



Supporting Documentation relating to:

Walsall Wood Football & Social Club Licensing Review.

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Section

One



Regulatory Services Licensing Enforcement

M: JOHN LEE Date 18-02-16
WALSALL WOOD FOOTBALL Time 14.30
CLUB WALSALL WOOD (if appropriate)

AS YOU ARE AWARE A SERIOUS DISORDER
 OCCURRED AT YOUR CLUB BECAUSE OF THIS
 DISORDER IT HAS BEEN HIGHLIGHTED THE
 CLUB IS NOT OPERATING / WAS OPERATING TO
 CLUB RULES. NO SIGNING IN BOOK FOR
 EXAMPLE. ON TODAY'S DATE 18-2-16 I
 HIGHLIGHTED THESE ISSUES TO YOU. IT IS
 THE RESPONSIBILITY OF THE CLUB TO ADHERE TO
 CLUB RULES. IF YOU DO NOT ADHERE TO
 CLUB RULES YOU ARE SERVING ALCOHOL
 ILLEGALLY. YOU MUST RECTIFY THE ISSUES
 IMMEDIATELY. WE HAVE DISCUSSED THE
 CLUB APPLYING FOR A PREMISE LICENSE.
 THIS WOULD GIVE YOU MORE FLEXIBILITY FOR
 GUESTS AT THE CLUB BUT YOU WOULD HAVE
 MORE LEGAL RESPONSIBILITY UNDER THE
 LICENSING ACT 2003.

Received by: [Signature] Authorised Officer: ENFORCEMENT
 Print Name: JOHN LEE Print Name: NEIL GARDINER
 Position: CLUB STEWARD Position: LICENSING OFFICER
 Direct Tel. No. 881 3841

West Midlands Police, Licensing Enforcement protect the interest of local consumers and businesses. We enforce licensing legislation by providing advice and guidance to business, inspecting licensable premises. Our main functions include;

Licensing Enforcement

- Licensed premises – we ensure licensed premises eg. bars, restaurants, off-licenses and public entertainment venues have the required license and are complying with their license conditions.
- Process all licensing applications submitted to us by the local authority
- Point of advice for new applications
- Review hearings.
- Prosecuting criminality

Who we work with

We work with all the registered authorities, including Trading Standards, Environmental Health, Council Enforcement and the Fire service.

Regulation and inspections

We follow the principles of good enforcement as laid down by central government departments and advisory bodies. Our aim is to ensure a consistent approach to regulation, taking care to help local businesses meet their legal obligations without unnecessary expense. Firm action, including prosecution where appropriate, may be taken against those who flout the law or act irresponsibly.

Comments/Contact us

To contact your licensing officer please call 101 asking for the name of the officer overleaf.

Section Two

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 James WHITTAKER

Age if under 18 O 18 (if over 18 insert "over 18")

Occupation Police Constable

This statement (consisting of 8 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: (witness) [Signature] 20739

Date 07/01/2020

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

I am PC 20739 WHITTAKER of the West Midlands Police Force currently based at Aldridge Police Station on the WS LPU of West Midlands.

This statement is in relation to various incidents that have occurred at Walsall Wood Football Club, Walsall Wood, during the National Lockdown periods set in place by the Government through various parts of the year 2020.

The first initial incident and how Walsall Wood Football Club come to notice was in the early part of April 2020 on Friday the 10th. Officers had received a call for service stating that members of the public were using the football club to go and socialise and drink. The call came from a partner of someone who attended so the information that we had received would of potentially been more credible than usual.

I am aware of the Football Club and its surroundings as I have been on the Aldridge Neighborhood Team for almost 5 years.

I know that the access to the Football Club is from Lichfield Road, where the old Oak Park Leisure Centre entrance used to be and that it has steel gates. The club is surrounded by concrete fending/boards that are approximately 7 feet in height. It has one football pitch, a spectator stand, changing facilities and clubhouse, which I know has been recently renevated. The entrance to the clubhouse is either through the front steel gate and door in front of you or there is also a steel door from a side entrance that has access to a fire door.

On arrival to the location which was at approximately 20:30 hours the club itself was in darkness and the roller shutter doors down, but appeared that a light was on which could be seen under the bottom of the front entrance roller shutter.

Myself and my colleague at the time PC 20946 BENTON, walked around the side of the building as the front gates were open and could clearly hear people from inside including children playing and talking to one

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Signature witnessed by

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another. Officers then banged on the roller shutter door and made note that it was the Police and to allow us entry. There was no response, the noise stopped and the light that could be seen was then turned off. This remained the state of play for another hour and a half whilst officers were outside the premises attempting to find a contact number for the owner or person responsible for the club.

PC 20946 BENTON then managed to get a contact number for Mr HODGIN who was listed as being the chairman of the Football Club and spoke with him. The conversation between them both mentioned that officers needed to gain entry into the premises, however Mr HODGIN stated that he didn't have keys to the location and would try to locate someone who could assist us.

He called back approximately 30 minutes later and stated that the only other person that he could think of at the time who would have access to the club would be Andy Roper however wouldn't provide us with his telephone number or address details for us to make our own enquiries.

Mr HODGIN was evasive on this occasion, which has been the case in all of our dealings with him through issues with Walsall Wood Football Club.

At approximately 22:30 hours the decision was made for officers to leave as there were no further additional units that could assist us on this occasion and neither myself or PC 20946 BENTON had the necessary equipment available to us to force entry.

A log was made with the Walsall Out of hours Local Authority, informing them of our findings that evening and that a follow up visit should be made by both Police and Local Authority due to the concerns raised that evening, through a National Lockdown. Officers did manage to arrange with Mr HODGIN for us to be able to visit him the day after at the club to discuss the matter further, however by that point any potential breaches of the COVID legislation would be disproveable.

I then re visited the football club on Saturday 11th April 2020 in company with the Local Authority and with Mr HODGIN being present.

He allowed officers access to the club house and the bar area itself. It was blatantly evident that alcohol had been consumed the previous evening due to the smell of alcohol that was there at the time. The pipes were also still connected to the barrels. I looked at the latest till receipt which didn't show anything of note however then asked Mr HODGIN whether we could view CCTV footage from the previous evening. He stated to me that he didn't know how to work the system and needed to get someone in to be able to figure out how to download or view the footage. I was in two minds at the time as to whether to seize the CCTV hard drive, as I had my doubts as to whether the system would be there on my return once it was known how to work the system. Therefore any proof or evidence that would be needed for any breaches would

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Signature witnessed by

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vanish. However, despite my belief that a breach of Covid regulations had been committed I was also of the belief that I was legally unable to seize this item, which would of also rendered the insurance policy that the club has without CCTV operational, void. Against my better judgement I gave the benefit of doubt to Mr HODGIN on this occasion and decided to leave the system in his possession however expressed the severity of tampering with the system before any footage had been viewed. Mr HODGIN assured me that this would not be the case and that he would get someone to look at the system as soon as possible. I also confirmed with Mr HODGIN that the CCTV system was recording.

Following this, a few weeks went by, whereby various meetings/appointments were cancelled via telephone on at least 3 occasions however it was eventually Saturday 25th April 2020 that myself and PCSO 31657 TRANTER were able to gain access and look on the CCTV system at approximately 12:30 hours. I recorded this meeting which is 29 minutes and 22 seconds long which I now produce in evidence as Police Reference Number JW-04

On arrival Mr HODGIN was present along with an unknown male who had helped him allegedly be able to view footage from the 10th April 2020.

I asked Mr HODGIN how this was done and asked as to whether I could work the system myself to be able to see all cameras available to me from events that had took place on the 10th April 2020.

It was apparent that from on the CCTV cameras that the system had been tampered with as there was a green and blue line on the bottom of the screen which showed that the recording was live from approximately 11:30 hours on Saturday 25th April. Prior to this, there was a black/grey line before the blue and green line which presented that no file or video recording can be found. I managed to see that the hard drive did have recording capability as I rewound to where myself and PCSO 31657 TRANTER arrived this day.

However, what the CCTV system did show was that there was a camera that recorded Mr HODGIN and his colleague playing/using the CCTV equipment in the bar area. This being at 12 minutes 56 seconds on my BWV (Body Worn Video). This also shows on the system the Blue and Green recording line which I mentioned previously. It also explains this on 23 minutes and 8 seconds of my BWV.

This also further raises my suspicions that Mr HODGIN did know how to use the CCTV system on the 11th April 2020 when we were present as he was the one mostly that was operating the equipment. I feel that Mr HODGIN wished to give himself enough time to be able to delete the footage, that would may have been used in evidence against him for breach of COVID legislation, which is why previous meetings had been cancelled.

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Statement of James WHITTAKER

At 13 minutes on my BWV, it also shows Mr HODGIN pulling a pint of beer from the pumps for himself and his colleague, which shouldn't of been in use during the lockdown. This further evidences that the beer in the barrells were still fresh and on the balance of probabily were in use on the 10th April 2020. At 17 minutes 14 seconds this still shows both Mr HODGIN and colleague playing with the CCTV system.

At 25 minutes and 44 seconds on my BWV I can be heard to speak with Mr HODGIN, who states to me "IV'E GOT ALL THE KEYS". Mr HODGIN can further be heard to say on exactly 28 minutes of my BWV "IM THE ONLY ONE WITH THE KEYS".

After viewing the footage and all of its content that was available to me that day, I then made contact with the Local Authority and informed them of my findings in order for them to persue the most appropriate course of action at that current time.

On Saturday 5th December 2020 at approximately 19:00 hours I was on duty in full uniform when I was made aware of an incident log that had been raised to the above mentioned location. This Log number being 3254.05/12/20. It was stated on this Log that various customers were being served alcohol inside Walsall Wood Football Club and that this had happened persistently through the Lockdown period. This hasn't been the only call officers have received of this nature as further incidents had took place in April 2020 which caused officers to attend on a number of occasions for the same allegation.

On duty and attending the above mentioned incident that evening was myself, PC 20325 GREENFIELD, PC 20090 ELLINGWORTH, PC 23760 PHILLIPS, PC 23761 PLANT and PCSO 31657 TRANTER.

On our arrival the front gate to the club was locked and unaccessible to walk into. I could however see through a small gap in the fence whereby I could see the front entrance to the club that had roller shutters that cover the front doors and windows.

Under the roller shutter door I could see that there was a light that was on inside the premises however was unsure at this time as to whether there was anyone inside.

I remained at the front of the premises whilst other officers went to the side entrance where the fire exit is located. I was then informed by PC 20090 ELLINGWORTH that when he approched the fire exit door he could hear ther shutters from the windows closing, which then gave us resoanble suspicion that persons were inside the premises.

We made a decision as a team to ensure that the club was contained to the best of our ability whilst myself and PC 20090 ELLINGWORTH went to visit the chairman of the football club Mr HODGIN at his home address of [REDACTED] I have been to his address in April 2020 for other

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OFFICIAL – (when complete)

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Statement of James WHITTAKER

potential COVID breaches and it was on this occasion that Mr HODGIN stated to us to contact him by any means necessary should we have any further issues.

