

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

FRIDAY, 23 OCTOBER 2020 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 212

**4 LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW
NAKIRA, QUEENSGATE, 121 SUFFOLK STREET QUEENSWAY,
BIRMINGHAM, B1 1LX**

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

5 OTHER URGENT BUSINESS

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation and Enforcement
Date of Meeting:	Friday 23rd October 2020
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Nakira, Queensgate, 121 Suffolk Street Queensway, Birmingham, B1 1LX
Ward affected:	Ladywood
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

2. Recommendation:

To consider the review and to determine this matter.

3. Brief Summary of Report:

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 29th September 2020 in respect of Nakira, Queensgate, 121 Suffolk Street Queensway, Birmingham, B1 1LX.

Representations have been received from, West Midlands Police, Environmental Health, Birmingham City Council Licensing Enforcement and Public Health, as responsible authorities.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

On 29th September 2020, Superintendent Morris, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to RP Restaurant Ltd in respect of Nakira, Queensgate, 121 Suffolk Street Queensway, Birmingham, B1 1LX.

The application was accompanied by the required certificate, see Appendix 1.

Within 48 hours of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee A met on 1st October 2020 to consider whether to take any interim steps and resolved that the Designated Premises Supervisor be removed and that the Premises Licence be suspended pending a review of the Licence. A copy of the decision is attached at Appendix 2.

The Premises Licence Holder was notified of the interim steps taken by the Licensing Authority and subsequently made a representation at 23:28hours on 14th October 2020. See Appendix 3.

As a result of this representation the Licensing Sub-Committee met on the 16th October 2020 and again having heard from representatives of the licence holder and West Midlands Police, resolved that the suspension of the premises licence and removal of the Designated Premises Supervisor (DPS) imposed on the 1st October 2020 be maintained. A copy of the decision is attached at Appendix 4.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other persons ended on the 14th October 2020.

An additional representation has been received from West Midlands Police, which is attached at Appendix 5.

A representation has been received from Public Health, as a responsible authority. See Appendix 6

A representation has been received from Environmental Health, as a responsible authority. See Appendix 7.

A representation has been received from Birmingham City Council Licensing Enforcement, as a responsible authority. See Appendix 8.

A copy of the current Premises Licence is attached at Appendix 9.

Site location plans at Appendix 10.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority's functions under the Licensing Act 2003 are to promote the licensing objectives: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Review Application and Certificate from West Midlands Police, Appendix 1
Sub-Committee Interim Steps Meeting decision of 1st October 2020, Appendix 2
Representations back against Interim Steps decision of 1st October 2020, Appendix 3
Sub-Committee Interim Steps Meeting decision of 16th October 2020, Appendix 4
Additional representation received from West Midlands Police, Appendix 5
Copy of representation from Public Health, Appendix 6
Copy of representation from Environmental Health, Appendix 7
Copy of representation from Birmingham City Council Licensing Enforcement, Appendix 8
Current Premises Licence, Appendix 9
Site location plans, Appendix 10

7. Options available:

Modify the conditions of Licence
Exclude a Licensable activity from the scope of the Licence
Remove the Designated Premises Supervisor
Suspend the Licence for a period not exceeding 3 months
Revoke the Licence
Take no action

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps initially imposed on the 1st October 2020 and subsequently maintained on the 16th October 2020.



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

I - Superintendent 7005 Morris

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: Nakira

Postal address of premises, (or if none or not known, ordinance survey map reference or description):

**Queensgate,
121 Suffolk Street Queensway**

Post Town: **Birmingham**

Post Code (if known): **B1 1LX**

2. Premises Licence details:

Name of premise licence holder (if known):

RP Restaurant Ltd

Number of premise licence (if known):

3919

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:
(Please read guidance note 2)

The year 2020 has seen a Pandemic disease, referred to as Covid 19 infect vast swathes of the World, with the UK not being immune to its effects.

In March the UK Government had to take the extra ordinary step of closing down numerous operating premises, close schools, encourage people to work from home, all with the aim of stopping the spread of the virus, reduce the number of deaths and stop the infection rates.

Although the consequences for the country and the economy were considerable and far reaching this is what the UK Government had to do.

On the 4th July 2020, the UK government were able to start relaxing the lock down measures. This was not a return to normality but a start to allow businesses to reopen, and get the country operating again. The re-opening was assisted with guidance issued to the sectors that were being allowed to re-open.

For licensed premises, the guidelines were found in a document called "Keeping workers and customers safe during Covid 19, in restaurants, pubs, bars and takeaway services"

<https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-takeaways-240920.pdf>

This document has been revised, on the 14th June, 24th June, 3rd July, 9th July, 23rd July, 31st July, 12th August, 10th September, 11th September, 18th September and 24th September.

This guidance was designed to do one thing, to show how premises could open and what they would need to do, to do so safely and minimise any potential spread of the disease.

This document provided guidance in matters such as, risk assessments, queue control, social distancing, and noise control, no dancing, shouting, cleaning, as with other measures.

Cases and infection rates of Covid 19 began to rise again in various parts of the UK through September, resulting in areas having to issue local lock down rules. Birmingham was not immune to the increased numbers of Covid 19, and had to impose local lock down rules on the 15th September 2020.

On top of this the UK Government then imposed nationwide (England only) measures forcing all hospitality venues to close at 10pm and for everyone to be out of the building by 10pm. This was on top of any local lock down rules.

This has been widely publicised; to the point in recent weeks where there hasn't been a day without something in the news about it.

The UK Prime Minister – Boris Johnson addressed the UK through a TV broadcast, in which he emphasised the dangers of the disease coming back and that we had to stick to the rules to curb the growth in infections.

These premises came to the attention of the Police on the 22nd August 2020. Officers noted at 5am a large number of cars on the car park which is immediately adjacent to the premises, and a large gathering of people, both in the car park and by the emergency exit.

Officers tried to find out what was going on but people were being illusive and not assisting. The emergency exit door was briefly opened and then closed very quickly. Officers stated they were banging on the door to be let in but no one answered.

Eventually the door was opened and officers made their way inside. What they saw inside they described as a party going on, loud music, no social distancing, with about 50 people in a small room, and another 20 outside.

Officers have noted that they struggled to find anyone who would identify as being in control of the premises, a person did come forward inside the premises who said he was the cleaner but also the key holder.

When officers went back outside they identified a male who claimed to be the licence holder/manager. This man is not on the premise licence as either the DPS or PLH but indicated to officer he was the "boss". This male denied doing anything wrong, whilst indicating that they had no Covid risk assessment.

This person who claimed to be "the boss" then stated to officers that the premises was a restaurant, something that the officers saw no evidence of and even questioned as the cleaner had indicated that the food had been ordered in.

Officers from the Birmingham Central Police licensing team emailed the premise licence holder and a meeting was held at the premises on the 28th August 2020. The male that claimed to be "the boss" was also at the meeting with the Premise licence holder.

It was claimed that the people in the premises on the 22nd August were staff doing some maintenance. This was not believed by the officers, as there was too many people there, the way they were dressed and no maintenance being carried out.

An email was sent on the 28th August 2020 to the premise licence holder from the Police licensing officer. In this email advice was given, the website showing the guidance was included and to assist key points from that to be considered.

The CCTV was requested but no response has come back from the PLH.

On the 26th September 2020 at around 00.40 hours (the premises should have been shut and closed at 22.00 hours), officers noted that again there were a number of cars parked on the car park adjacent to the premises.

It was noted by officers that the side emergency exit door was ajar. Officers investigated in case it hadn't been locked properly or the premises broken into. As officers investigated they came across two males in the main public area of the club, sat on a sofa.

Officers describe them as showing signs of intoxication, they could smell cannabis in the air, and noted there were drinks on the table and silver nitrous oxide canisters strewn all over the place.

Other officers then describe finding another upstairs room, the lights being put on and a number of people in this room. Evidence was seen of alcoholic drinks on the tables, no social distancing by the groups. Again officers noted that there were the silver nitrous oxide canisters on the floor.

Officers have noted that they were approached by a female who indicated it was her birthday party and that is why they were celebrating. From this it is clear that an event was taking place in the premises, and that there is potential financial gain by the premises.

This party contravenes Covid restrictions, and the rule of six, and also the fact that people were still in the premises at 00.40hours.

It was noted by officers that as people left they automatically went towards the rear fire exit to leave the premises, almost as if it was known that was how you left the premises.

Officers have noted with concern and disgust about how this premise has been found operating, in what they say are clear breaches of the Covid regulations.

There has been little to no engagement from the PLH, even after engagement from the Police licensing team. When officers have found the premise open with people inside there is no control, they have struggled to identify anyone in control of the premise. This is very concerning considering the way the country is struggling to deal with this pandemic.

The infection rate in Birmingham continues to rise, as of the 29/9/20 it has risen to 145.1 per 100,000, compared to last weeks figure of 96.2.

It is imperative that hospitality trade comply with the rules set down, to curb the growth of the disease.

Covid 19 is a worldwide virus, that has seen many people die, articles in the press have shown that deaths unfortunately have surpassed 1 million people .

It is an infectious disease which is spread as a result of activities carried out by people. This explains the reason for measures such as social distancing.

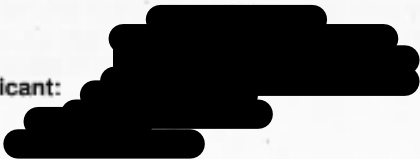
The risk of spreading infections is deemed a "public nuisance". In the case of R v Rimmington and Goldstein (2005) UKHL 63, it quoted the leading modern authority on public nuisance as Attorney general v PYA Quarries Ltd (1957) 2 QB 169.

The case quotes "a person is guilty of a public nuisance (also known as a common nuisance) who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to **endanger the life, health**, property, morals or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects" (Rimmington at [3]).

Public nuisance is a common law offence which carries an offence of life imprisonment. It is WMP's stance that a serious crime under the definition in RIPA has been fulfilled on the above facts.

"Serious crime" is defined by reference to S.81 of RIPA Act 2000. An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

West Midlands Police are concerned that the actions of this premise are contributing to the spread of the virus, they are ignoring the rules set to help reduce the threat of this virus, which places both its customers, staff in danger and threatens their safety, which then widens to the safety of their families and the communities they live in.

Signature of applicant: 

Date: 29/9/20

Rank/Capacity: Superintendent 2005 Mums

Contact details for matters concerning this application: BW Licensing

Address: Licensing Dept c/o Birmingham West and Central Police Station, Birmingham

[REDACTED]

[REDACTED]

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

West Midlands Police

CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: Nakira

Premise Licence Number: 3919

Premise Licence Holder: RP Restaurant Ltd

Designated Premise Supervisor: Mr Anton Gasparov

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

The actions of the premise took in deciding to be open have placed an unnecessary risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. This is causing a public nuisance.

