK - 1.0