Once arrived at Mr HODGINS home address, I could see that his vehicle which was a white BMW VRM [REDACTED], on the driveway. Officers knocked the door and Mr HODGIN, along with his wife Jane HODGIN bn [REDACTED] answered.

We then expressed our concerns to Mr HODGIN that there was a repeat of what had happened earlier in the year in April whereby we suspected that persons were inside the football club, consuming alcohol and also breaching the current COVID regulations.

We then requested access to the premises to be able to confirm or negate officers suspicions. MR HODGIN stated that he didn't have access to the premises, despite earlier in April stating that he had the only keys to the premises however another person by the name of John did so and that he would try to contact him.

He then went away from the front door and was away for quite some time before returning stating that he was unable to contact anybody to help officers. Officers asked Mr HODGIN whether he had keys to the gate to the front of the premises to which he stated he didn't because he "COULDN'T BE BOTHERED".

Mr HODGIN did state he had keys to the back door of the premises and was asked directly "WOULD THIS ALLOW US ENTRY INTO THE PREMISES". He then replied "NO" and proceeded to muffle about the responsibilities he had for the club amongst other things. It seemed to me that HODGIN was trying to get away from answering questions about having any access to the premises and quickly tried to consistently change the topic of access once the chance came.

At one point I recall Mrs HODGIN interrupting stating that he did have access to the premises, which Mr HODGIN quickly refuted in a quite anxious and meaningful way.

It was plain to see from the beginning that Mr HODGIN was extremely evasive and knew exactly what was happening at the football club however didn't want the responsibility on his shoulders, nor the punishment that would come with it. It seemed to me that Mr HODGIN was and did contact somebody in the football club that was the reason why he took so long to come back to the door.

In some ways, it was a little embarrassing, as Mrs HODGIN was clearly trying to assist the Police with enquiries, whereby Mr HODGIN wasn't and in doing so his manor, patience and anger was wearing thin. With every question that was asked of him, despite stating to officers to come back to him should any more issues arise, every answer was slowly more aggressive and a little more stand offish each time.

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Signature witnessed by

03/2016

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Statement of James WHITTAKER

I explained to Mr HODGIN that as the chairman of the football club, the club as a whole is his responsibility to know exactly what his happening at the club at all times. Mrs HODGIN was stood at the door nodding her head agreeing with what officers were saying, where as the anxiety and pressure, knowing that this was the case for Mr HODGIN was clearly mounting. He stated in between responses "THIS IS RIDICULOUS, I'M HERE, I DON'T KNOW" and also became abusive at one point, which he quickly apologised for.

The first impression that I got from speaking with Mr HODGIN that evening and from speaking to him in April was that it was either one of two things that had occurred this evening as well as previously. Either Mr HODGIN did know that the club was being ran during the national lockdown and didn't want to get caught as being the chairman or the club was being run unefficiently with a huge amount of negligence. However now I feel that both are true.

It was therefore obvious that speaking with Mr HODGIN any further would not be of evidential value once he had given PC 20090 ELLINGWORTH a list of names of people he stated had keys, but no other details. He stated that they only contact each other via social media and didn't know the addresses or contact numbers of them, which in itself is unbelievable.

I gave Mr HODGIN my work contact number and stated to him that this was the number he needed to ring if he remembered any details or any other way to gain entry into the premises as I was aware that other officers from Birmingham were coming to the location to potentially force entry into the premises under the COVID legislation powers.

Mr HODGIN then stated "YOU KNOW WHAT, YOU CAN ONLY DO THAT IF I'M THERE". He was then again advised about legal powers that officers had to gain entry.

We visited an address [REDACTED] which may be one of the key holdres but this was soon negated when we visited and returned back to the football club.

On return to the club I noticed that the lights that were originally on at the front entrance had now been switched off, therefore further suspecting that persons were inside the premises.

The officers from Birmingham who were on route to the location, shortly arrived after we returned to the club. This was to assess the building itself for entry as it would of required specialist equipment to gain entry into the premises due to the roller shutters being down.

As well as this, it was unknown at this time how many persons were inside the premises so further police officers would amount to further safety.

Myself and PC 20090 ELLINGWORTH managed to climb over the concrete wall and into the compound of

Signature *J. Whittaker* 20939

Signature witnessed by

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Statement of James WHITTAKER

the premises before officers then knocked the shutter doors asking for any persons inside to identify themselves and to remove themselves from the location.

This continued for a while, approximately 30 minutes or so until we all heard chants from various persons inside stating "FUCK THE POLICE". Following this, music was playing, as if there was a system of some sorts inside with a karaoke machine. From the volume of persons inside it appeared that there was possibly between 20-30 people inside however this was an estimate at this moment in time.

Currently at the location, there were approximately 12-14 officers so the decision was made to contact other officers for further reinforcements due to the possibility of the volume of persons inside, who were clearly anti police and law enforcement.

I also received a telephone call from Mr HODGIN and directly passed my device to Sgt 1041 GIESS who was the supervising officer present, who reiterated to Mr HODGIN that entry would be forced if persons within the premises didn't remove themselves or allow officers entry.

A short while later other officers with the specialist equipment arrived, approximately another 10 in total and began planning the entry before shortly afterward removing the roller shutter front entrance doors with an angle grinder.

Officers entered the premises and the first male that was removed resisted arrest and was detained by force. Following this, the rest of the individuals that were inside the premises exited without any issues apart from a male who I now know to be [REDACTED] who initially refused details but then later gave them on the fear of being arrested.

As well as [REDACTED] I produced FPN's to the following persons:

[REDACTED]
[REDACTED]
[REDACTED]

All of the above mentioned persons were then directed to leave and to return to the places where they live and not to return to the location during the national lockdown and that any further breaches would be a further harsher FPN.

Once I went inside the premises I could see a speaker with microphone and plenty of empty and half full glasses that were filled with alcoholic beverages. I also went through to the rear of the bar as I know that this is where the CCTV drive is kept, which would be further evidence for officers to prove that persons were inside the property and that the suspicions were correct.

Signature James Whittaker 80739 Signature witnessed by _____

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Statement of James WHITTAKER

Unfortunately the CCTV drive wasn't there and had been hidden/taken from inside and believe this was the case to prevent officers from seizing this in evidence. I know that there is a CCTV system in place as I had cause to operate and view footage from events that happened earlier that year.

Officers then remained with the premises and waited for boarding up to arrive to secure the premises before leaving.

I have recordings on my Body Worn Video from the events that took place on the 5th December 2020 and will now produce them in evidence as follows.

Visit to Mr HODGINS home address as JW-01, 11m 07s

Attendance to Walsall Wood Football Club as JW-02, 30m 0s

Further attendance to Walsall Wood Football Club as JW-03, 19m 42s

These are my original notes of events that had taken place throughout the year at Walsall Wood Football Club dated 09/01/2021 at 20:08 hours.

James Whittaker 20939

Signature *James Whittaker* 20939

Signature witnessed by

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 Paul Benton

Age if under 18 o/18 (if over 18 insert "over 18")

Occupation Police Constable

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: (witness)



Date 12/01/2021

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

I am Police constable 20946 Benton of the West Midlands Police, currently attached to the Offender Management Team (OMT), for the Walsall Borough, based at Bloxwich Police station. The OMT is a team of Officers dedicated to the Management of offenders identified on the Integrated Offender Management System (IOM), as either Priority Prolific Offenders (PPO'S), High Crime Cause Users (HCCU), Deter Young Offender (DYO) or High and Medium scoring nominals as identified on IOM system for the Walsall borough.

This statement is in relation to me and PC 20739 Whittaker attending Walsall Wood Football Club, Lichfield Road, Walsall Wood, Walsall to the reports of Covid-19 Breach. Call was received at 19:03 hours on Friday 10th APRIL 2020 stating there was Covid-19 Breach at the above location. During this time the whole Country was in lockdown so no social gatherings whatsoever were allowed.

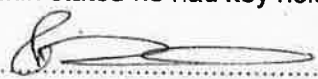
At 20:50 hours on the above date, PC 20739 Whittaker arrived at the location. We immediately identified there was a light coming from inside the property and voices could be heard – children laughing. Roller shutters were down however on one of them there was couple of inches gap which enabled me to see inside (light shining through).

Intelligence checks were conducted on Police systems which revealed the Chair person – Mr Justin HODGIN was also the Licence Officer. PC Whittaker liaised with Licencing Officer – Elizabeth, from Walsall Council who was on call from Local Authority.

PC Whittaker and I remained at the location for approximately 1 hour, banging on the door and windows identifying we were Police, asking them to open the door. After our initial knock the property went quite, no further voices could be heard.

During my attendance at the football club, I liaised with Mr Hodgin via his mobile who stated nobody should be inside the property but he was unable to attend our location due to him being under the influence of alcohol. Mr Hodkin stated he had key holder that resided close by - Mr Andy Birch and informed me he

Signature



Signature witnessed by

03/2016

Crime No.

URN

Statement of Paul Benton

would make contact with Andy and ask him to attend to allow us inside the Club House. Mr Birch never arrived. After numerous calls back to Mr Hodgkin due to him failing to answer my calls, PC Whittaker and I attended his home address – [REDACTED] as we wished to highlight our concerns his premises was being used for social gatherings during Covid-19 lockdown. It was during this conversation Mr Hogkin stated he wasn't able to speak with Mr Birch and arrangements were made for Mr Hogkin to attend the Club House the following morning with PC Whittaker and representative from Walsall Council to view the CCTV.

On the evening our intention was to gain entry, establish if any person were present, deal with them accordingly and highlight the licencing breach to the Local Authority who could deal with this accordingly.

I did feel Mr Hogkin wasn't forthcoming with information that could assist Officers by gaining entry to the Club House and ascertain if there were any breaches of his licence / Covid-19.

I had no further dealings with this case.

Signature 

Signature witnessed by

Section Three

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 James Ellingworth

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Constable 20090

This statement (consisting of 7 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: [Signature] (witness)

Date 30/12/20

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

I am PC 20090 Ellingworth currently stationed at Aldridge Police Station in the county of West Midlands.

This statement is in relation to an incident which occurred at Walsall Wood Football Club, Lichfield Road, Walsall Wood, Walsall, WS9 9NP and the subsequent investigation that took place.

On Saturday 5th December 2020 I was on duty completing a 1400-2300 hour late shift. At approx 1900 hours I became aware of a log on the police controlworks system - 3254-051220. The log was an anonymous webchat report which stated that for the fourth night in a row the football club bar was open and serving customers. This was not the first report the police had received in relation to this location breaching coronavirus legislation during 2020.

I discussed the log with my team colleagues and a decision was made to attend. Initially only members of my team attended - myself, PC 20739 Whittaker, PC 20325 Greenfield, PC 23760 Phillips, PC 23761 Plant and PCSO 31657 Tranter. We arrived at the location at approx 19.20 hours.