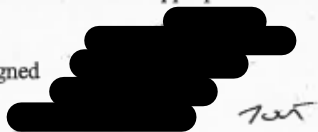
Public nuisance is a serious crime and combined with the national threat the Covid 19 possesses, it warrants the use of this power.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstance due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately.

I am conscious of the guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed





BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - A

THURSDAY 1 OCTOBER 2020

**NAKIRA, QUEENSGATE, 121 SUFFOLK STREET QUEENSWAY,
BIRMINGHAM, B1 1LX**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by RP Restaurant Limited in respect of Nakira, Queensgate, 121 Suffolk Street Queensway, Birmingham B1 1LX, this Sub-Committee determines:

- that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application

and

- that Anton Gasparov be removed as the Designated Premises Supervisor

Before the meeting began the Sub-Committee was aware of the amended Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, the updated version of the Guidance entitled 'Closing Certain Businesses and Venues in England' originally issued by HM Government on 3rd July 2020, and the Guidance entitled 'Keeping Workers and Customers Safe in Covid-19 in Restaurants, Pubs, Bars and Takeaway Services' issued originally by HM Government on 12th May 2020 and updated regularly thereafter.

The Sub-Committee was also aware of the special local lockdown measures (specifically for Birmingham) which had been announced by HM Government on Friday 11th September 2020, then introduced on Tuesday 15th September 2020. These measures were an attempt to control the sharp rise in Covid-19 cases in the city.

Furthermore the Sub-Committee was aware of the further national measures to address rising cases of coronavirus in England as a whole, which were announced by HM Government on 22nd September 2020. These national measures had been published on the "gov.uk" website on that date, and detailed the new requirements for all businesses selling food or drink (including cafes, bars, pubs and restaurants), ordering that all such premises must be closed between 22.00 hours and 05.00 hours. Other requirements for such premises included seated table service, wearing of masks, and participation in the NHS Test and Trace programme. These measures were an attempt by HM Government to control the sharp rise in Covid-19 cases nationally.

The pandemic had continued to be the top story in the national news across the Spring, Summer and now into the Autumn of 2020; the Birmingham lockdown, and also the new national measures announced on 22nd September, had been very widely publicised and discussed both in news reports and on social media. The Prime Minister, together with HM Government's Chief Medical Officer and Chief Scientific Officer, had recently resumed the televised 'Coronavirus Briefing' broadcasts which had been a feature of the first few months of the pandemic.

Members heard the submissions of West Midlands Police, namely that in August 2020, when the new arrangements for reopening were being publicised and the lockdown was being eased for licensed premises such as pubs and bars, the Police had observed a general failure by the Nakira premises to follow the Government Guidance. Upon visiting the premises at around 05.00 hours on 22nd August 2020, Police found that loud music was playing at a volume which made conversation difficult, and also observed that there was no social distancing or limitation of numbers of patrons to allow for safe operation as per the Covid-19 requirements. 50 to 60 people were estimated to have been inside, with a further 15 to 20 outside. The Police ascribed these failures to unsatisfactory management by the premises licence holder and the designated premises supervisor.

The explanation given by the premises was that the people in the premises on 22nd August had in fact been "staff", who had been "carrying out maintenance work". This explanation was not accepted by the Police Officers who attended at 05.00 hours and witnessed that the large numbers of people at the premises were dressed for a night out, and loud music was playing.

It was also observed by Police that the premises licence holder was even in breach of an existing condition on the licence, namely that any operating beyond 04.00 hours must be notified to Police in advance. The Police were therefore concerned that the premises licence holder was being reckless in its style of operating, and was endangering public health by risking the spread of Covid-19.

A further visit on 26th September at 00.40 hours found the premises to be trading, in direct defiance of the order from HM Government that all premises serving food and drink must close by 22.00 hours. Around 20 to 30 people were found inside the premises, and social distancing was not being observed.

The Police explained that the premises' decision to trade in this unsafe manner, which was not compliant with the Government Guidance, was an overt risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. The Covid-19 virus is a pandemic which has required all licensed premises to act responsibly and in accordance with both the law and the Government Guidance when trading, in order to save lives. It was therefore a flagrant risk to public health for any licensed premises to breach the Government Guidance by trading in an unsafe manner.

Attempts by the Police to advise those at the premises had not been accepted. Police had requested that the premises supply the Covid-19 risk assessment which is a mandatory requirement under the Government Guidance; this had not been forthcoming. The recommendation of the Police was therefore that the Sub-Committee should suspend the licence pending the review hearing.

A recently-appointed Director of the company which holds the premises licence then addressed the Sub-Committee. Having heard his submissions, the Sub-Committee agreed with the Police that the causes of the serious crime appeared to

originate from unsatisfactory internal management procedures at the premises. The Sub-Committee was not impressed with the Director's representations, or his answers to questions. He stated that he was new to the industry and "still learning". Whilst he stated that he did not deny responsibility or make excuses, he asked that the Sub-Committee take into account what he called the "mitigating circumstances".

However the "mitigating circumstances" centred around the suggestion that staff inside the premises on the night of the 22nd August, who had been cleaning, had been taken by surprise by large numbers of people (dressed for a night out) who had invaded the premises late at night; the Director stated that although the correct course would have been for those staff to call the Police, the staff had been reluctant to do so. The Director ascribed the reluctance to involve the Police to the Afro-Caribbean background of the staff and customers. The Sub-Committee found this to be a highly unusual approach for any premises licence holder to take, and not something that inspired confidence in the management arrangements at the premises. All in all, the Sub-Committee considered the licence holder to have failed to take its responsibilities seriously.

The Sub-Committee therefore determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little to address the real issues, which were the unsatisfactory practices and the irresponsible attitude shown by the licence holder, both of which were a significant risk to public health in Birmingham.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature given that it was this individual who was responsible for the day to day running of the premises, ie the decision to defy the Government Guidance in order to trade as usual. Therefore the risks could only be properly addressed first by the suspension of the Licence, and secondly by the removal of the DPS, pending the full Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the Police and by those representing the premises licence holder at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

From: Carl Moore
Sent: 14 October 2020 23:28
To: David Kennedy; Licensing; Bhapinder Nandhra
Cc: Jake Brooke
Subject: Appeal Notice for Interim Steps for NAKIRA BAR & RESTAURANT, Queensgate, 121 Suffolk Street Queensway, Birmingham B1 1LX,

Dear David,

Re: Appeal against Interim Steps against NAKIRA Bar & Restaurant, Queensgate, 121 Suffolk Street Queensway, Birmingham B1 1LX

I now act on behalf of **RP Restaurant Limited** the Premises License Holder for the above premises.

My client has also instructed as Legal Representative Sarah Clover, from Kings Chambers.

Please take note that the premises license holder for Nakira Bar & Restaurant hereby makes representations against the interim steps imposed upon the license by the Licensing Authority on Thursday 1st October 2020 in accordance with 53B(6) of the Licensing Act 2003 on the grounds that the Decision of the Licensing Authority was unreasonable, against the weight of the evidence, contrary to law and in all the circumstances, was wrong. Specifically, the Licensing Authority should not have entertained a Summary Review based upon the public nuisance as a common law offence.

Please, could you arrange a hearing to consider those representations within forty-eight hours accordingly.

Many thanks

Carl
Carl Moore

C.N.A. Risk Management Ltd



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C

FRIDAY 16 OCTOBER 2020

**NAKIRA, QUEENSGATE, 121 SUFFOLK STREET QUEENSWAY,
BIRMINGHAM, B1 1LX**

That having considered an application made on behalf of the licence holder under Section 53B(6) of the Licensing Act 2003 to make representations against the interim steps imposed by the Licensing Sub-Committee on 1st October 2020 following an expedited summary review brought by West Midlands Police in respect of the premises licence held by RP Restaurant Limited in respect of Nakira, Queensgate, 121 Suffolk Street Queensway, Birmingham B1 1LX, this Sub-Committee determines:

- that it will not lift the interim step of suspension imposed on 1st October 2020 and in consequence the licence remains suspended pending the full review hearing on 23rd October 2020.

and

- that the interim step of the removal of Anton Gasparov as the Designated Premises Supervisor will also remain in place.

Before the meeting began the Sub-Committee was aware of the amended Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, the updated version of the Guidance entitled 'Closing Certain Businesses and Venues in England' originally issued by HM Government on 3rd July 2020, and the Guidance entitled 'Keeping Workers and Customers Safe in Covid-19 in Restaurants, Pubs, Bars and Takeaway Services' issued originally by HM Government on 12th May 2020 and updated regularly thereafter.

The Sub-Committee was also aware of the special local lockdown measures (specifically for Birmingham) which had been announced by HM Government on Friday 11th September 2020, then introduced on Tuesday 15th September 2020. These measures were an attempt to control the sharp rise in Covid-19 cases in the city.

Furthermore the Sub-Committee was aware of the further national measures to address rising cases of coronavirus in England as a whole, which were announced by HM Government on 22nd September 2020. These national measures had been published on the "gov.uk" website on that date, and detailed the new requirements for all businesses selling food or drink (including cafes, bars, pubs and restaurants), ordering that all such premises must be closed between 22.00 hours and 05.00 hours. Other requirements for such premises included seated table service, wearing of masks, and participation in the NHS Test and Trace programme. These

measures were an attempt by HM Government to control the sharp rise in Covid-19 cases nationally.

The pandemic had continued to be the top story in the national news across the Spring, Summer and now into the Autumn of 2020; the Birmingham lockdown, and also the new national measures announced on 22nd September, had been very widely publicised and discussed both in news reports and on social media. The Prime Minister, together with HM Government's Chief Medical Officer and Chief Scientific Officer, had recently resumed the televised 'Coronavirus Briefing' broadcasts which had been a feature of the first few months of the pandemic.

The Sub-Committee was also aware that since 1st October 2020 further HM Government Guidance and regulations had been introduced on 14th October 2020, namely The Health Protection (Local Covid-19 Alert Level) (High)(England) Regulations 2020 No. 1104. Birmingham is now ranked as Tier 2 High. These further measures formed no part of the deliberations. For the purpose of this hearing the Sub-Committee only took into account regulations and guidance that were in force on 1st October 2020.

Sarah Clover of counsel appeared for the applicant. Also in attendance was Carl Moore; Dexter Laswell and Antonio Mankulu.