Walsall Wood Football Club consists of a football pitch, spectator stands, club house bar/function room and player changing facilities. The club has vehicular access from Lichfield Road. Visitors first need to come across a council owned public car park before they reach the access gate. Surrounding the club is a concrete board fence which is approx 7 feet high. To the right of the gate is a public footpath and an access road connecting 2 car parks belonging to Oak Park Leisure Centre. Approx 50 yards along the fence is a steel see through gate which gives access to a rear fire door of the club bar. The club house bar/function room is fitted with an external steel shutter system covering all windows and doors.

The front vehicle gate was locked from the outside with a heavy duty padlock. PC's Phillips and Whittaker approached the front gate and looked through a spot near to the hinges that allows a line of sight to the club house bar. PC Whittaker could see that the steel shutters were closed at the front of the club house but could see light shining out from within the building under the steel shutters. PC Greenfield and PCSO

Signature [Signature]

Signature witnessed by

03/2016

Crime No. []

URN []

Statement of James Ellingworth

Tranter walked along the public footpath to the right and could hear as they approached the rear fire door the sound of metal shutters closing. The gate giving access to the fire door was locked with a standard small padlock which could be unlocked from either side of the gate.

At this point I spoke with both PC's Greenfield and Whittaker and confirmed we had a reasonable suspicion that the club house bar had people inside it.

Through previous dealings with the club we were aware that the club chairman - Mr Justin Andrew HODGIN [redacted] lived at [redacted]. A decision was taken to leave officers at the club surrounding it as best they could to ensure there was no comings and goings. I along with PC Whittaker travelled by car to HODGIN's address. Parked on the driveway was a white BMW X4 bearing registration [redacted]. We knocked the door and HODGIN and his wife - Jane HODGIN b. [redacted] came to the door. We explained to Mr HODGIN that we suspected there were people inside the clubhouse bar and needed access to either confirm or negate this. Mr HODGIN stated he didn't have keys to the premises but a man he described as the landlord called John did. I asked if he was contactable. Mr HODGIN told us he would try to contact him and went back inside his address, presumably to call him or get his phone. He was inside the property for approx 4 minutes before his wife called him back to the door. He stated he'd had no luck contacting anyone who might have the keys and proceeded to tell us he didn't have a gate key because he couldn't be bothered. He then told us he had keys to the back door but when asked directly "WILL THEY ALLOW US ACCESS TO THE PREMISES?" he responded with "NO" and went on to explain something about there being a door behind the players door in a vague manner finishing his sentence with he didn't want the responsibility. His wife pointed out to him he could get into the bar to which he quickly responded that he couldn't. I would describe his manner as evasive. He couldn't provide addresses of others who were keyholders but did offer us their telephone numbers. We didn't take these as Mr HODGIN stated he had tried contacting them and they weren't answering their phones. He then became agitated stating that "THIS WAS RIDICULOUS, I'M HERE, I DON'T KNOW". He seemed angered that we were there. He provided me with 3 names of people who may have keys but no further details. We explained to him that we would be forcing entry to the premises which again agitated him with him telling us "YOU KNOW WHAT, YOU CAN ONLY DO THAT IF I'M THERE." He was told that as chairman of the club he should have an expectation that authorities would believe him to have a good knowledge of the day to day running of the club. We left him with PC Whittakers works mobile number telling him if he could help then to give us a call.

One of the names given to us by Mr HODGIN was Mr ANDREW ROPER who he stated was club president. After researching the name on police systems I found an address on [redacted]

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. []

URN []

Statement of James Ellingworth

which had a resident of that name. We attended the address but it transpired that ROPER had moved from there a number of years ago.

We returned to the club. PC Whittaker noted that the lights inside the premises were now switched off. I was aware that other officers were en route to the club to assist us with gaining access.

Once other officers had arrived I climbed over the concrete fencing and gained access to the grounds. Other officers cut the padlock off the side gate giving access to the rear fire door. We began banging on the outer shutters and announcing that we were police officers and that any persons inside the premises should open up and allow us access. For a while the premises remained in silence.

At approx. 20.30 hours after further knocking on the shutters by officers we began to hear cheering from inside the club house bar. The people inside could clearly hear us demanding entry but chose to remain inside with the shutters closed. At various points I heard chanting of "FUCK THE POLICE", rowdy singing and shouting, loud music being played and a karaoke session taking place. I estimated there to be roughly 20 people inside although this was difficult to quantify as we could not see into the premises. I formed the opinion most of the occupants were male.

I am aware that Mr HODGIN was contacted again on the telephone by Sergeant 1041 GIESS who repeated our earlier conversation that entry would be forced if he/other keyholders did not facilitate access to the club.

Further officers were despatched to the club in response to the rowdiness of the people inside, their refusal to open up, their obvious aversion to the police and the fact we knew that they had had time to consume a significant amount of alcohol.

At approx. 22.15 hours officers forced entry into the club by using an angle grinder to cut away the steel shutters to the front of the building. They then broke down a wooden door before finally gaining access. Officers entered and I could hear threats of violence being shouted towards them and raised male voices that sounded angry.

One male was arrested and removed from the premises. The rest of the occupants were brought out one at a time and were dealt with by way of issuance of a Fixed Penalty Notice. I issued FPN's to 3 males - Mr [REDACTED] and [REDACTED]

Once all those who were inside had been dealt with and ordered to return to their homes I entered the premises and saw lots of bottles of beer and pint glasses which had clearly contained beer. The beer pumps were lit up and I believe had been in use throughout the evening. I entered the staff only part of the bar to the rear and could see that the CCTV hard drive and screen were missing. I believe these had been

Signature [Signature]

Signature witnessed by

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removed as they contained evidence of tier 3 restriction breaches by persons unknown inside the club house.

Colleagues on my team and I left the premises at approx 23.15 hours and left other officers on scene who were awaiting boarding up. I finished my tour of duty at approx 23.30 hours.

I have 3 recordings from my body worn video of that night:

My initial visit to Justin HODGINS address which I now refer to as JE/01. (Court Exhibit Ref. No.....).

My visit to the previous address of Andrew Roper which I now refer to as JE/02. (Court Exhibit Ref. No.....).

The moment entry was forced to the clubhouse, the issuance of FPN's and entering the premises once all persons within had dispersed which shows the CCTV hard drive missing and the state of the premises which I now refer to as JE/03. (Court Exhibit Ref. No.....).

On Thursday 10th December 2020 I attended HODGINS house upon the direction of supervision to ascertain more information regarding the running of the club and to ask him whether he thought a burglary had taken place. I spent approx 50 minutes with him attempting to gain an insight into the runnings of the club to assist with our investigation into the organisation of the gathering on the 5th December. HODGINS appeared nervous throughout and was visibly shaking at times. I explained to HODGIN what we would class as a Burglary. When asked whether he thought a burglary had taken place he responded "I DON'T KNOW". He told us he couldn't answer the question without knowing who was in the premises that evening. I told him that we couldn't give him that information as the matter was still being investigated. I asked for details of employees or of those that hold keys/have access to the building. He told me there was numerous people numbering between 50-60 who knew how to get into the building. I asked him why he hadn't told us about a keysafe on the side of the building on the night we visited him. He replied "I DON'T KNOW.". I asked him whether he had any documents which listed committee members or any minutes of committee meetings which might show this information. He asked why I wanted that information in a defensive manner. I again explained that it would be helpful for officers to understand the runnings of the club. I left him my email address and asked that he send me the information regarding committee members - I did not receive the information. I asked him if he had heard anything about who may have been responsible for the gathering - he told me he had heard numerous things - a Paul Hammond had organised it, that it had been a family party involving a family called the STRETTONS and that he had spoken to a Lee STRETTON who had denied having anything to do with it. HODGIN told me that he had closed down the

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clubhouse tills and taken the floats totalling £200 away from the premises. He informed us he was the person who did the ordering of alcohol for the club and that he used a company called Liquid Line based over by Dudley. When asked whether the club CCTV system should have been there that night he stated initially that he thought we had seized it. Once I confirmed that we hadn't he then explained that it was possible a company run by Paul BIRMINGHAM may have taken it as it wasn't working properly. He didn't mention that Mr BIRMINGHAM was the Youth Treasurer at the club which I found out on a later date when researching the clubs website.

The entire conversation was recorded on my body worn video. I now refer to this footage as JE/04 (Court Exhibit Ref. No.....).

On Friday 11th December 2020 I attended my parade station for an early shift 0800 - 1600. I am the administrator of my teams email inbox. I checked the inbox as I do at the beginning of every tour of duty. I saw that we had received an email from a member of the public which contained information that gave me suspicions about HODGINS involvement in the original incident on the 5th December. The email made reference to a statement placed on the football clubs social media feed by the chairman on 9th December. I now refer to this statement as JE/05 (Court Exhibit Ref. No.....).

In the email it stated that Tracey HUNT was present during the gathering and went on to inform us that HUNT was the clubs secretary. It also stated that the club chairman had been present 40 minutes prior to police attendance and that we should check CCTV at the nearby KFC which would confirm this. I now refer to this email as JE/06 (Court Exhibit Ref. No.....).

I made enquiries with Mr David SHARPE who has responsibility for council run CCTV cameras in the Walsall Borough. I asked him to view a local authority camera with ANPR capabilities which was posted at KFC, Lichfield Road, Walsall Wood. I gave him the details of HODGINS car which is previously mentioned in this statement. Shortly after SHARPE contacted me to confirm that a white BMW X4 showing a partial registration of ** [redacted] was seen to drive past the camera, down to the front entrance of Walsall Wood Football Club at 19.02, wait there for 4 minutes and leave at 19.06. This was roughly 15 minutes prior to police arrival and 16 minutes after the anonymous webchat reported the incident to the police. The only persons listed on the vehicles insurance policy are Mr Justin HODGIN and Mrs Jane HODGIN.

I now refer to this footage as JE/07 (Court Exhibit Ref. No.....). I booked this footage into the property system and it was given the unique property reference number of 2478198/C.

Following on from this information I completed a google search and found the clubs website on www.pitchero.com. The website listed various members of the committee. On the "Contacts" page under

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the sub heading of "Key Contacts" there were two names - Justin HODGIN listed as Chairman and Tracey HUNT listed as Secretary.

After liaising with supervision the decision was taken to issued both HUNT and HODGIN with Fixed Penalty Notices for the offence of Contravene requirement to cease carrying on a restricted business, or providing a restricted service which related to the running of the club bar contrary to the current Tier 3 Coronavirus Restrictions.

At approx 13.15 hours I attended the home address of Tracey HUNT in company with PC GREENFIELD. HUNT invited us into the property. I told her we were there to discuss the incident on Saturday night and that we had been investigating the matter further.

At 13.17 I stated to HUNT the "CAUTION". I told her that following enquiries it had come to our attention that she was listed as the club secretary. She told us she was the "MATCH DAY SECRETARY" but wasn't responsible for the running of the bar, I pointed out that as someone with responsibility at the club she should have made efforts to prevent the gathering. I completed the details for the issuance of the FPN on my handheld device and explained that she would receive summons through the post.

This visit was captured on my Body Worn Camera and I now refer to this footage as JE/08 (Court Exhibit Ref. No.....).

We left her property and headed straight to HODGINs home address. There was no answer to ringing the doorbell so I called HODGIN on his mobile. He answered and I explained that I needed to see him. He stated he could not meet me that day as he was at work so we agreed I would reattend his home address on Saturday 12th December 2020 at 10am.

On Saturday 12th December 2020 I was on duty in company with PC 23761 PLANT and PC 20325 GREENFIELD. I attended the business premises of LIQUIDLINE, [REDACTED] which is the supplier of alcohol to Walsall Wood FC. The owner of the company Mr Paul JONES provided copies of the last 2 invoices showing orders made by the club on the 1st November 2020 and the 4th November 2020. The second national lockdown had been announced by the government on 31st October 2020.

The invoices showed kegs of various beers/lagers had been ordered on 1st November and the 4th November. The combined cost was £866.41.

JONES also provided a list of amounts ordered by Walsall Wood FC since the beginning of July to 4th November 2020. The total amount of alcohol ordered was £19,276.21.

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Signature witnessed by

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I now refer to these invoices as JE/09 (Court Exhibit Ref. no.....).

At approx 10.10 hours on Saturday 12th December 2020 I attended HODGINS home address as previously arranged. HODGINS car was not on the drive. I rang the doorbell and Jane HODGIN answered the door. She was visibly distressed. We entered the address and spoke with her. [REDACTED]

[REDACTED]. Whilst there HODGIN called JANE. I could hear him on the phone whilst she was speaking with him. He was obviously in an agitated state and was demanding to know why the police were at his house. I spoke with HODGIN who informed me that he had called 101 approx 1 hour prior to our arrival in order to rearrange the appt. [REDACTED]

[REDACTED] I told him I had not received the message and if I had have done then would not have attended as planned. As stated HODGIN was agitated and confrontational in tone. I asked him to attend Aldridge Police Station the following day at 3pm to which he agreed. The call was then terminated.

On Sunday 13th December 2020 I was on duty in full uniform in company with PC 20325 GREENFIELD. HODGIN attended the police station as planned.

At 14.51 I "CAUTIONED" HODGIN. I explained that we would be issuing a FPN for operating the club bar as a restricted business as we had evidence which suggested he was aware and complicit in the running of the bar whilst restrictions were in place. I completed the details needed for the FPN on my mobile device and informed HODGIN he would receive notice through the post.

This exchange was captured on my Body Worn Camera. I now refer to this footage as JE/10 (court Exhibit Ref. No.....).

I had no further dealings.



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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 James WHITTAKER

Age if under 18 O 18 (if over 18 insert "over 18")

Occupation Police Constable

This statement (consisting of 8 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: (witness) [Signature] 70739

Date 07/01/2020

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

I am PC 20739 WHITTAKER of the West Midlands Police Force currently based at Aldridge Police Station on the WS LPU of West Midlands.

This statement is in relation to various incidents that have occurred at Walsall Wood Football Club, Walsall Wood, during the National Lockdown periods set in place by the Government through various parts of the year 2020.

The first initial incident and how Walsall Wood Football Club come to notice was in the early part of April 2020 on Friday the 10th. Officers had received a call for service stating that members of the public were using the football club to go and socialise and drink. The call came from a partner of someone who attended so the information that we had received would of potentially been more credible than usual.

I am aware of the Football Club and its surroundings as I have been on the Aldridge Neighborhood Team for almost 5 years.

I know that the access to the Football Club is from Lichfield Road, where the old Oak Park Leisure Centre entrance used to be and that it has steel gates. The club is surrounded by concrete fending/boards that are approximately 7 feet in height. It has one football pitch, a spectator stand, changing facilities and clubhouse, which I know has been recently renevated. The entrance to the clubhouse is either through the front steel gate and door in front of you or there is also a steel door from a side entrance that has access to a fire door.

On arrival to the location which was at approximately 20:30 hours the club itself was in darkness and the roller shutter doors down, but appeared that a light was on which could be seen under the bottom of the front entrance roller shutter.

Myself and my colleague at the time PC 20946 BENTON, walked around the side of the building as the front gates were open and could clearly hear people from inside including children playing and talking to one

Signature [Signature] 70739 Signature witnessed by

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another. Officers then banged on the roller shutter door and made note that it was the Police and to allow us entry. There was no response, the noise stopped and the light that could be seen was then turned off. This remained the state of play for another hour and a half whilst officers were outside the premises attempting to find a contact number for the owner or person responsible for the club.

PC 20946 BENTON then managed to get a contact number for Mr HODGIN who was listed as being the chairman of the Football Club and spoke with him. The conversation between them both mentioned that officers needed to gain entry into the premises, however Mr HODGIN stated that he didn't have keys to the location and would try to locate someone who could assist us.

He called back approximately 30 minutes later and stated that the only other person that he could think of at the time who would have access to the club would be Andy Roper however wouldn't provide us with his telephone number or address details for us to make our own enquiries.

Mr HODGIN was evasive on this occasion, which has been the case in all of our dealings with him through issues with Walsall Wood Football Club.

At approximately 22:30 hours the decision was made for officers to leave as there were no further additional units that could assist us on this occasion and neither myself or PC 20946 BENTON had the necessary equipment available to us to force entry.

A log was made with the Walsall Out of hours Local Authority, informing them of our findings that evening and that a follow up visit should be made by both Police and Local Authority due to the concerns raised that evening, through a National Lockdown. Officers did manage to arrange with Mr HODGIN for us to be able to visit him the day after at the club to discuss the matter further, however by that point any potential breaches of the COVID legislation would be disproveable.

I then re visited the football club on Saturday 11th April 2020 in company with the Local Authority and with Mr HODGIN being present.

He allowed officers access to the club house and the bar area itself. It was blatantly evident that alcohol had been consumed the previous evening due to the smell of alcohol that was there at the time. The pipes were also still connected to the barrels. I looked at the latest till receipt which didn't show anything of note however then asked Mr HODGIN whether we could view CCTV footage from the previous evening. He stated to me that he didn't know how to work the system and needed to get someone in to be able to figure out how to download or view the footage. I was in two minds at the time as to whether to seize the CCTV hard drive, as I had my doubts as to whether the system would be there on my return once it was known how to work the system. Therefore any proof or evidence that would be needed for any breaches would

Signature *J Whittaker* 70939 Signature witnessed by

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Statement of James WHITTAKER

vanish. However, despite my belief that a breach of Covid regulations had been committed I was also of the belief that I was legally unable to seize this item, which would of also rendered the insurance policy that the club has without CCTV operational, void. Against my better judgement I gave the benefit of doubt to Mr HODGIN on this occasion and decided to leave the system in his possession however expressed the severity of tampering with the system before any footage had been viewed. Mr HODGIN assured me that this would not be the case and that he would get someone to look at the system as soon as possible. I also confirmed with Mr HODGIN that the CCTV system was recording.

Following this, a few weeks went by, whereby various meetings/appointments were cancelled via telephone on at least 3 occasions however it was eventually Saturday 25th April 2020 that myself and PCSO 31657 TRANTER were able to gain access and look on the CCTV system at approximately 12:30 hours. I recorded this meeting which is 29 minutes and 22 seconds long which I now produce in evidence as Police Reference Number JW-04

On arrival Mr HODGIN was present along with an unknown male who had helped him allegedly be able to view footage from the 10th April 2020.

I asked Mr HODGIN how this was done and asked as to whether I could work the system myself to be able to see all cameras available to me from events that had took place on the 10th April 2020.

It was apparent that from on the CCTV cameras that the system had been tampered with as there was a green and blue line on the bottom of the screen which showed that the recording was live from approximately 11:30 hours on Saturday 25th April. Prior to this, there was a black/grey line before the blue and green line which presented that no file or video recording can be found. I managed to see that the hard drive did have recording capability as I rewound to where myself and PCSO 31657 TRANTER arrived this day.

However, what the CCTV system did show was that there was a camera that recorded Mr HODGIN and his colleague playing/using the CCTV equipment in the bar area. This being at 12 minutes 56 seconds on my BWV (Body Worn Video). This also shows on the system the Blue and Green recording line which I mentioned previously. It also explains this on 23 minutes and 8 seconds of my BWV.

This also further raises my suspicions that Mr HODGIN did know how to use the CCTV system on the 11th April 2020 when we were present as he was the one mostly that was operating the equipment. I feel that Mr HODGIN wished to give himself enough time to be able to delete the footage, that would may have been used in evidence against him for breach of COVID legislation, which is why previous meetings had been cancelled.

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Signature witnessed by

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At 13 minutes on my BWV, it also shows Mr HODGIN pulling a pint of beer from the pumps for himself and his colleague, which shouldn't of been in use during the lockdown. This further evidences that the beer in the barrells were still fresh and on the balance of probability were in use on the 10th April 2020. At 17 minutes 14 seconds this still shows both Mr HODGIN and colleague playing with the CCTV system.

At 25 minutes and 44 seconds on my BWV I can be heard to speak with Mr HODGIN, who states to me "IVE GOT ALL THE KEYS". Mr HODGIN can further be heard to say on exactly 28 minutes of my BWV "IM THE ONLY ONE WITH THE KEYS".

After viewing the footage and all of its content that was available to me that day, I then made contact with the Local Authority and informed them of my findings in order for them to persue the most appropriate course of action at that current time.

On Saturday 5th December 2020 at approximately 19:00 hours I was on duty in full uniform when I was made aware of an incident log that had been raised to the above mentioned location. This Log number being 3254 05/12/20. It was stated on this Log that various customers were being served alcohol inside Walsall Wood Football Club and that this had happened persistently through the Lockdown period. This hasn't been the only call officers have received of this nature as further incidents had took place in April 2020 which caused officers to attend on a number of occasions for the same allegation.

On duty and attending the above mentioned incident that evening was myself, PC 20325 GREENFIELD, PC 20090 ELLINGWORTH, PC 23760 PHILLIPS, PC 23761 PLANT and PCSO 31657 TRANTER.

On our arrival the front gate to the club was locked and unaccessible to walk into. I could however see through a small gap in the fence whereby I could see the front entrance to the club that had roller shutters that cover the front doors and windows.

Under the roller shutter door I could see that there was a light that was on inside the premises however was unsure at this time as to whether there was anyone inside.

I remained at the front of the premises whilst other officers went to the side entrance where the fire exit is located. I was then informed by PC 20090 ELLINGWORTH that when he approached the fire exit door he could hear ther shutters from the windows closing, which then gave us resoanble suspicion that persons were inside the premises.

We made a decision as a team to ensure that the club was contained to the best of our ability whilst myself and PC 20090 ELLINGWORTH went to visit the chairman of the football club Mr HODGIN at his home address of [REDACTED] I have been to his address in April 2020 for other

Signature *James Whittaker* 70939

Signature witnessed by

03/2016

OFFICIAL – (when complete)

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Statement of James WHITTAKER

potential COVID breaches and it was on this occasion that Mr HODGIN stated to us to contact him by any means necessary should we have any further issues.

Once arrived at Mr HODGINS home address, I could see that his vehicle which was a white BMW VRM [REDACTED], on the driveway. Officers knocked the door and Mr HODGIN, along with his wife Jane HODGIN bn [REDACTED] answered.