Gary Grant of counsel represented West Midlands Police. Also in attendance was PC Abdool Rohomon; PC Ben Reader and Jennie Downing.

An initial ruling was required on the admissibility under Regulation 18 of The Hearings Regulations of an email from PC Rohomon which had been served on the council on 14th October 2020, but which was not included in the agenda papers and had not been served on Ms Clover until yesterday evening. The Sub-Committee determined not to allow it.

Ms Clover then indicated that she would not be challenging any of the evidence and sought instead to make legal submissions. She challenged the legality of the issuing of the Certificate under s.53A of The Licensing Act 2003 and signed by The Chief Superintendent.

In essence, she made three main submissions about the legality of the certificate:

- i) In respect of the definition of 'serious crime' under s.81 of The Regulation of Investigatory Powers Act 2000 she maintained that no person if prosecuted for public nuisance (which carries a maximum sentence of life imprisonment) would reasonably expect to receive a sentence of 3 years' imprisonment in view of the fact that Parliament had built financial penalties only into the Covid-19 Regulations.
- ii) Ms Clover maintained further that the WMP could not show that the activities had in fact had the effect of endangering lives, and that consequently the certificate had been issued unlawfully.
- iii) The review should have been a standard review and not an expedited review.

Whilst these submissions were of academic interest, the Sub-Committee took the view that they had no bearing on its task today. The Sub-Committee was of the view that it was bound by the High Court decision in *Lalli v Metropolitan Police Commissioner* [2015] EWHC 14 (Admin) in which Deputy High Court Judge John Howell ruled on three occasions in his judgment (paragraphs 62, 70 and 75) that:

"the licensing authority is obliged to conduct the summary review even if it considers that the information available to the officer when he gave the certificate did not establish that the premises were associated with serious crime or serious disorder". (62)

"In my judgment Parliament intended that the licensing authority should be entitled to treat an application for a summary review made by the chief officer of police as valid if it is accompanied by a certificate that apparently meets the requirements of section 53A(1) and has not been quashed. It is not obliged to consider whether or not it is liable to be quashed."(70)

"In my judgment, therefore, the licensing authority was not obliged to consider whether or not Superintendent Nash was entitled to give the certificate that he did on the basis of the information then available to him". (72).

The Sub-Committee therefore had to accept the certificate on its face and apply its mind to its duty under s. 53B (8) and (9):

(8)At the hearing, the relevant licensing authority must—

(a)consider whether the interim steps are appropriate for the promotion of the licensing objectives; and

(b)determine whether to withdraw or modify the steps taken.

(9)In considering those matters the relevant licensing authority must have regard to—

(a)the certificate that accompanied the application;

(b)any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and

(c)any representations made by the holder of the premises licence.

Ms Clover made a further submission under the Public Sector Equality Duty created by the Equality Act 2010 and maintained that WMP had targeted three premises for enforcement which were owned or operated by members of the black community. Carl Moore who drafted the application on behalf of the operator gave no notice this point would be taken. WMP and the LSC were taken by surprise. Statute compels the LA to hold a hearing within 48 hours to determine whether interim steps should continue pending review. Today was the last day on which a hearing could take place. In response, PC Rohomon explained that there had been a lot of engagement with these and the other two premises identified (including the case of Petite Afrique which the Sub-Committee was due to hear next). He said that they had tried to engage with them and that race was not in their consideration. They were looking only at public safety. It just happened that these premises were Afro Caribbean operated.

It was the view of the Sub-Committee that its duty under the Public Sector Equality Duty created by the Equality Act 2010 had been discharged, given the time available. The Sub-Committee had regard to the protected categories under The Equality Act 2010; the Sub-Committee was informed of 'The Brown Principles' and accepted the assurances of the officer. It may be that when this matter comes

before the LSC for the full review hearing on 23rd October 2020, PC Rohomon will have more information available in respect of other premises that he has visited and their cultural background.

Other than to make her submissions on the legality of the certificate, Ms Clover made no submissions in respect of the lifting of the interim steps.

Members heard the submissions of West Midlands Police, namely that in August 2020, when the new arrangements for reopening were being publicised and the lockdown was being eased for licensed premises such as pubs and bars, the Police had observed a general failure by the Nakira premises to follow the Government Guidance. Upon visiting the premises at around 05.00 hours on 22nd August 2020, Police found that loud music was playing at a volume which made conversation difficult, and also observed that there was no social distancing or limitation of numbers of patrons to allow for safe operation as per the Covid-19 requirements. 50 to 60 people were estimated to have been inside, with a further 15 to 20 outside. The Police ascribed these failures to unsatisfactory management by the premises licence holder and the designated premises supervisor.

The explanation given by the premises was that the people in the premises on 22nd August had in fact been "staff", who had been "carrying out maintenance work". This explanation was not accepted by the Police Officers who attended at 05.00 hours and witnessed that the large numbers of people at the premises were dressed for a night out, and loud music was playing.

It was also observed by Police that the premises licence holder was even in breach of an existing condition on the licence, namely that any operating beyond 04.00 hours must be notified to Police in advance. The Police were therefore concerned that the premises licence holder was being reckless in its style of operating, and was endangering public health by risking the spread of Covid-19.

A further visit on 26th September at 00.40 hours found the premises to be trading, in direct defiance of the order from HM Government that all premises serving food and drink must close by 22.00 hours. Around 20 to 30 people were found inside the premises, and social distancing was not being observed.

The Police explained that the premises' decision to trade in this unsafe manner, which was not compliant with the Government Guidance, was an overt risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. The Covid-19 virus is a pandemic which has required all licensed premises to act responsibly and in accordance with both the law and the Government Guidance when trading, in order to save lives. It was therefore a flagrant risk to public health for any licensed premises to breach the Government Guidance by trading in an unsafe manner.

Attempts by the Police to advise those at the premises had not been successful. Police had requested that the premises supply the Covid-19 risk assessment which is a mandatory requirement under the Government Guidance; this had not been forthcoming. The recommendation of the Police was therefore that the Sub-Committee should suspend the licence pending the review hearing.

All in all, the Sub-Committee considered the licence holder to have failed to take its responsibilities seriously.

The Sub-Committee therefore determined that it was appropriate, given this unchallenged evidence, that the interim step of suspension should remain in place in order to address the immediate problems with the premises, namely the likelihood of further serious crime. It also determined that the interim step of removing the DPS should remain. It was the view of the Sub-Committee that he was unable to run these premises according to law.

The Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature given that it was this individual who was responsible for the day to day running of the premises, ie the decision to defy the Government Guidance in order to trade as usual. Therefore the risks could only be properly addressed first by the suspension of the Licence, and secondly by the removal of the DPS, pending the full Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the Public Sector Equality Duty created by the Equality Act 2010 and the submissions made by the Police and by those representing the premises licence holder at the hearing.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

From: Abdool Rohomon
Sent: 13 October 2020 09:33
To: Licensing
Subject: Nakira

Dear Licensing Authority

West Midlands Police have submitted an expedited review application for the above premise and wish to submit the following additional representation

Between the hours of 0300-0400 on the 24th September an alleged assault took place at the premise, as a result of which the victim has had his thumb severed off. The victim has indicated to investigating officers that he was told not to call the Police or an Ambulance and was taken out of the fire exit by friends and conveyed to hospital in a car.

The victim has provided investigating officers a name of an individual involved – who is claimed to be a door supervisor. These details match the details of a male that officers engaged with on the 22nd August, and at that time that person claimed to be a cleaner not a door supervisor

Requests for this CCTV have been made to the premises

Officers have also been supplied with additional CCTV from the premise, in that CCTV it appears to show that the premise is engaged in the smoking of Shisha inside the main area, which would not be compliant with the Health Act 2006.

It also shows none compliance with covid measures as people are freely moving around, people not wearing masks.

The covid risk assessment dated the 29th September has been supplied which raises concerns as to when it was done and the content it shows being enforced.

CCTV from the 25th/26th September has also been viewed and documented, it shows what is believed to be staff allowing people in through a fire exit, it does not show staff leaving in fear. This was the reason given by officers during a meeting after the incident.

It shows people freely moving around the premises, person using a balloon (which is widely used for the consumption of nitrous oxide), someone bringing out with them what looks like a birthday cake box (which an officer also comments on in the body cam footage), people going to the bar downstairs.

Extra footage has been requested as there are gaps in the original footage and for other areas.

Supporting documentation will be provided prior to the hearing

Regards

Abs Rohomon. BEM

PC 4075 Rohomon. BEM
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ



Birmingham Public Health

Nakira B1 1LX

Expedited Review Response

On Behalf of:
Dr Justin Varney
Director, Birmingham Public Health

14 October 2020



Making a positive difference everyday to people's lives.



The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.

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Nakira, 121 Suffolk Street, Queensway, B1 1LX

Public Health's Response to Expedited Review

This is a response document from Birmingham Public Health in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

Wherever possible, supporting information contained within this document will be evidence-based and demonstrably refer to one or more of the licensing, those objectives being:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

To promote good practice and a collaborative, multi-agency approach, we will also share this document with the other Responsible Authorities for licensing in Birmingham.

This report is provided on behalf of the Director of Public Health.

Any queries relating to this report should be addressed to:

Kyle Stott
Licensing Lead
Birmingham Public Health
PO Box 16732
Birmingham
B2 2GF

publichealth@birmingham.gov.uk

1 Premises or club details

<i>Name of premises</i>	Nakira
<i>Postal address of premises</i>	121 Suffolk Street, Queensway, B1 1LX
<i>Premises licence holder</i>	RP Restaurant Ltd
<i>Premises licence number</i>	3919
<i>Designated Premises Supervisor</i>	Anton Gasparov

2 Overview of the Grounds for Review

These premises came to the attention of the Police on the 22nd August 2020. Officers noted (at 05:00am) a large number of cars on the car park which is immediately adjacent to the premises, and a large gathering of people, both in the car park and by the emergency exit.

Officers tried to find out what was going on but people were being illusive and not assisting. The emergency exit door was briefly opened and then closed very quickly. Officers stated they were banging on the door to be let in but no one answered. Eventually the door was opened and officers made their way inside. What they saw inside they described as a party going on, loud music, no social distancing, with about 50 people in a small room, and another 20 outside.

Officers have noted that they struggled to find anyone who would identify as being in control of the premises, a person did come forward inside the premises who said he was the cleaner but also the key holder.

When officers went back outside they identified a male who claimed to be the licence holder/manager. This man is not on the premise licence as either the DPS or PLH but indicated to officer he was the "boss". This male denied doing anything wrong, whilst indicating that they had no Covid risk assessment. This person who claimed to be "the boss" then stated to officers that the premises was a restaurant, something that the officers saw no evidence of and even questioned as the cleaner had indicated that the food had been ordered in.