We then expressed our concerns to Mr HODGIN that there was a repeat of what had happened earlier in the year in April whereby we suspected that persons were inside the football club, consuming alcohol and also breaching the current COVID regulations.

We then requested access to the premises to be able to confirm or negate officers suspicions. MR HODGIN stated that he didn't have access to the premises, despite earlier in April stating that he had the only keys to the premises however another person by the name of John did so and that he would try to contact him.

He then went away from the front door and was away for quite some time before returning stating that he was unable to contact anybody to help officers. Officers asked Mr HODGIN whether he had keys to the gate to the front of the premises to which he stated he didn't because he "COULDN'T BE BOTHERED".

Mr HODGIN did state he had keys to the back door of the premises and was asked directly "WOULD THIS ALLOW US ENTRY INTO THE PREMISES". He then replied "NO" and proceeded to muffle about the responsibilities he had for the club amongst other things. It seemed to me that HODGIN was trying to get away from answering questions about having any access to the premises and quickly tried to consistently change the topic of access once the chance came.

At one point I recall Mrs HODGIN interrupting stating that he did have access to the premises, which Mr HODGIN quickly refuted in a quite anxious and meaningful way.

It was plain to see from the beginning that Mr HODGIN was extremely evasive and knew exactly what was happening at the football club however didn't want the responsibility on his shoulders, nor the punishment that would come with it. It seemed to me that Mr HODGIN was and did contact somebody in the football club that was the reason why he took so long to come back to the door.

In some ways, it was a little embarrassing, as Mrs HODGIN was clearly trying to assist the Police with enquiries, whereby Mr HODGIN wasn't and in doing so his manor, patience and anger was wearing thin. With every question that was asked of him, despite stating to officers to come back to him should any more issues arise, every answer was slowly more aggressive and a little more stand offish each time.

Signature  20139

Signature witnessed by

Crime No.

URN

Statement of James WHITTAKER

I explained to Mr HODGIN that as the chairman of the football club, the club as a whole is his responsibility to know exactly what his happening at the club at all times. Mrs HODGIN was stood at the door nodding her head agreeing with what officers were saying, where as the anxiety and pressure, knowing that this was the case for Mr HODGIN was clearly mounting. He stated in between responses "THIS IS RIDICULOUS, I'M HERE, I DON'T KNOW" and also became abusive at one point, which he quickly apologised for.

The first impression that I got from speaking with Mr HODGIN that evening and from speaking to him in April was that it was either one of two things that had occurred this evening as well as previously. Either Mr HODGIN did know that the club was being ran during the national lockdown and didn't want to get caught as being the chairman or the club was being run unefficiently with a huge amount of negligence. However now I feel that both are true.

It was therefore obvious that speaking with Mr HODGIN any further would not be of evidential value once he had given PC 20090 ELLINGWORTH a list of names of people he stated had keys, but no other details. He stated that they only contact each other via social media and didn't know the addresses or contact numbers of them, which in itself is unbelievable.

I gave Mr HODGIN my work contact number and stated to him that this was the number he needed to ring if he remembered any details or any other way to gain entry into the premises as I was aware that other officers from Birmingham were coming to the location to potentially force entry into the premises under the COVID legislation powers.

Mr HODGIN then stated "YOU KNOW WHAT, YOU CAN ONLY DO THAT IF I'M THERE". He was then again advised about legal powers that officers had to gain entry.

We visited an address in [REDACTED] which may be one of the key holdres but this was soon negated when we visited and returned back to the football club.

On return to the club I noticed that the lights that were originally on at the front entrance had now been switched off, therefore further suspecting that persons were inside the premises.

The officers from Birmingham who were on route to the location, shortly arrived after we returned to the club. This was to assess the building itself for entry as it would of required specialist equipment to gain entry into the premises due to the roller shutters being down.

As well as this, it was unknown at this time how many persons were inside the premises so further police officers would amount to further safety.

Myself and PC 20090 ELLINGWORTH managed to climb over the concrete wall and into the compound of

Signature James Whittaker 20959

Signature witnessed by

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Crime No.

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the premises before officers then knocked the shutter doors asking for any persons inside to identify themselves and to remove themselves from the location.

This continued for a while, approximately 30 minutes or so until we all heard chants from various persons inside stating "FUCK THE POLICE". Following this, music was playing, as if there was a system of some sorts inside with a karaoke machine. From the volume of persons inside it appeared that there was possibly between 20-30 people inside however this was an estimate at this moment in time.

Currently at the location, there were approximately 12-14 officers so the decision was made to contact other officers for further reinforcements due to the possibility of the volume of persons inside, who were clearly anti police and law enforcement.

I also received a telephone call from Mr HODGIN and directly passed my device to Sgt 1041 GIESS who was the supervising officer present, who reiterated to Mr HODGIN that entry would be forced if persons within the premises didn't remove themselves or allow officers entry.

A short while later other officers with the specialist equipment arrived, approximately another 10 in total and began planning the entry before shortly afterward removing the roller shutter front entrance doors with an angle grinder.

Officers entered the premises and the first male that was removed resisted arrest and was detained by force. Following this, the rest of the individuals that were inside the premises exited without any issues apart from a male who I now know to be [REDACTED] who initially refused details but then later gave them on the fear of being arrested.

As well as [REDACTED] I produced FPN's to the following persons:

[REDACTED]
[REDACTED]
[REDACTED]

All of the above mentioned persons were then directed to leave and to return to the places where they live and not to return to the location during the national lockdown and that any further breaches would be a further harsher FPN.

Once I went inside the premises I could see a speaker with microphone and plenty of empty and half full glasses that were filled with alcoholic beverages. I also went through to the rear of the bar as I know that this is where the CCTV drive is kept, which would be further evidence for officers to prove that persons were inside the property and that the suspicions were correct.

Signature James Whittaker 80939 Signature witnessed by

03/2016

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URN

Statement of James WHITTAKER

Unfortunately the CCTV drive wasn't there and had been hidden/taken from inside and believe this was the case to prevent officers from seizing this in evidence. I know that there is a CCTV system in place as I had cause to operate and view footage from events that happened earlier that year.

Officers then remained with the premises and waited for boarding up to arrive to secure the premises before leaving.

I have recordings on my Body Worn Video from the events that took place on the 5th December 2020 and will now produce them in evidence as follows.

Visit to Mr HODGINS home address as JW-01, 11m 07s

Attendance to Walsall Wood Football Club as JW-02, 30m 0s

Further attendance to Walsall Wood Football Club as JW-03, 19m 42s

These are my original notes of events that had taken place throughout the year at Walsall Wood Football Club dated 09/01/2021 at 20:08 hours.

James Whittaker 20939

Signature *James Whittaker* 20939

Signature witnessed by

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 Nicholas Philip Giess

Age if under 18 (if over 18 insert "over 18")

Occupation Police Sergeant 1041

This statement (consisting of 8 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: Nick Giess (witness)

Date 10/12/2020

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

I am the aboved named Police Sergeant residing at the address overleaf.

I am the Sergeant in charge of the Licensing Team for Birmingham based within the Pan Birmingham Partnerships Team at Lloyd House.

I have been a Police Officer for nearly 28 years and have extensive relevant experience in dealing with Licensed Premises across Birmingham. I have also been responsible for much of the Engagement, Education, Encouragement and Enforcement (4E approach) adopted relating specifically to Covid legislation breaches across the West Midlands Force Police area as part of Operation Reliant (West Midlands Police's response to Covid related activity.)

Whilst I am routinely deployed as a Police Sergeant on a day to day basis, I am also qualified by exam to the rank of Police Inspector and I have a specific authority from Chief Superintendent Graham (the Police officer in charge of Birmingham West Neighbourhood Policing Unit) to perform the role and duties of Acting Inspector when required to do so.

I am Method Of Entry trained and again have extensive experience of forcing entry to premises whilst causing a minimum of damage.

This statement is in relation to Walsall Wood Football Club located at Lichfield Rd, Walsall Wood, Walsall WS9 9NP. The club was operating in breach of covid Tier 3 legislation and should have been closed.

I was unable to ascertain whether the premises had a licence or not at the time as Walsall do not maintain a searchable database of licensed premises on line.

I have dealt with many similar sport clubs over the years and it is usual for them to have a Club License to serve alcohol.

There are numerous powers of entry available for use under the Licensing Act 2003, I specifically had the

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

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Crime No.

URN

Statement of Nicholas Philip Giess

below legislation in mind given the specific circumstances I faced at this incident .

Section 180 of the Licensing Act 2003 gives a constable a right of entry to investigate offences.

180(1) A constable may enter and search any premises in respect of which he has reason to believe that an offence under this Act has been, is being or is about to be committed.

180(2) A constable exercising a power conferred by this section may, if necessary, use reasonable force.

The premises does not sit within one of the city's night time economy areas, it is a standalone premises near to the Kentucky Fried Chicken On Lichfield Rd Walsall.

Following the second national lockdown a Three Tier approach was adopted nationally. Walsall is in a Tier three area, so no pubs, restaurants or clubs are allowed to open to serve alcohol other than as a take away service.

In general terms gatherings indoors are limited to a single household or in specific instances a social bubble (for single adult households) or a childcare bubble (for families with children under 14.)

The infection rate in Walsall at the time was 282 cases per 100,000 people, which was the 5th highest in the region and was slightly above the regional average of 281 cases per 100,000 people.

At 1800hrs on Saturday 5th December 2020 I was on duty in uniform deployed as the serial Sergeant on an Operation Reliant Van patrol call sign AK1A.

At 1850hrs on that day West Midland Police received a call that Walsall Wood Football club was open and serving alcohol in breach of the covid legislation and that it was the fourth night in a row that they were doing this.

Neighbourhood Officers attended but were unable to gain access to the building and at 1914hrs they requested support from the Operation Reliant Supervision. After reviewing the information the Bronze commander for the operation (Insp Barnes) deployed my serial to deal with the incident. Normally Specialist Licensing Officers from Op Reliant would attend an incident like this, however Insp Barnes and I have worked closely together over the last few months on Operation Reliant and whilst I was deployed as a Serial Sergeant on this occasion Insp Barnes is aware that I am actually a Specialist Licensing Officer as well, so sending me and my team appeared to be the most pragmatic solution to the issue at Walsall Wood FC.

My actions at Walsall Wood FC is recorded on Police Bodyworn Camera and is split over 6 recordings.

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There is sometimes an issue with the indicated time on the camera where it is sometimes an hour different to the actual time, the issue is known to IT and the company that provide the service to us but remains unresolved so the displayed time on the camera may be an hour out.

I produce the Body worn camera footage recorded at 2009hrs as exhibit () ref (NPG1).

I produce the Body worn camera footage recorded at 2038hrs as exhibit () ref (NPG2).

I produce the Body worn camera footage recorded at 2105hrs as exhibit () ref (NPG3).

I produce the Body worn camera footage recorded at 2130hrs as exhibit () ref (NPG4).

I produce the Body worn camera footage recorded at 2212hrs as exhibit () ref (NPG5).

I produce the Body worn camera footage recorded at 2242hrs as exhibit () ref (NPG6).

At 2008hrs the same evening my team and I arrived at the incident.

The Neighbourhood officers who were already there explained to me that that they had heard the rear roller shutters being closed as the arrived but that they had closed by the time they got to them. However they were confident that there were persons inside. The officers showed me the Roller shutters that they had heard closing.

The roller shutter was at a side entrance to the club and was behind a padlocked metal gate so whoever had closed the roller shutter had to still be inside. Similarly the front gate was also padlocked and the roller shutters there were also closed although I could see a car in the car park.

The other officers went on to explain that they had gone to the home address of the Chairman of the Club (Justin Hodgin) as he was not answering his phone and had spoken to him.

Hodgin had stated to them that he did not have keys and that he did not know who had keys to the club. I have played amateur sports for all of my adult life and I find the chairman of a sports club saying that he did not have key or know who would have keys very difficult to believe.

I have since been sent a copy of an email from the chairman Justin Hodgin dated 20 April 2020 where Hodgin says the following. (Clearly point 4 of the email is of significance here.)

“Dear Mr. Rooney,

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Further to your communication attached, I would like the following to be on record.

- 1) On the evening of 12th April, the police attended my personal home and spoke to me face-to-face, proving I couldn't be operating the clubhouse of Walsall Wood Community FC and would like this removing from any record.
- 2) The police on this evening also attended the clubhouse before my home at Walsall Wood Community FC and found or saw no evidence of the clubhouse being operated.
- 3) I completely refute the that clubhouse was being operated against any regulations that are enforced and there is no proof to state differently.
- 4) All keys are now with myself and any assistance to either yourselves or the police, I will happily oblige.

Kind regards,

Justin Hodgin

Chairman

Walsall Wood Community FC

I produce a copy of that email as exhibit () ref (NPG7.) The above email indicates that Hodgin had all the keys to the premises on 20th April 2020 although he had told my Officers that he did not have keys or know who did have keys when they spoke to him. He also later told me on Bodyworn Camera in a phone conversation that he did not have keys or know how to get keys.

I was given a number that I was told was the Hodgin's mobile and I rang it a number of times. I am however now aware that the number I had been given was incorrect.

When I looked at the front roller shutter could see what looked like interior lights from under the that entrance of the club and I believed that Licensable activity (sale of alcohol) was taking place inside. So I had an officer bring a set of bolt cutters and we cut the padlock off the side gate utilising the power of entry to investigate under the licesning act (see above). This can be seen at time frame 13mins 29 secs in exh

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NPG1.

Prior to forcing entry I gave the usual Police warning which I shouted very loudly "Attention. Attention. This is a Police warning. Open the gates or entry will be forced. No further warnings will be given."

There was no reply so at that point the exterior padlock was cut off and we entered the small area near to the roller shutters that Officers believed they had heard going down earlier when they initially attended.

At 14mins 48 secs I used my baton to bang very loudly on that roller shutter to draw the attention of the persons inside. Shortly after doing that I could actually hear people inside the building. Although I have rewatched my body cam footage it cannot be heard in the recording.

Another officer and I lifted the roller shutter about a third of the way up before it jammed and would not move further. Unfortunately the door behind the roller shutter was an outward opening fire door which would be difficult to force open.

At 17mins 44 secs on exh NPG1 it is possible to actually hear people inside on my Bodycam footage.

At 18mins 54 secs a male voice from inside can be heard shouting to me "Have you got a warrant?" I explained that I didn't need one as there was a power on entry under the Licensing Act.

I was still refused entry but was asked if I would like a cup of tea. I did say yes, but they still declined to open the door and let me in.

The group inside sang the Christmas carol "Silent Night" and also sang "We will not. We will not be moved" to us.

It was clear to me that I would not easily be able to gain access from that point without causing significant damage to that door.

I was informed by local youths that there were about 30-40 inside and that they would "kick it off" if we forced entry.

At that point I called For Insp Barnes and other officers with suitable cutting equipment to attend. Officers had cut the padlock off the front gate and so had my driver move my police van into position there so that if my officers were "stormed" by the occupants (which has happened at least three times in similar situations whilst working Operation Reliant) we would be able to still contain the offenders.

On the bodyworn video exhibit (NPG2) between 6 mins 14 secs and 11 mins 20. I had a conversation with Hodgkin on the phone. During that conversation I wished him a Merry Christmas and he told me that he did not have any keys for the premises and he had no idea of who would have keys to allow officers entry. I

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explained that the Police had caused damage to the premises and that we would be forced to cause further damage to gain access to deal with the offences being committed inside. I also explained that the Police would not pay for or accept any liability for any damage caused as there was a lawful power of entry.

Inside the gates there was a white Ford Fiesta vehicle VRM in the small car park area.

With the metal gates behind me the single storey Clubhouse was ahead of me with its main entrance opposite me the football pitch was to my left. The whole area being fenced with pre-formed concrete slat fencing. The roller shutters were all down and locked but I could now hear very loud music from inside and a Karaoke was also taking place.

Other officers one of whom was Inspector Barnes and I briefed him on my team's action to date at this incident. I made one last attempt to contact Hodgkin without success and then other officers used an angle grinder to cut open the roller shutters in the main door at about 2215hrs.

They then used an enforcer to open the interior door.

This can be seen on my Body worn Video exhibit NPG5 at 4 mins 19 secs.

I entered the premises at 9mins 14 secs on that video. There were 17 people inside. The group was a mix of both hostile and compliant members of the public. There was no evidence of appropriate social distancing and no-one was wearing a mask.

A number of the occupants were very drunk in that they were unsteady on their feet, they had slurred speech and they smelt strongly of intoxicating alcohol. There were lots of empty and half drunk pints of beer, glasses of wine and shorts on the tables and clearly this was coming from the club's stock as there were no empty cans or other vessels/containers to indicate that the occupants had brought their own alcoholic drinks with them. There were a lot of glasses and had they have been consuming drinks that was not part of the club's stock it would have been obvious from the amount of empty containers. I could not see anything to support that so it would appear that they were drinking alcohol that belonged to the football club. There was however even a bottle of spirits on the one table but it had a pouring spout that matched the ones that were behind the bar making me believe that it was one that belonged to the club as it would be quite surprising and unlikely for someone to have brought a bottle of spirits and then put a pouring spout into it. These can be seen on Bodyworn video exh NPG6 at 1min 20 secs and 11mins 10 secs

One very drunken shaven headed male in a blue green and white top who I only know as struggled violently with myself and other officers. He was flailing his arms about and so I took hold of his right arm and placed it in a straight arm bar (which is a home office approved restraint technique) to prevent him from assaulting any of my officers, his demeanour was such that I felt that was likely.

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During this I repeatedly told him to calm down. He had to be restraints both in and out of the premises and was arrested for being drunken and disorderly although I am aware he was later de-arrested for that offence when he had calmed down and provided his details.

I am aware that everyone was issued with a fixed penalty notice for breach of the covid legislation.

This was both a blatant and cynical breach of the Covid legislation. I have worked on Operation Reliant almost every Friday and Saturday night since it started in the summertime and Walsall Wood FC is only the second venue that I have attended that were in breach and the persons inside have failed to listen to reason and forced me to get other officers to attend with specialist equipment so that we could effect a forced entry.

I have significant doubts regarding the suitability of the location to remain a licensed premises and I have recommended that this incident be referred to the local Policing Superintendant so that serious consideration can be given to the Club's ongoing suitability to remain a licensed premises.

When I was behind the bar there was a jar of money on one of the surfaces which may have been used to pay for drinks and there was also a PDQ machine & till on the bar that also could have been used. I could see no evidence to indicate that any of the drinks had been brought in from elsewhere it looked as if the pints had been "pulled" from behind the bar as normal. No one said they were a member of the committee and no one admitted to being a keyholder. The area where the CCTV hard drive/recording device should have been was empty. The CCTV had been removed and I could not find it with the building.

I am willing to attend court and to abide by the decision of the Chief Constable fo West Midlands Police.

Nick Giess

Signature

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Section Four

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 Jennifer Mellor

Age if under 18

(if over 18 insert "over 18")

Occupation Licensing Office - Walsall Police

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: Jennifer Mellor (witness)

Date 19 January 2021

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

I am Jennifer Mellor 60384, Walsall Licensing and Regulatory Services Officer currently stationed at Walsall Police, Civic Centre, Walsall. I have been employed at West Midlands Police since July 2020 but bring a wealth of licensing experience from Staffordshire Police as their Southern Licensing Officer based at Burton Police Station.

This statement is in relation to a premise called "Walsall Wood Football & Social Club" these premises operate under the authority of a Club Premise Certificate, and the actions at the premise that has led to a review application being lodged, following serious issues.

Before we look at what happened it is important that we explain our national policing style during this pandemic.

This has been through something referred to as the 4E approach: Engage, Explain, Encourage and if appropriate Enforce. This is important as West Midlands Police has tried to engage with these premises and explain, however there does become a point where action needs to be taken.

The regulations and guidance to licensed and hospitality venues have changed a number of times and at certain periods of time this has been closure due to a national lockdown in place. Although these have changed, they are readily available and easy to find, have been well publicised through national media, both on Television and the Papers, and widely commented on.

It would be difficult to say that people would have been unaware of what they should have been doing. The provisions both within the regulations and associated guidance have all been designed to do one thing and that is to mitigate risk of transmission, through a variety of measures.

Although the guidance is non-enforceable it is a clear tool designed by the Government to assist the Hospitality trade in trading safely, and again with the sole aim of reducing the risk

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of transmitting this disease.

The effects of this pandemic have been and in fact still are devastating on the UK. The death toll has been considerable and still continues to rise, with the grim fact that the UK has the highest death toll in Europe, and the 5th highest in the World I exhibit (JRM/WMP)

This has placed significant financial hardship on the entire hospitality sector.

The vast majority of venues that West Midlands Police have had dealings with have been compliant around these measures. However, a small number have breached the regulations and guidance.

It is highly unlikely that these breaches have been due to ignorance, due to the amount of information within the media about the measures in place. Due to this I would have to say that in my professional opinion it would appear that those who wilfully breach the guidance are doing so purely for financial gain.

The amount of calls to service for West Midlands Police specifically around Covid breaches have been significant. This has led to the force setting up Operation Reliant. This is an operation at key times specifically to respond to calls for service around Covid breaches.

In relation to Walsall Wood Football & Social Club, throughout the statement, I will evidence how I believe West Midlands Police have offered the first three 'E's over a period of time. Due to the lack of compliance at Walsall Wood Football and Social Club they have left us no option but to move to Enforcement.

Walsall Wood Football & Social Club have a Club Premises Certificate which only qualifying clubs may hold. Section 62 of the Licensing Act 2003 sets out conditions which a club must qualify and Section 63 refers to whether a club is established and conducted in good faith.