Officers from the Birmingham Central Police licensing team emailed the premise licence holder and a meeting was held at the premises on the 28th August 2020. The male that claimed to be "the boss" was also at the meeting with the Premise licence holder.

It was claimed that the people in the premises on the 22nd August were staff doing some maintenance. This was not believed by the officers, as there was too many people there, the way they were dressed and no maintenance being carried out. An email was sent on the 28th August 2020 to the premise licence holder from the Police licensing officer. In this email advice was given, the website showing the guidance was included and to assist key points from that to be considered.

The CCTV was requested but no response has come back from the PLH.

On the 26th September 2020 at around 00.40 hours (the premises should have been shut and closed at 22.00 hours), officers noted that again there were a number of cars parked on the car park adjacent to the premises.

It was noted by officers that the side emergency exit door was ajar. Officers investigated in case it hadn't been locked properly or the premises broken into. As officers investigated they came across two males in the main public area of the club, sat on a sofa. Officers describe them as showing signs of intoxication, they could smell cannabis in the air, and noted there were drinks on the table and silver nitrous oxide canisters strewn all over the place. Other officers then describe finding another upstairs room, the lights being put on and a number of people in this room. Evidence was seen of alcoholic drinks on the tables, no social distancing by the groups. Again, officers noted that there were the silver nitrous oxide canisters on the floor.

Officers have noted that they were approached by a female who indicated it was her birthday party and that is why they were celebrating. From this it is clear that an event was taking place in the premises, and that there is potential financial gain by the premises.

This party contravenes Covid restrictions, and the rule of six, and also the fact that people were still in the premises at 00.40 hours. It was noted by officers that as people left, they automatically went towards the rear fire exit to leave the premises, almost as if it was known that was how you left the premises. Officers have noted with concern and disgust about how this premise has been found operating, in what they say are clear breaches of the Covid regulations.

Government guidance¹ states that:

All venues should ensure that steps are taken to mitigate the increased risk of virus transmission associated with aerosol production from raised voices, such as when speaking loudly or singing loudly, particularly in confined and poorly ventilated spaces. This includes broadcasts that may encourage shouting, particularly if played at a volume that makes normal conversation difficult.

¹To address increasing virus transmission rates, from 24 September, additional legal restrictions will apply:

- Businesses selling food or drink (including cafés, bars, pubs, restaurants and takeaways) must be closed between 10pm and 5am. Delivery services (including drive-through service) are exempt and can continue after 10pm provided they are not allowing customers on the premises. Bars and cafés within open premises, such as hotels or theatres, must also close at 10pm.
- In venues which sell alcohol, food and drink must be ordered by, and served to, customers who are seated. This means that a business that sells alcohol must introduce systems to take orders from seated customers, instead of at a bar or counter. This has been introduced to prevent crowding and social contact in licensed premises.
- All businesses selling food or drink must ensure that customers only consume food or drink while seated. This means that in unlicensed premises, food and drink can be purchased at a counter, but customers must sit down to consume it, even in outdoor settings.

3 Public Health response

Licensing Objective	Response
<i>The prevention of crime and disorder</i>	
<i>Public safety</i>	
<i>The prevention of public nuisance</i>	<p>The risk of spreading infections is deemed a "public nuisance". In the case of <i>R v Rimmington & Goldstein</i> (2005) UKHL 63, it quoted the leading modern authority on public nuisance as <i>Attorney general v PYA Quarries Ltd</i> (1957) 2 QB 169. The case quotes "a person is guilty of a public nuisance (also known as a common nuisance) who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property, morals or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects" (<i>Rimmington</i> at [3]).</p> <p>The statement submitted by West Midlands Police to the Licensing Committee to call for an expedited review suggests that there are numerous failures of the licence holder to promote the licensing objectives, and to adhere to, and implement the guidance from HM Government 'Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services (6 October 2020)'.</p> <p>It is reported that the non-compliance and non-implementation include:</p> <ul style="list-style-type: none"> • The operation of the venue outside of Government specified guidelines (after 10.00pm), including the hosting of a Birthday party, in defiance of the guidance¹. • Another gathering, described as a party, with loud music, no evidence of social distancing and possible overcrowding • The lack of implementation of social distancing measures • The playing of loud music

Summary

There appears to be clear evidence from West Midlands Police (WMP) that the premises is not operating to the guidance previously referred to¹. The guidance has been available to all premises since 11th May 2020 in preparation for reopening on 4th July, it is now October and WMP do state that they have had to attend and intervene at the premises on numerous occasions due to concerns with reference to COVID-19 breaches.

If the evidence presented is correct, then it is fair to assume that the licence holder has flagrant disregard for the guidance that is necessary to keep workers and customers safe during COVID-19, and this presents a clear and present risk to the population of the city during the pandemic.

It is deeply concerning and troubling that WMP state the following in their application for an expedited review "Officers have noted with concern and disgust about how this premise has been found operating, in what they say are clear breaches of the Covid regulations".

Birmingham is now designated as in tier two; this means that we are on high alert, more restrictions have been introduced, and this includes the hospitality sector and licensed premises.

We ask the licensing committee to consider all options at their disposal, including revocation of the licence should the full evidence conclude that there is flagrant disregard for following COVID-19 guidance designed to keep workers and customers, and the population of this city safe at this time.

4 Supporting Evidence and Information

4.1 Ambulance Activity

The West Midlands Ambulance Service data shows 6 incidents over a 12 month period but these took place in a 5 month period (September 2019 to January 2020). Also, although the data is for a 12 month period, it should be borne in mind that because of Covid-19 that the premises was closed for just over three months of 2020.

One of the six incidents at the premises was a stabbing.

See Appendix 1.

5 References

¹ HM Government - Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services (6 October 2020)

Appendix 1. Ambulance Activity Data for premises

Data for all call outs made directly to the premises, provided by West Midlands Ambulance Services for September 2109 to September 2020.

Incidents						
Chief Complaint/ Hour of Day	1	2	3	4	6	Total
Alcohol Related	1	1	0	0	1	3
Arrest Peri Arrest	1	0	0	0	0	1
Bleeding	0	0	0	1	0	1
Stabbing	0	0	1	0	0	1
Total	2	1	1	1	1	6

Incidents by Age & Gender				
Age Band	Female	Male	Unknown	Total
No Value	0	1	1	2
10-19	3	0	0	3
20-29	0	1	0	1
Total	3	2	1	6

Incidents and Transports to Hospital			
Month	Incidents	Transports	% Transported
September 2019	1	1	100.0 %
November 2019	1	1	100.0 %
December 2019	2	0	0.0 %
January 2020	2	1	50.0 %
Total	6	3	50.0 %

Incidents						
Day of Week / Hour of Day	1	2	3	4	6	Total
Wednesday	0	0	0	0	1	1
Saturday	0	0	1	0	0	1
Sunday	2	1	0	1	0	4
Total	2	1	1	1	1	6



Public Health

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Making a positive difference everyday to people's lives



From: Martin Key **On Behalf Of** Pollution Team

Sent: 12 October 2020 16:29

To: Licensing

Cc:

Subject: RE: Licensing Act 2003 - Section 53A Expedited Review Application - Nakira, Queensgate, 121 Suffolk Street Queensway, Birmingham B1 1LX

Importance: High

Hi

I am responding on behalf of the Environmental Health team as a responsible authority. I am aware that on 29 September 2020 West Midlands Police lodged an application for the expedited review of the premises licence granted to RP Restaurant Ltd in respect of Nakira, Queensgate, 121 Suffolk Street, Queensway, Birmingham, B1 1LX under Section 53A of the Licensing Act 2003. The application alleges that the licensed premises have been associated with serious crime and disorder.

West Midlands Police have submitted evidence that in August 2020, when the new arrangements for reopening following the lockdown due to COVID-19 was being eased for licensed premises, they had observed a general failure by the Nakira premises to follow the Government Guidance. Upon visiting the premises at around 05.00 hours on 22nd August 2020, Police found that loud music was playing at a volume which made conversation difficult, and also observed that there was no social distancing or limitation of numbers of patrons to allow for safe operation as per the COVID-19 requirements. 50 to 60 people were estimated to have been inside, with a further 15 to 20 outside. This was also in breach of an existing condition on the licence, namely that any operating beyond 04.00 hours must be notified to Police in advance.

A further visit on 26th September at 00.40 hours found the premises to be trading, in direct defiance of the order from HM Government that all premises serving food and drink must close by 22.00 hours. Around 20 to 30 people were found inside the premises, and social distancing was not being observed. Furthermore attempts by the Police to advise those at the premises had not been accepted and having requested that the premises supply the COVID-19 risk assessment (which is a mandatory requirement) this had not been forthcoming.

There has been unprecedented public coverage of the COVID-19 pandemic and the response of the government which includes the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, Guidance entitled 'Closing Certain Businesses and Venues in England' Guidance entitled 'Keeping Workers and Customers Safe in Restaurants, Pubs, Bars and Takeaway Services'. In addition there were special local lockdown measures (specifically for Birmingham) and further national measures to address rising cases of coronavirus in England as a whole, which were announced by HM Government on 22nd September 2020. These national measures require that all businesses selling food or drink (including cafes, bars, pubs and restaurants) must be closed between 22.00 hours and 05.00 hours. There were other measures introduced including requirements for seated table service, wearing of masks, and participation in the NHS Test and Trace programme.

The premises are subject to Premises Licence reference 3919/3 most recently issued on 13 August 2018 due to a change in the premises licence holder but originally issued in 2013. This licence included a requirement that a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section. This has not been carried out. Furthermore the Council began receiving noise complaints from nearby residents in late 2019 and a visit has been made to the premises. However due to the recent lockdown and restricted hours of operation further complaints have not been received and further investigation has not been undertaken.

The evidence suggests that the issues highlighted by West Midlands Police originate from unsatisfactory internal management procedures at the premises.

The Environmental Health team has a strong working relationship with the police over licensing matters as many of the issues raised by the night-time economy run across the key licensing objectives of crime prevention of crime and disorder, public nuisance and public safety. Since the beginning of the COVID-19 pandemic the Environmental Health team has considered COVID-19 secure practices in licensed premises through visits, TENs and applications. As in this case, the usual approach we adopt is education of the premises management and in most cases this results in COVID-secure operations. In this case the evidence suggests that the premises licence holder has failed to heed the advice and this has resulted in operations which I would submit do not provide sufficient controls to prevent COVID-19 transmission.

The Environmental Health team therefore submit this representation in support of the West Midlands Police application for the expedited review of the premises licence granted to RP Restaurant Ltd in respect of Nakira, Queensgate, 121 Suffolk Street, Queensway, Birmingham, B1 1LX under Section 53A of the Licensing Act 2003.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

: www.birmingham.gov.uk/eh | Facebook: [ehbham](https://www.facebook.com/ehbham) | Twitter: [@ehbham](https://twitter.com/ehbham)

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From: Gary Callaghan
Sent: 12 October 2020 09:43
To: Licensing
Cc:
Subject: Nakira Expedited Review

RE: NAKIRA
Queensgate
121 Suffolk Street Queensway
Birmingham
B1 1LX

Premises Licence number 3919

I hereby wish to make a representation in support of the West Midlands Police expedited review of the above premises. The visits by the Police on 22nd August and 26th September 2020 and findings, show that the premises have put the general public at risk during a Covid-19 pandemic . The premises were trading well after 22:00 hours , loud music was being played and no social distancing was being observed by the Police during the visits these are clear breaches of the Covid -19 regulations that are in place at the current time to stop the coronavirus spreading, they have blatantly put profit before the health and wellbeing of the citizens of Birmingham, It is well documented on TV and in the press that the coronavirus disease can endanger life and result in death. The premises have a duty and responsibility to promote the Licensing Act 2003 objectives. They have failed to promote the prevention of public nuisance . As a result I have serious concerns regarding the “ Premises licence holder “ RP Restaurant Ltd and Designated premises supervisor Anton Gasparov’s suitability and therefore fully support the Police in the expedited review.

Regards
Gary Callaghan

Gary Callaghan
Licensing Enforcement Officer
Birmingham City Council Licensing Enforcement

Website: www.birmingham.gov.uk/licensing Twitter: @BCCLicensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to <http://publicregister.birmingham.gov.uk>

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LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

3919 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Nakira Queensgate 121 Suffolk Street Queensway	
Post town:	Post Code:
Birmingham	B1 1LX
Telephone Number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence	
A	Plays
B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities			
Monday - Sunday	08:00	-	07:59 A ,B ,C ,E ,F ,G ,H ,M3
	23:00	-	05:00 L

The opening hours of the premises	
Monday - Sunday	08:00 - 07:59
The premises to have a standard operating hours of 10:00am till 04:00am. If the premises wish to go past 04:00am then the Premises Licence holder must give 28 days notice to West Midlands Police (Licensing Department Birmingham West and Central Police Station).	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence RP Restaurant Ltd 181 -183 Summer Road Erdington	
Post town: Birmingham	Post Code: B23 6DX
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 11173263
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Anton Gasparov	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 8312	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 13/08/2018

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made:

- (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or
- (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Licence Holder shall ensure that all staff are regularly trained in their responsibilities under the Licensing Act 2003. In particular, the Licensing Objectives, no underage drinking, no drunkenness on the premises or outside of the premises, no use of drugs, violent or anti-social behaviour, a need to protect children from harm, and on compliance with the conditions attached to the premises licence The Premises Licence Holder shall ensure that records are kept of such training and that the records are available for inspection by any of the Responsible Authorities upon reasonable request.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

Promoters:

- a) If the premises has any external promoter the premises must give 28 days notice of any such event to West Midlands Police (Licensing Department Birmingham West and Central Police Station). Notice must include full risk and security assessment. If additional control measures are needed they will become conditions for the duration of that event and any other events of the same name. Any additional measures to be communicated to the premises by West Midlands Police and retained on the premises and be produced when requested by any responsible authorities. For the sake of clarity of the promoter changes the event for any reason (name, music type, etc) then the above condition applies in terms of notification and risk assessments.
- b) If the premises has internal promoted events, then for the 1st event the premise must give 28 days notice of any such event to West Midlands Police (Licensing Department Birmingham West and Central Police Station). Notice must include full risk and security assessment. If additional control measures are need they will become conditions for the duration of that event and any other events of the same name. Any additional measures to be communicated to the premise by West Midlands Police and retained on the premises and be produced when requested by any responsible authorities.
- c) The Premise Licence holder to provide to West Midlands Police (Licensing Department Birmingham West and Central Police Station) by the last day of the month, a full list of events (times, names of event) for the following month.
- d) The Premises to have a documented dispersal policy.
- e) Search policy to be determined per event and through the risk assessment.
- f) Premises to have a documented lost and found policy
- g) Premises to have a documented drugs retention and disposal policy in agreement with West Midlands Police (Licensing Department Birmingham West and Central Police Station).

Hours - the premises to have a standard operating hours of 10:00am till 04:00am. If the premises wish to go past 04:00am then the Premises Licence holder must give 28 days notice to West Midlands Police (Licensing Department Birmingham West and Central Police Station).

Notification to include completed risk assessment and security assessment, any additional measures identified through the risk assessment will become conditions for the premises whilst they are operating the extended hours. West Midlands Police (Licensing Department Birmingham West and Central Police Station) retain the power to veto any such extension of the license if any of the licensing objectives have been or about to be breached. Any additional measures to be communicated to the premise by West Midlands Police and retained on the premises and be produced when requested by any responsible authorities.

The Premises Licence holder will ensure that when the premises use Door Supervisors that the numbers required will be determined by a risk assessment. Risk assessment to be disclosed to West Midlands Police (Birmingham Central Licensing Department).

The Premises Licence holder will ensure that Door Supervisors when deployed to be in High Visibility coats/jackets when outside and tabards inside. Door Supervisors are to sign on and off duty every night, the signing in sheet to include their full name and SIA badge number. Door Supervisors profiles to be retained

on the premises for every Door Supervisor that is working at the premises or has done in the last 6 months. Profiles to be proof of identity (copy SIA badge, passport or photo driving licence) and proof of address dated in the last 6 months (utility bill, bank statement or other government letter). Profiles to be made available immediately on request to any Responsible Authority.

The Premises Licence holder must operate an incident register and must ensure that any incident in the premise or relating from the premise, irrelevant if any emergency service is called is to be recorded in the premise incident register and signed off nightly by the DPS/Manager.

The Premises Licence holder will ensure that CCTV is fitted at the premises to the specifications and recommendations of West Midlands Police (Birmingham Central Licensing Department.) CCTV to be recording at all times the premises is open for licensable activity. CCTV images to be held for a minimum of 28 days and to be made available immediately downloadable on request by any Responsible Authority.

2c) Conditions consistent with, and to promote, public safety

No enforceable conditions identified from operating schedule.

2d) Conditions consistent with, and to promote the prevention of public nuisance

A Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Unit and shall fulfil the following criteria:

- a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given.
- b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.
- c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.
- d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.
- e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

2e) Conditions consistent with, and to promote the protection of children from harm

The Premises Licence holder will adopt the 'challenge 25' or similar policy as proof of age scheme to be in operation during licensed hours.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

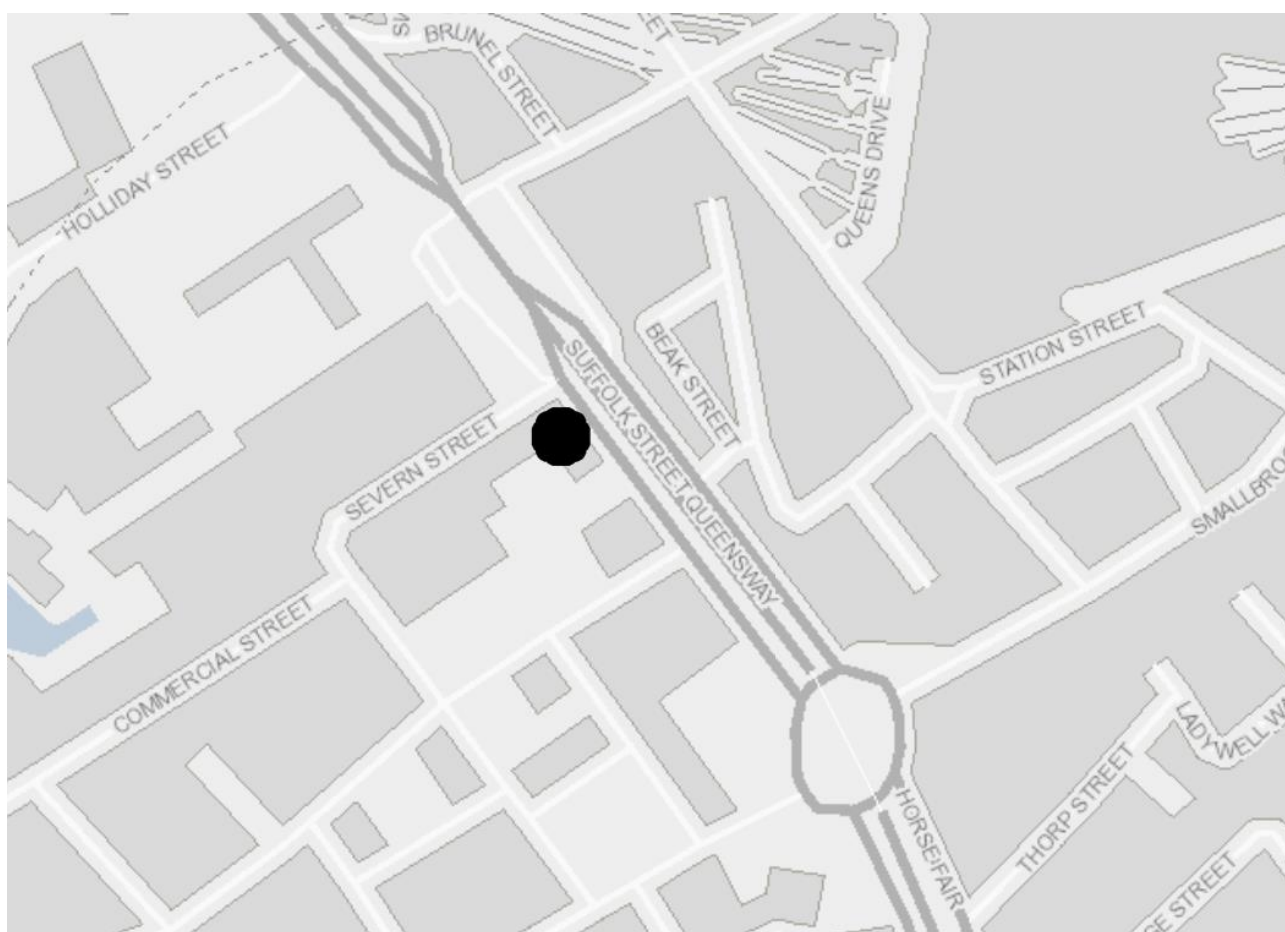
N/A

3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 – Plans

The plan of the premises with reference number **107358-3919/3** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.