Even without the issues with the Covid breaches it would appear that the club is not operating in a manner that would classify it as a qualifying club. Section 90 of the Licensing Act 2003, gives the power to the licensing authority to withdraw the club premise certificate, where it appears to the authority that the club does not satisfy the conditions for being a qualifying club.

The evidence for this review document shows a lack of management, a lack of control and leadership to a point where the chairman has no idea of the people within this venue and asks for the police to provide him with a list of names.

This is serious in that it shows that the licensing objectives are not being observed and indeed their actions are seriously undermining them, but also that the club is operating in a manner that goes beyond them being a qualified club.

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The club has a key safe for entry to the premise with the code set to a number which is known by "hundreds" according to their groundsman. If this is so that shows that the committee have a lax attitude to who can access the premises and when, and I have to argue that it shows that they have no control over the club and who comes and goes. It also shows that they can have no effective control on what goes on inside and how they would ensure the promotion of the objectives and also that they comply to their club rules, which enables them to remain a qualifying club.

The incident that occurred on the 5th December clearly showed the club was open and trading at a time Walsall Borough was in tier 3 of a national pandemic.

This is at a time when all hospitality premises including this club should have been closed.

It also evidences that the persons within the club that night, had a total disregard for the police in denying them access and those present where in control of the club. This total disregard of licensing law and COVID-19 legislation is a health risk and puts other residents of the borough and indeed other parts of the county at a higher risk of transmission of the COVID-19 virus, because the venue owners are prioritising income over safety.

I became aware of Walsall Wood Football Club after concerns were raised involving racial abusive at one of their home matches and a lack of social distancing which were dealt with via our local policing team and the force football unit.

It was then brought to my attention after the serious incident that occurred on Saturday 5th December 2020.

As the premises had been brought to my attention I checked the Police systems to see if there had been any other intervention at the premises.

On the 18th February 2016 a licensing visit with PC 2419 Gardiner, Walsall Council and Brian Lees, a Club Steward, I exhibit (JRM/WMP) took place due to an incident of disorder involving non-members within the social club. A subsequent letter was sent to Mr Lees advising that consideration should be sought to apply for a Premise Licence. In PC Gardiner's opinion the club were not operating in good faith of a Club Premise Certificate.

I have highlighted this incident as it shows that as far back as 2016 there were concerns that the premises was not being operated in good faith and that advice was given, and that it shows to us that we believe non-members are still being allowed into this club.

During my investigation I checked a number of Police systems, below is a list of calls that have been received about the premises.

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On 5th April police received intelligence that despite being on a National Lockdown due to COVID-19 the club was open and people were using the club to meet and socially drinking. This intelligence came from the partner of someone who had been at the club drinking that day.

Police received a further call on Friday 10th April stating they had seen males going into the club flouting the current restrictions with the bar being open. I exhibit (JRM/WMP) a statement from PC Whittaker stating on arrival at the club he noticed a light on inside, voices and children laughing.

The officer called the chairman on his mobile who confirmed nobody should be inside but due to him being under the influence of alcohol he was unable to attend the club that night.

After numerous calls the officers were informed that Mr Andy Birch would attend with keys however this didn't happen even after waiting a considerable amount of times, officers therefore attended the home of Mr Hodgkin the Chairman, expressing their concerns that this premise was being potentially used for large gathering and the serving of alcohol. PC Benton was also in attendance, I exhibit (JRM/WMP).

Officers arranged to meet Mr Hodgkin with Walsall Borough Council at the club the following morning at 10:30 to check their CCTV and till receipts.

Mr Hodgkin told officers he was unable to operate the CCTV and the till receipts do not have the capability of showing times or dates of any sales. It was agreed to meet again with a club member who could work the CCTV. PC Whittaker's statement (JRM/WMP) and the statement of Paul Rooney Walsall Borough Council includes that in their opinion there was a fresh smell of beer inside which suggested that alcohol had been served the day before.

As a result of the initial meeting, on the April 14th an email from the council, (exhibited by Walsall Council) attached a letter for his urgent attention concerning non-compliance with the Health Protection (Coronavirus, Restrictions)(England) Regulations 2020.

Mr Hodgkin replied to this email on 20th April stating "all the keys are now with myself and any assistance to either yourselves or the police, I will happily oblige."

Between the period of 11th April and the 25th April Mr Hodgkin cancelled 3 further appointments with PC Whittaker.

On the 25th April 2020 PC Whittaker attended with PCSO Tranter, I exhibit statement (JRM/WMP) and police bodycam footage (JRM/WMP) detailing their visit.

When officers tried to view the CCTV to evidence who was inside the premise on 10th April there was no recordings on the hard drive however the system was still recording as it had a "live" mode and "playback"

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mode available.

This facility was tested and witnessed by officers at the time. Officers were therefore able to see Mr Hodgin, along with a colleague tinkering with the CCTV system an hour before officers arrived.

It is evident from the footage that officers witnessed both Mr Hodgin and his colleague consuming alcohol the day officers visited whilst playing with the CCTV system.

In my opinion due to the time span between the first day of national lockdown and the 25 April, the day of the visit, the beer in the pumps pulled by Mr Hodgin would have been flat, tasted foul as bacteria and possibly mould would have been growing in the beer lines.

Beer pumps should be cleaned every 7 to 10 days or 14 days at large heavy usage venue, to ensure the beer/lager is fresh and free from bacteria and wild yeast which can grow in the lines causing further damage.

Mr Hodgin did not hesitate to draw beer from the pumps suggesting this was a common event during the lockdown period. On the balance of probabilities the interference with the CCTV system prior to police arrival could have deleted all evidence of breaches at the club.

On 7th October 2020 West Midlands Police received an email from a member of the public advising of a COVID-19 breach at the club on 29th September 2020.

The report stated a group of young fans numbering around 30 behind the goal cheering and singing at volume and that photographs on Social Media show this. The social distancing was also mentioned on the club car parking. This shows that the public were concerned enough to call the Police, something the Govt encourage to happen where breaches were happening.

On 10th October 2020 West Midlands Police again received intelligence to suggest concerns at the Walsall Wood football match. I exhibit bodycam footage (JRM/WMP) showing a complete lack of social distancing and lack of management of COVID-19. I exhibit (JRM/WMP) the clubs COVID-19 Risk Assessment.

At the same match a racially aggravated public order crime occurred involving a group of Walsall Wood youth supporters.

I have highlighted this incident due to Mr Hodgin being the chairman of the football club and the social club. The lack of safety in relation to COVID-19 during the world wide pandemic at his football matches shows a disregard in abiding to government guidance. It also shows that the disregard for the safety of customers and compliance with guidance runs across the club and is not confined to the social club.

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On Saturday 5th December 2020 after receiving further intelligence that the social club was open and had been open for four nights in a row local police officers attended the location and discovered activity taking place inside the premises. I exhibit (JRM/WMP) Statement from PC Ellingworth (JRM/WMP).

Attempts were made by local officer's to gain entry as they evidenced a light on from inside the premises and heard the metal shutter doors closing.

Due to previous issues officers drove to the home of Mr Hodgkin, the chairman who was evasive and denied responsibility, he could not locate any key holder and was abusive when officers asked him to facilitate entry to the premises.

After this incident the police were made aware that access to the social club was from a key safe with the code number but Mr Hodgkin failed to advise officers of this fact. This would have assisted officers greatly in facilitating entry to the premises, and something I would argue would have been a reasonable and proportionate response from a concerned Chairman, considering the Police were at his home stating they believed people were inside his club.

Also in an email dated 20th April 20202 sent to Paul Rooney, Walsall Borough Council, Mr Hodgkin confirmed he held the keys to the club,

As persons inside the club who we now know included a committee member with her family refused to engage with officers at the scene, the incident was escalated to Insp Barnes, the commander for Operation Reliant.

Insp Barnes sent specialist Op Reliant resources to the location. I exhibit PS Giess statement of events (JRM/WMP) and bodycam footage (JRM/WMP). The decision was made to cut the padlock of the side gate to allow officers nearer to the club.

Officers indicated that Voices could clearly be heard, music playing and persons could be heard singing Silent Night and 'we will not be moved'.

Repeated attempts were made to get people's attention inside of the premises.

Officers were repeatedly told to 'FUCK OFF' and music continued to be heard.

Mr Hodgkin was called again on his mobile, he confirmed to PS Giess he did not have keys and had no idea of who would keys to allow officers entry.

He was advised that force would be used to gain entry as there was a lawful power of entry.

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The activities which officers witnessed contravened the Tier 3 regulations, and whilst the premises should have been closed the actions of those inside, indicated that they were not concerned in any way that officers were outside, and that they should not have been inside.

The actions of the chairman show as a minimum a very scant regard for what was happening in his club, the effect this could have had with the pandemic and the spread of the Covid 19 disease, especially when he had the means to assist the Police.

The fact that the building was locked by shutters also shows that they were jeopardising the safety of those inside had there been any reason for them to quickly evacuate.

At approx. 22:15 force had to be used to enter the premises some three hours after police arrival.

Upon gaining entry some of those present were seen using their mobile phones to video the officers, some were hostile, abusive and jeered at officers.

They were also clearly intoxicated and numerous pints of alcohol, glasses of wine where seen on tables, in the hands of persons present, there was even a bottle of spirits on one of the tables with a pouring spout which matched the same bottle found behind the bar.

The beer pumps were also lit and as there was a lack of bottles, it was therefore assumed the beer visible was from the clubs pumps and stock.

There was no social distancing, mask wearing taking place and numerous mixed households. One male was initially arrested for being drunk and disorderly.

There was no one person in charge despite the club secretary being present with her family.

On trying to locate the CCTV hard drive, officers found this had been removed with only the leads were the hard drive should have been.

After the incident Mr Hodgkin stated he thought the police had removed the hard drive but later told officers Midland Signal, Paul Birmingham may have taken it as it wasn't working properly.

Paul Birmingham is the Youth Treasury at the club. To date the hard drive has not been submitted to the police

Fixed penalty notices (FPN) were issued to 19 persons on the night. Only 8 of those present had a Walsall address with 3 being from the one family.

According to Walsall Wood's website, Tracey Hunt is the club secretary, she was present with her family inside the premises on the night and issued with a FPN.

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Other persons issued with FPN came from Liverpool, Skelmsdale, Chelmsford and Birmingham. The fact people from other parts of the country were present indicates that it is not only the local communities that were being threatened, but from all parts of the country.

It is very worrying that there were people present from areas in the country where there had been very significant infection rates.

A substantial number of police resources were deployed to the incident, I exhibit T/Chief Inspector Rose (JRM/WMP) detailing the scale of the incident due to noncompliance of the club secretary and persons present.

On the 8th December West Midlands Police issued a press statement, I exhibit JRM/WMP). Mr Hodgkin also issued a statement on behalf of the club, I exhibit JRM/WMP)

That statement contained the following: The club can confirm that no club officials or club staff were on site at the time and therefore we are conducting our own internal investigation, regarding the event and we are awaiting information from the police to conclude these.

If a club is acting in "good faith" they should have a responsible person in charge who is accountable for the members and their guests. The bar must be operated by the club rather than a third party under a franchise or similar arrangement.

This incident clearly shows the club was out of control and run by the persons inside. This would therefore take this event and, on the balance of probabilities other events outside the general conditions for a qualifying club.

On the 9th December T/PS Pallintina visited the homes of Mr Hodgkin, the chairman and Brian Green their groundsman.

Mr Hodgkin confirmed he still has no knowledge of who was in control of the event. That they have a key box in operation at the premises, and that lots of people have had access to this in the past. He has since ensured that all the keys have been collected and are now held with him, if we were to need access again to the premises.

Brian Green stated he is the grounds man and has a key to the gates.

For information Mr Hodgkin told PC Ellingworth on 10th December Mr Green is also a director of the club, on their website he is the Youth Chairman.

Mr Green stated that the club use a Key box on the building, and gave the officer the code. He stated that

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the keys were in the key box. He has no idea who could have arranged this event, and that hundreds of people know the code to the box.

On 10th December PC Ellingworth and PC Greenfield attended Mr Hodgins home address to discuss with Mr Hodgins whether or not he wished to make a complaint/allegation of Burglary.

He repeated his innocence and lack of knowledge of the incident. Contain in the statement exhibited (JRM/WMP) PC Ellingworth was asked why he didn't mention to officers on the night that there was a key safe. He replied "I don't know".

He was asked about it being a burglary he stated "I don't know who was there so I can't say if they had permission." Police also asked if he had documents such as AGM minutes/club constitution/committee member flowchart and responsibilities document. Again to date, Police have not replied any documents.

Without this information the police are unable to confirm if this club meets the general conditions for a qualifying club. It also confirms Mr Hodgins has been unwilling to work with police and our engagement with him has failed

Also on the 10th December the police received intelligence that it was rumoured that Tracey Hunt was present and Tracey is the clubs secretary.

We were also told to check KFC's CCTV which may show the Chairman's vehicle leaving the club 40 minutes before police arrive. In receipt of this information police contacted Walsall Borough Council CCTV department and requested a check of their camera's covering the area.

On 11th December an email was received from Walsall Borough council with 7 photographs, I exhibit (JRM/WMP) which captures a white BMW entering at 19.02hrs and leaving at 19.06hrs on 5th December 2020 prior to police arrival.

The images make out a good partial VRM matching the one given to the council. The vehicle leaves KFC car park and turns right on Lichfield Rd. Police believe this is the vehicle owned by Mr Hodgins, this vehicle for insurance purposes, is only registered to Mr Hodgins and his wife Jane.

Also on 11th December, Walsall Borough Council served a Prohibition Notice on Mr Hodgins who was at the Walsall Wood Football club. See reference to the council's representations.

Again on the 11th December PC Ellingworth issued a further FPN to Tracey Hunt. The offence the FPN was issued for was "Contravene requirement to cease carrying on a restricted business, or providing a restricted service".

Signature Signature witnessed by

03/2016

Crime No.

URN

Statement of Jennifer Mellor

As the club secretary she was unable to confirm who was in charge that evening and did not offer any information which would assist police with their enquiries.

In establishing whether a club is acting in good faith, any gain arising from the carrying on of the club should be for the benefit of the club. As the chairman and the club secretary have denied who was in charge that evening and all the till floats had been previously been removed from the tills, the money taken for the supply of alcohol that night would NOT have been for the benefit of the members.

On the 13th December Mr Hodgkin attended Aldridge Police Station He was issued with a FPN the same as Tracey Hunt.

On the 14th December the Police Press release was updated with the two further fines.

On the 14th December I received invoices from Liquidline detailing deliveries to the club, I exhibit (JRM/WMP).

On 31st October the Prime Minister announced a four week England lockdown.

As Mr Hodgkin has confirmed he places all alcohol orders, he was invoiced on 1 November for 242 pints of lager/beer and also the 4th November for a further 264 pints. The company pay on the date of invoice suggesting they have no credit facility with Liquidline and delivery would be cash on delivery or payment in advance of delivery.

I believe the placement and delivery of two orders after the Prime Minister announced a 4 week lockdown would suggest this club is serving and trading whilst in a national lockdown thereby achieving a financial gain whilst other premises remained closed and abiding by government guidelines. This financial gain is not acting in good faith and neither is it upholding the licensing objectives.

On the 18th December 2020 at 16:55 I received a phone call from Mr Hodgkin annoyed that police officers had knocked on his door and scared his child when serving the review documents.

He said this complaint was "fabrication" and wanted a formal hearing, this is "harassment and something more". He thought the review was being made by the council as he wondered why the police were delivering post on behalf of the council.

I explained to him the review process and also told him it was WMP that had served the papers. He wanted to know what criminal offence had taken place and wanted evidence. I explained to Mr Hodgkin I was off duty but had picked up the phone as I was trying to deal with another issue (Drive in carol service at Barons Court hotel on the Sunday) so I would get back to him. At times he was calm and then others annoyed. I emailed him on the following Monday.

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03/2016

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Crime No.

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Statement of Jennifer Mellor

On 5th January 2021 Mr Hodgkin phoned my work mobile asking when he should submit his statements and how will the hearing be held now we are in tier 4, Stay At Home.

I informed Mr Hodgkin I was unable to offer advice and that he needed to speak with his legal team. I said I would ask Walsall licensing how the hearing would take place.

In writing this timeline of events I believe I have shown the police have tried to apply the 4E approach Engage, Explain and Encourage but we have been met with obstruction, hostility lies and untruths.

We are now in the position that the only option available to ensure compliance moving forward, is Enforcement as all four of the Licensing objectives have been undermined.

West Midlands Police have witnessed a lack of control by the social club committee on a number of occasions, a disregard for people’s safety including their supporters, children and members of the club during this national pandemic. On the 5th January figures produced by Walsall Council in relation to positive COVID-19 cases shows Aldridge North and Walsall Wood ward the highest within the borough, Walsall Wood Football Club sits in this ward.

The membership of the club has to be in question with so few local residents found on the premises on 5th December with no one person in charge.

As the club have not accepted responsibility for any of the times persons have been found or heard on the premises, the profits from the supply of alcohol has not been for the benefits of the members which is a qualifying condition.

With hundreds of people, according to their Youth Chairman and between 50/60 by their Club Chairman having access to the social club, a licensed premise, this has to be stopped.

It is a high security issue, a public safety issue and shows a lack of responsibility by the committee and failing leadership.

In relation to this review it undermines totally the conditions for this social club to be operating on a Club Premise Certificate.

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Signature witnessed by

03/2016

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 TCI R Rose

Age if under 18 O'18 (if over 18 insert "over 18")

Occupation Police Officer

This statement (consisting of 3 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: R.Rose (witness)

Date 22/12/2020

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

I am Temporary Chief Inspector 4993 Rose currently based at Bloxwich Police Station on Walsall Neighbourhood Policing Unit (WS NPU).

I have been asked to prepare a statement with regards to the Covid Breach incident at Walsall Wood Football Club (WWFC) bar on Saturday 5th December 2020. It is important to highlight that 5/12/2020 was not the first time officers had had cause to attend WWFC due to alleged Covid breaches over recent months.

Previous visits to WWFC by police officers are recorded on Police systems as follows:-

1. Log 2969 – 05/04/20: Anonymous web chat from a female reporting that the club bar was still open and selling alcohol. Officers attended but site was secure and locked up so left.

2. Log 3394 – 10/04/20: Further anon report of the club bar being open. Officers attended and could hear people inside even though the premises were locked up and the shutters down. 2 x NHT police officers attended the club. 2 updates from officers on the police log are very relevant and state:

A) "Officers are in attendance and noticed a light was on inside the club house and voices can be heard inside - children laughing.... liaised with Chairman via mobile Mr Justin Hodgkin [redacted] who stated nobody should be inside... Mr Hodgkin was unable to attend due to being under the influence however, after numerous calls a Mr Andy Birch should be attending who has keys.. also liaised with Elizabeth from Walsall Council who has taken information regarding this potential licensed premises allowing a gathering to take place under current covid-19 circumstances... please keep log open Submitted from Mobile Device at 10/04/2020 21:33:31"

B) "Officers were unable to gain entry to the premises due to Mr Hodgkin not being forthcoming with

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Signature witnessed by

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03/2016

Crime No.

URN

Statement of TCI R Rose

assistance with regards to a key holder. Officers did attend Mr Hodgins home address - [REDACTED] so officers could express our concerns his premises is being potentially used for large gathering / selling alcohol. PC 20739 Whittaker has arranged to attend the premises tomorrow morning at 10:30 hours in company with a representative from Walsall Council to check their CCTV / till receipt. Please defer log for PC Whittaker to update tomorrow."

With regards to point (B) above it took officers over 2 weeks to get the chairman meet them at WWFC as he missed 3 appointments to meet them there and when he did finally arrive on 25/04/2020, he claimed he did not know how to work the CCTV system.

A further meeting took place shortly after with police officers in attendance, along with local council licensing officers to discuss the issues and warn HODGIN regarding issues surrounding licensing.

On Saturday 5th December 2020 Walsall NPU Officers responded to log number 3254, which reported an illegal gathering at Walsall Wood Football Club, Lichfield Road, Walsall, WS9 9NP.

Officers deployed to the club became aware of persons inside the premises who were refusing to exit and refusing to allow officers into the club. As the incident developed there was a requirement for more resources. Initial Officers arrived at approx 19.20 hours and the last officers left the scene at approx midnight, almost 5 hours later. The officers were demanding entry to the premises for some 2 hours before making a forced entry. Those inside had initially turned the music and lights off inside on seeing police outside, once they understood the police were not going to leave they turned the lights back on, re-started the music and were loudly chanting "Fuck the Police". This is disgraceful behaviour and showed a total disregard for the police, authority and public health. It is worthwhile adding that the additional police resources were requested as the sound of anti police sentiment coming from within the premises combined with the outright refusal to comply with police directions caused officers to feel that their safety would be compromised once entry was gained.

Officers had to force entry to the premises by cutting open the metal shutters and were faced with a hostile group who had clearly been drinking on site and still initially refused to leave on request. At least one of the persons on site had to be forcibly removed. In total 19 adults were located within the club.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No.

URN

Statement of TCI R Rose

Attending officers reported that "once entry was forced, there was one male that resisted arrest/detention and had to be restrained, he also refused to provide details and was heavily intoxicated. On seeing this male being restrained the rest of the people inside came out with no issues and provided their details apart from one person who was dealt with seperately. It was fair to say that almost all of the people inside were intoxicated, some to different levels of others"

Of real concern is the fact that the WWFC Secretary was amongst those located within the premises on 5/12/2020.

West Midlands Police can ill afford to spare resources in these unprecedented times. This incident alone lasted almost 5 hours, not to mention time spent dealing with reports of non compliance by WWFC on 5th and 10th April, and trying to get the Chairman to meet with police over these matters. There is absolutely no excuse for the appalling behaviour of WWFC and their blatant disregard for the police and public health requirements. I therefore submit this statement and ask for consideration of the revocation of the WWFC Club Premises Certificate.



Signature Signature witnessed by

03/2016