NAKIRA BAR & RESTAURANT
SUPPORTING DOCUMENTS
FOR
REVIEW HEARING ON
FRIDAY 23rd OCTOBER 2020

PAGE	DOCUMENTATION
1-16	CCTV SCHEDULE FROM NAKIRA
17-26	NAKIRA COVID-19 RISK ASSESSMENT
27-28	STATEMENT OF DEXTER LASSWELL
29	STATEMENT OF HOPE SAMUEL HLALA
30	STATEMENT OF KIERON COSTELLO
31	STATEMENT OF RAMATOULIE BAH
32	STATEMENT OF RABI KISANGA
33	STATEMENT OF SEAN NKALA

CCTV FOOTAGE FROM NAKIRA BAR & RESTAURANT

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CCTV	POSITION	PAGE
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Lobby	View of Lobby Area	6/7
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16	View behind the bar	10/11
19	View of VIP area	12
22	View of rear fire exit door	13/14
	View of pavement towards Mailbox	15
	View of steps to the entrance to the Premises	16

NAKIRA

- Comments in black are observations by Carl Moore

CCTV	1	VIEW OF OUTSIDE FRONT DOOR
TIME	Friday 25 th September 2020	
22.00.00	Footage 1 Starts	
22.01.12	Flower seller comes out of front door	
22.01.36	Male (1) in light clothing arrives at the front door	
22.01.56	Same male (1) as above stands on pavement	
22.02.17	A further male (2) arrives and joins the above male (1). They both appear to go into premises	
22.02.54	Male approaches front door is met by another male and they both walk off.	
22.03.24	Males (1) & (2) walk out	
22.04.10	Males (1) & (2) walk to the end of the building and disappear.	
22.05.02	Male appears to walk into premises	
22.06.11	2 males walk from the premises	
22.06.15	The above 2 males meet with a male & female all 4 walk back towards the premises	
22.06.40	All 4 persons walk back away from the premises. The 2 males split from the couple. The couple hang around.	
22.11.11	Above couple walk off towards The Mailbox	
22.15.00	Footage 1 Finishes	
22.15.01	Footage 2 Starts	
22.17.43	Three females walk from front door.	
22.18.06	Car pulls up outside premises one of the females is on the phone she approaches the passenger side of the vehicle and engages in conversation. The other two females walk off towards mailbox	
22.21.40	Female at vehicle walks back into premises. Vehicle drives off.	
22.22.59	Same above female back out of premises on the phone and walks towards the rear carpark	
22.23.31	Appears to be the same vehicle as above pulls up at entrance to carpark the above female walks towards the vehicle.	
22.23.52	The vehicle pulls onto pavement, female appears to go into carpark.	
22.25.00	Footage Finishes	
23.29.15	Footage 3 Starts	
23.29.51	Two female Police Officers walk towards the front of the premises from the direction of the rear carpark	
23.30.29	Both officers walk past the front door towards the Mailbox. One officer wearing a mask.	
23.33.21	Footage Finishes	
Saturday 26 th September 2020		
00.05.20	Footage 4 Starts	
00.05.25	CCTV jumps 10 seconds	
00.06.32	Footage Finishes	
00.09.08	Footage 5 starts	
00.13.19	Male in dark clothing walks to the door of the premises	
00.13.26	Same male above walks away from the entrance out of city direction	
00.16.00	Footage Finishes	
00.18.43	Footage 6 Starts	
00.19.11	White motor vehicle pulls up outside premises.	
00.30.00	Footage Finishes	

TIME	COMMENTS
00.30.01	Footage 7 Starts
00.35.26	Police van pulls up disappears into carpark
00.36.06	Footage Finishes
00.38.43	Footage 8 Starts
00.47.07	Police van approaches front of premises and moves towards the front door.
00.47.30	Police vehicle stops outside front door.
00.47.41	Police van drives off towards the mailbox
00.52.45	Police van approaches again and parks near to the entrance of the rear carpark. Officers are seen to alight the vehicle.
00.53.23	Vehicles are seen leaving the rear carpark
00.54.05	A white van reverses out of the Carpark
00.54.12	Police officers are seen approaching the white van which is parked near to the entrance of the carpark
00.55.09	Police van is seen to pull of the road and across the entrance to the carpark
00.55.58	Police vehicle then appears at the entrance to the carpark
00.56.20	Police vehicle is seen to enter the rear carpark
00.60.00	Footage Finishes

CCTV	4	VIEW OF INSIDE FRONT ENTRANCE
TIME	Friday 25 th September 2020	
22.00.00	Footage 9 Starts	
22.00.02	Female in reception with a glass.	
22.00.22	Female goes back into main club	
22.01.07	Female appears and escorts flower seller to the front door, he is seen to leave.	
22.01.10	Female joined by a male with white hat	
22.01.15	Front door is bolted, and both go back into main room.	
22.01.52	Door to main room is opened by the same female. She looks up and appears to be looking at the CCTV monitor.	
22.06.02	Male wearing cap leaves the premises, the door is not locked behind him. Someone appears to be standing on the step immediately outside the front door.	
22.06.12	Same female as above goes into the reception and is looking up at the CCTV monitor. She then opens the front door and is looking outside.	
22.06.27	Female back inside and locks the door behind her. She then stands in the reception appears to be waiting for someone. She keeps looking up at CCTV Monitor.	
22.08.15	Female goes back into main club room.	
22.15.00	Footage Finishes	
22.15.01	Footage 10 Starts	
22.16.23	Male with white hat is into the reception and disappears into what is believed an office	
22.16.33	Male back into main club room	
22.17.30	Female to door on the phone with 2 other females. They open the front door, and the 2 females leave.	
22.17.42	Door is left open	
22.17.45	Female on phone goes out through front door	
22.18.11	Female on phone spends a few seconds on the step then comes back into the main club. The front door is not bolted	
22.24.27	Footage Finishes	
23.29.05	Footage 11 Starts	
	No movement throughout this footage.	
23.38.30	Footage Finishes	
Saturday 26th September 2020		
00.05.14	Footage 12 Starts	
	No movement throughout this footage.	
00.06.30	Footage Finishes	
00.09.04	Footage 13 Starts	
	No movement throughout this footage.	
00.16.01	Footage Finishes	
00.18.41	Footage 14 Starts	
	No movement throughout this footage.	
00.30.00	Footage Finishes	

00.30.01	Footage 15 Starts
	No movement throughout this footage.
00.36.07	Footage Finishes
00.38.43	Footage 16 Starts
	No movement throughout this footage.
00.60.00	Footage Finishes

CCTV	VIEW OF LOBBY AREA
TIME	Friday 25 th September 2020
22.00.01	Footage 17 starts
22.00.20	Female walks through lobby with no mask
22.00.42	Door supervisor seen showing Flower seller through into reception from Lobby
22.00.57	Door supervisor towards reception
22.01.14	Door supervisor back into lobby area, Waitress with tray towards bar area
22.01.25	Male with bottle near to reception talking to female
22.01.37	Male walks away drinking from glass
22.01.56	Waitress with tray of what appears to be glass flutes, walks through lobby area away from bar area.
22.03.09	Two females with coats on through lobby area and towards reception, stop and talk to female who appears to be on reception.
22.03.35	Waitress returns through lobby with empty tray towards Bar area
22.04.09	Two females walk out of main room and through the lobby. Waitress returns from the bar area and through the lobby with an empty tray
22.04.30	Number of customers in lobby area mixing no social distancing and no masks
22.05.38	Waitress removes 2 glasses from table and walks to the bar area.
22.06.45	Couple leave lobby area towards reception
22.07.60	Couple back from reception and towards main room
22.08.22	Female Door supervisor comes from reception and into main room from lobby area. What appears to be a badge on her right arm
22.12.02	Male on phone into reception from lobby
22.12.05	Door supervisor with radio tucked into his back pocket and wearing what appears to be a SIA badge left arm in Lobby area
22.12.52	Waitress towards main room from lobby with empty tray. Still a number of customers in lobby area no masks, drinking, no social distancing in conversation.
22.13.20	Door supervisor in lobby wearing what appears to be SIA badge on left arm
22.14.17	Male earlier on phone at 22.12.02 back from reception and into lobby area
22.14.39	Waitress carrying a tray of drinks walking through lobby area from the bar area.
22.15.00	Footage Finishes
22.15.01	Footage 18 Starts
22.15.33	Waitress carrying empty tray towards main room/bar area.
22.16.20	Door supervisor through lobby into reception.
22.16.58	Door supervisor on phone back into lobby
22.16.59	Waitress into lobby from main room/bar area with champagne bucket and empty glasses
22.17.26	Three females through lobby into reception
22.20.23	Couple through lobby towards reception.
22.20.48	Male to reception from lobby
22.20.54	Couple earlier back into lobby
22.21.20	Male to reception
22.21.40	Two males from reception into lobby
22.23.16	Female Door supervisor into lobby seen removing radio and earpiece talking to waitress at the same time
22.24.26	Footage Finishes

23.29.06	Footage 19 Starts
23.29.59	Male to reception through lobby
23.30.21	Male back from reception into lobby and then into main room
23.30.53	Male back into lobby
23.31.03	Same male in lobby followed by a further male
23.33.30	Footage Finishes
Saturday 26th September 2020	
00.05.13	Footage 20 starts
00.06.31	Footage Finishes
00.09.04	Footage 21 starts
00.09.23	Couple walk through lobby towards main room followed by a male with an inflated balloon to his mouth as he is walking
00.09.32	Male from lobby to reception
00.09.41	Male back to main room via the lobby passing the male with the balloon
00.09.58	Male in lobby from main room followed by female
00.10.28	The above couple back into main room
00.11.30	Male passes through lobby from main room
00.12.11	Above male back into main room
00.12.57	Male with beard through lobby from main room
00.15.54	Two females and a male into lobby area from main room appear to be lost
00.16.00	Footage Finishes
00.18.44	Footage 22 starts
00.19.44	Two males through lobby and into main room
00.21.50	Male from main room into lobby and into reception
00.22.56	Above male back into lobby believed to be door supervisor
00.23.06	Above male met by a further male with beard. They both walk from main room into lobby area
00.23.27	Both above walk back to main room
00.26.48	Two females from main room and pass through lobby
00.28.08	Both above females walk through lobby to main room
00.29.30	Male with beard from main room through lobby.
00.29.59	Above male back through lobby towards main room
00.30.00	Footage Finishes
00.30.01	Footage 23 starts
00.31.12	Male through lobby from main room
00.32.20	Above male back into main room
00.36.04	Above male back into lobby
00.36.05	Footage Finishes
00.38.55	Footage 24 starts
00.39.31	Police officer into lobby from main room
00.43.50	22 people leaving from main room area through the lobby and believed to be the back exit
00.45.13	Police officer appear to be checking for other persons
00.47.23	Two police officers chatting with male with beard
00.58.47	A number of Police officers seen leaving through lobby area
00.60.00	Footage Finishes

CCTV	9	VIEW OF AREA OUTSIDE REAR EXIT IN CARPARK
TIME	Friday 25 th September 2020	
22.00.00	Footage 25 Starts	
22.00.01	Five males and two females waiting at the exit door	
22.01.01	One of the males walks away	
22.01.26	Another of the males walks away	
22.02.10	A further male walks away, leaving two males and two females	
22.05.10	Rear exit door opens and two females and a male walk out.	
22.05.23	No one from outside goes into premises Door is closed from inside	
22.05.30	Now seven males and two females at the rear exit.	
22.07.36	Rear exit door opens, and a couple walk out.	
22.07.48	Rear exit door is then shut from inside	
22.08.44	Two females walk off, leaving a group of males hanging around the exit door area	
22.12.16	Ext door opens, a female exits through the exit door, the door is closed from inside	
22.12.51	All males outside clear	
22.12.58	Exit door opens and a female exits, door is closed behind her from inside	
22.13.46	Exit door opens and a male exit. Door is closed behind him. He is waiting around.	
22.14.10	Exit door opens male and two females exit. Door is closed behind them	
22.15.00	Footage Finishes	
22.15.01	Footage 26 Starts	
*	Between these times people are seen coming out of the rear exit door. There is no one seen going in through the exit.	
22.24.27	Footage Finishes	
23.29.12	Footage 27 Starts	
23.29.29	Two female Police officers are seen walking past the rear exit	
*	Between these times there is no further movement in this area outside the exit door	
23.33.31	Footage Finishes	
Saturday 26 th September 2020		
00.05.12	Footage 28 Starts	
*	Between these times there is no further movement in this area outside the exit door	
00.06.28	Footage Finishes	
00.09.04	Footage 29 Starts	
00.11.00	Male walks to the exit door	
00.11.27	Male on the phone	
00.11.52	Male walks away	
00.14.01	Male returns and stands by exit door	
00.15.45	Male walks away into carpark	
00.16.02	Footage Finishes	

00.18.42	Footage 30 Starts
*	Between these times there is no further movement in this area outside the exit door
00.30.00	Footage Finishes
00.30.01	Footage 31 Starts
*	Between these times there is no further movement in this area outside the exit door
00.36.07	Footage Finishes
00.38.44	Footage 32 Starts
00.44.44	A number of people are seen walking past the rear exit in the car park.
00.46.10	Male with a group of females stand talking. Male seen holding what appears to be a cake box.
	Male and females walk off.
00.53.16	Police officer seen walking in the car park.
00.53.46	Another Police officer walks past the rear exit.
00.54.38	A Number of Police Officers appear walking in the carpark
00.59.58	Footage Finishes

CCTV	16	VIEW OF BHEIND THE BAR
TIME	Friday 25 th September 2020	
22.00.00	Footage 33 Starts	
	Barman is seen throughout this footage conducting a lock down of the bar. Cleaning of all surfaces, putting bottled drinks away, Waitresses were turning up at the bar. No drinks were dispensed from this bar. No money went in or out of the till. There are crowd barriers positioned in front of bar to keep customers away. Only bar staff allowed at bar.	
22.14.59	Footage Finishes	
22.15.01	Footage 34 Starts	
	Barman is seen throughout this footage continuing stock check cleaning etc. Barmaids entering bar with clean glasses filling shelves. There is no evidence of drinks being dispensed with. Observations waitresses not wearing masks including female manager. Barman is wearing a mask but not over his mouth/nose.	
22.24.25	Footage Finishes	
23.29.07	Footage 35 Starts	
	Bar is closed lights off. No movement throughout this footage.	
23.33.31	Footage Finishes	
Saturday 26 th September 2020		
00.05.12	Footage 36 Starts	
	No movement throughout this footage.	
00.06.32	Footage Finishes	
00.09.03	Footage 37 Starts	
00.09.08	Male seen behind bar. then walks out	
00.10.03	Male walks behind bar and takes a bottle from fridge	
00.13.25	Male then exits the bar.	
00.13.06	Male returns behind bar and pours himself a drink	
00.13.38	Male walks out with drink into office.	
00.16.02	Footage Finishes	
00.18.39	Footage 38 Starts	
00.18.44	Male and another male behind bar, Male reaching into fridge, gives other male what appears to be a bottle of water.	
00.19.03	Male exits from behind the bar and is seen in the lobby with another male.	
00.26.57	Two females enter the bar. Are not dressed as staff look like they are dressed for a party.	
00.28.00	Having poured themselves a drink they then leave and are seen in the lobby.	
00.29.54	Footage Finishes	
00.30.00	Footage 39 Starts	
00.31.30	Male enters the bar, is looking into one of the fridges	
00.31.51	Male enters and they appear to be looking for something	
00.32.07	Male with male walk out, male has what appears to small bottle of apple juice with him. No sale is made.	
00.36.07	Footage Finishes	

00.38.43	Footage 43 Starts
00.39.37	Police officers seen in front of the bar area
00.47.20	Police officer walks into bar has a quick look and then exits
	Bar is closed lights off. No further movement.
00.59.57	Footage Finishes

CCTV	19	VIEW OF VIP AREA
TIME	Saturday 26 th September 2020	
00.05.12	Footage 44 Starts	
	No movement in this footage	
00.06.26	Footage Finishes	
00.09.04	Footage 45 Starts	
	No movement in this footage	
00.16.02	Footage Finishes	
00.18.40	Footage 46 Starts	
00.29.41	Footage Finishes	
00.30.02	Footage 47 Starts	
	No movement throughout this footage.	
00.36.07	Footage Finishes	
00.38.43	Footage 48 Starts	
00.39.45	Police officer seen walking around	
00.59.47	Footage Finishes	

CCTV	22	VIEW OF REAR FIRE EXIT DOOR
TIME	Friday 25 th September 2020	
	No Footage for CCTV 49	
22.00.00	Footage 50 Starts	
	No movement in this footage	
22.15.00	Footage Finishes	
22.15.01	Footage 51 Starts	
22.19.20	Male seen removing items and unbolts fire door.	
22.19.33	Male opens Fire exit door and stands in doorway.	
22.19.40	Male appears with two other males, all three-walk in. Male appears to speak to someone outside shakes his head. And then carries on in.	
22.20.00	Male bolts door behind him	
22.24.27	Footage Finishes	
23.29.04	Footage 52 Starts	
	No movement throughout this footage.	
23.33.30	Footage Finishes	
Saturday 26 th September 2020		
00.05.10	Footage 53 Starts	
	Police officer seen walking around	
00.06.31	Footage Finishes	
00.09.03	Footage 54 Starts	
	No movement throughout this footage.	
00.16.01	Footage Finishes	
00.18.39	Footage 55 Starts	
	No movement throughout this footage.	
00.29.58	Footage Finishes	
00.30.00	Footage 56 Starts	
00.34.50	Male to door carrying a bottle he attempts to open the exit door.	
00.35.07	Male unbolts the door and opens it; he walks outside into carpark. Door is left open	
00.36.08	Footage Finishes	
00.38.50	Footage 57 Starts	
00.38.50	Exit door is open.	
00.38.65	Male exits through this door, leaving the door wide open	
00.42.37	Male to the door and closes it	
00.44.06	Male to the door and escorts several people out through door	
00.44.52	Police officer is seen behind them escorting them out. Exit door is left open	

00.48.00	Police officer is seen at the open door, He goes outside for a few seconds then returns. Not wearing a mask
00.50.27	Another Officer near to the open door not wearing mask
	A number of officers leave the premises via this exit. 4 not wearing masks including the above two officers and 3 officers wearing masks. PS 21760 Not wearing. Walks out with male in plain clothes appears to be with the Police. No mask
00.54.25	One of the officers returns and is met by another officer from the premises neither wearing masks. They reach for a cardboard box and rip a piece off it. Then go back into premises
00.55.20	Both officers seen near to exit door one of them leaves the other remains appears to be waiting for someone.
00.56.10	Another uniform officer walks through exit door into premises followed by what appears to be a plain clothes officer carrying a radio, neither wearing masks.
00.56.36	One of the above uniformed officers walks out of exit door
00.57.48	Female person at the exit door outside speaking to an officer. A Licensing officer Known to me from Police at Sandwell. No mask worn
00.58.30	Police officer together with female enters the premises through exit door
00.59.40	Police officer returns with another officer, plain clothes officer and female. No masks, no social distancing
00.59.59	Footage Finishes

CCTV	1	VIEW OF OUTSIDE FRONT PAVEMENT TOWARDS MAILBOX
TIME	Friday 25 th September 2020	
22.00.00	Footage Channel 1 Starts	
22.02.42	Male out of premises and walks away from mailbox	
22.03.06	Male to front entrance	
22.03.25	Male back out and hangs around the entrance	
22.03.45	Another male appears and both disappear into entrance	
22.04.20	Male walks up to entrance and stands on pavement waiting	
22.04.35	Earlier male appears and meets with male waiting.	
22.04.44	Other male now appears all three walking away from the mailbox direction.	
22.06.30	Male walks up to entrance and disappears	
22.07.39	Two males walk out of premises and away from the mailbox	
22.19.00	Three females out of premises one of them on the phone. Other two walk off towards the mailbox	
22.19.35	Vehicle pulls up outside and female on phone walks up to the passenger side and engages in conversation	
22.23.05	She appears to be handed something through window, and the goes back into premises Vehicle drives off.	
22.24.30	Same female above comes out of premises and walks away from the mailbox	
22.28.28	Two males walk up to entrance	
22.32.00	Above same males appear from the entrance and walk off away from the mailbox.	
22.50.00	The above two males re-appear and walk to the entrance on disappears whilst the other stands on pavement. A further male also walks to the entrance and disappears	
22.59.55	Footage Finishes	
23.00.00	Footage starts	
23.21.25	Three males leave the premises	
23.25.49	Police van drives slowly past premises and turns left towards mailbox.	
23.26.46	Female Police officer walking towards premises, then joined by another female officer they are paying attention to the front entrance. They carry on walking away from the mailbox. One of the officers is not wearing a mask.	
23.31.42	Both officers seen walking past premises towards their vehicle.	
23.59.53	Footage Finishes	
Saturday 26 th September 2020		
00.00.00	Footage starts	
00.14.57	Male seen leaving the premises	
00.48.48	Police van arrives and parks outside entrance	
00.49.10	Police Van drives off turns left towards the mailbox	
00.59.58	Footage Finishes	

CCTV	2	VIEW OF STEPS TO THE ENTRANCE TO THE PREMISES
TIME	Friday 25 th September 2020	
22.00.00	Footage Starts	
22.02.00	Flower seller comes out of premises	
22.03.08	Male stands on steps at front door and bangs on the front door, He continually bangs on door	
22.03.23	Male walks away	
22.03.45	Same male comes back with another male and they bang on the door	
22.04.30	They are joined by a further male.	
22.04.47	All three males walk off	
22.06.32	Male to front entrance, bangs on the door	
22.06.51	Male on the phone	
22.07.32	Male answers the door, comes out and walks off with male.	
22.07.43	Female door supervisor out of front door looking up and down road. Then goes back inside	
22.19.06	Three females out of the premises, followed by female manager who is taking to two of the girls.	
22.19.38	Female management back into premises closes door behind her	
22.23.13	Female on phone returns to entrance carrying what look like two small white boxes, she is on the phone.	
22.24.28	No one comes to the door to open. She walks off towards the rear carpark	
22.28.30	Two males to the entrance pull the latch on the door which is open then go inside.	
22.31.54	Both above males are out of the premises appeared to be escorted off the premises Arm of door supervisor seen opening door and closing it.	
22.36.05	Female manager lets a couple out of front entrance	
22.50.04	Three males onto steps at entrance	
22.51.50	Three male leave and walk off	
22.59.57	Footage Finishes	
23.00.00	Footage Starts	
23.02.53	Male to door checking its locked and putting latch across	
23.09.26	Three males to entrance one of them attempts the door, all three then walk off.	
23.21.20	Three males out of the premises, one of the males puts two locks on the outside of the door and walks away.	
23.59.52	Footage Finishes	
Saturday 26 th September 2020		
00.00.00	Footage starts	
	No movement throughout this footage.	
00.59.59	Footage Finishes	

NAKIRA BAR & LOUNGE
COVID-19 Return to Work Pub/Restaurant Risk Assessment

ASSESSOR	JOB TITLE	ASSESSMENT DATE	REVIEW DATES	
	Designated Premises Supervisor			
ASSESSMENT LOCATION				
PERSONS AT RISK	Customers, Staff (Kitchen, Front of House and Office), Delivery Personnel			

The risk assessment and controls/measures below have been put in place to evaluate the risk to staff, customers and delivery personnel in respect of the Coronavirus and to eliminate/reduce the potential for infected persons to enter the location, the contamination of surfaces, and to maintain social distancing practices. These controls/measures are designed to enable the provision of food and beverage consumption at the location to customers, takeaway and delivery services to customers, and the tasks undertaken by staff and delivery personnel.

This risk assessment is in addition to the Company's commitment to compliance with Food and Hygiene Health and Safety regulations.

This risk assessment has been completed in accordance with the government's guidance on managing the risk of COVID-19. Copies of the signed COVID-Secure Notice are on display at selected parts of the Location.

From 24 September, businesses selling food or drink, must be closed between 10pm and 5am.

In both indoor and outdoor licensed premises, food and drink must be ordered from, and served at, a table.

Licensed and unlicensed businesses must also take all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

From 29 September, Customers will not be allowed to leave their allocated seats/table unless going to the toilet.

There will be no mingling between tables,

Only 1 household up to 6 persons including the bubble allowed to sit together.

All customers and staff to wear face masks, there are exceptions. (See risk Assessment)

Official QR poster located at the entrance to the venue.

The DPS will ensure that no music is played on the premises which exceeds 85db(A) when measured at the source of the music.

FACTORS CAUSING SPREAD OF VIRUS	EXISTING CONTROLS	FURTHER MEASURES
Contact with infected persons: Staff	All staff must provide each day before entering the premises/location their confirmation of the COVID-19 Health Check Declaration.	The Assessor or shift manager will check each staff member has completed the Declaration before they enter the location and keep records of arrivals. All staff will be temperature checked before entering location.
Contact with infected persons: Customers		All customers will be asked to have a temperature check before entering premises.
Overcrowding and Congestion	Both indoor and outdoor areas have been reconfigured to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable). Number of customers will be limited to 120 persons . See below for further details in respect of each customer service area. Customers must book in advance.	Indoor groups of customers will be limited to 1 household (including support bubble). Outdoor groups of customers will be limited to 1 household (including support bubble) Bookings will be staggered so that customers arrivals are spread evenly, and queues are kept to a minimum. 2m, or 1m with risk mitigation where 2m is not viable. Social distancing should be maintained for each group whilst queuing. On booking, customers will be asked to confirm that the "party" complies with the Government restrictions per household numbers as described above. At the time of booking all customers must be informed that they must inform us of any lateness so we can manage the flow of customers and that they may lose the booking if they fail to inform us within 15 minutes of over-running their allotted time.
Track & Trace	A booking system is in place where the full name address and contact number of the lead person booking the table will be recorded. These details will be maintained for 21 days to assist NHS Test and Trace (subject to data protection requirements) should business receive requests for data to help contain clusters or outbreaks of COVID-19.	When someone enters the premises and they have downloaded the government Track & trace app on their phone then they will be asked to scan the official QR poster located at the entrance to the venue. The venue information will be logged on the customers' phone.

		<p>This information will stay on the customers phone for 21 days and if during that time a coronavirus outbreak is identified at a location, the premises ID in question will be sent to all devices.</p> <p>The device will check if users have been at that location and if the app finds a match, customers may get an alert with advice on what to do based on the level of risk.</p> <p>Following the launch of the new COVID-19 app, customers will be able to check-in on entry with their phone instead of filling out a check-in book or tool specific to the premises. This will allow NHS Test and Trace to contact customers with public health advice should there be a COVID-19 outbreak.</p> <p>If a customer does not have the above app downloaded, then the booking in system of Track & Trace will be used.</p> <p>Records of bookings will be maintained for 21 days to assist NHS Test and Trace (subject to data protection requirements) should business receive requests for data to help contain clusters or outbreaks of COVID-19.</p>
Proximity of Customers to Staff and other Customers	Social distancing measures of 2m (or 1m with risk mitigation where 2m is not viable) should be maintained in all parts of the location wherever possible.	<p>Information, signs, and markings have been distributed where practical at the entrance and throughout the location to promote social distancing and hygiene.</p> <p>A one-way flow has been set up with floor markings and signs to manage customer traffic through the location. Queue management measures have been established for those parts of the location that are likely to get congested. For further details see below.</p>
Proximity of Staff to other Staff	Social distancing measures of 2m (or 1m with risk mitigation where 2m is not viable) should be maintained in all parts of the location wherever possible.	<p>Staff rotas agreed to ensure staffing levels are sufficient to manage customer service requirements and enabling safe distancing for staff.</p> <p>Further details of measures for working in the outdoor, indoor and bar seating areas, backroom office, and storeroom are provided below.</p>

		All staff will be required to wear face covering whilst on the premises unless you have an exemption.
Contaminated and potential contaminated surfaces	The location has been deep cleaned, by applying approved sanitisation and disinfectant products.	The location will continue to be cleaned daily. Specific parts of the location will need further cleaning during working hours – please see details below.
Contamination and potential contamination of surfaces	Hand sanitiser has been placed at various suitable places in the location, as well as at the entrance.	At intervals during the working shift the availability of hand sanitiser will be checked and replenished. A staff member will be allocated this responsibility for each working shift.

ACTION REQUIRED	ACTIONED BY	DATE
All measures to be constantly reviewed. A full review, including consultation with staff, will be completed at the end of each week to ensure that staffing levels and social distance controls have been sufficient to manage customer numbers, customer service and customer flow through the premises, particularly in respect of congestion points.		
Updates: When someone enters the premises and they have downloaded the government Track & trace app on their phone then they will be asked to scan the official QR poster located at the entrance to the venue. The venue information will be logged on the customers' phone.	The Assessor	29.09.2020
Updates: All staff will be required to wear face covering whilst on the premises unless you have an exemption.	The Assessor	29.09.2020

CUSTOMER SERVICE AREAS	CONTROLS	FURTHER MEASURES
Queuing at the location	Designated outside spaces are in place for customers waiting for admission to the location. Customers waiting for service of drink at the location will be	A single staff member will set-up the external waiting boundary and check the floor-pavement social distance markings before the bar opens.

	<p>served by a waitress who will attend to their allocated table/booth.</p> <p>Customers must comply with social distancing markings, and guidelines.</p> <p>Queue management must provide for disabled customers.</p> <p>Management will remind customers to wear a face covering by displaying posters also by informing them at point of entry & whilst in the premises.</p>	<p>Gloves should be used by staff when handling the boundary props.</p> <p>Staff will check each queue to ensure customers are admitted to their booked seats as close as viable to their booking times.</p> <p>All customers entering the premises will be required to wear a face covering unless you have an exemption. Any person flouting the rules will be asked to leave.</p>
Bar Servery/Counter	<p>Staff working at the servery will wear protective equipment. Waitresses will wear face masks/protective face screens.</p> <p>The bar will be closed to customers and will only be used by waiter/waitress staff to provide drinks orders to the bar staff and then collect and distribute these orders.</p>	<p>Orders and payments are encouraged to be made online. If this is not possible payment will be by debit/credit card.</p> <p>Gloves and masks are available to staff handling orders and processing payments.</p> <p>The counter will be cleaned at regular intervals throughout the working day.</p>
Entrance/Exit	<p>A staff member will be responsible for managing the flow of customers into the location per the maximum provided for in Overcrowding and Congestion above and checking that the "party" complies with the Government's restrictions per household numbers.</p> <p>These numbers will be checked and matched to the bookings schedule.</p>	<p>Customers should be encouraged to use the hand sanitisers made available at the entrance/exit.</p> <p>Exiting customers will be given right of way over customers entering the location to ensure congestion does not occur indoors.</p> <p>Customers will be directed to their seats and requested not to stand at the bar area, and that all orders for drinks and food will be taken at their table.</p>
Indoor seating and tables	<p>Seating and table plans have been reconfigured to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable).</p> <p>The maximum number of customers in this area at any one time is 120 persons</p>	<p>The reconfiguration of seats and tables further adjust for service approaches to minimise staff contact with customers.</p> <p>Single members of staff will be assigned to each table to restrict the numbers of staff that come have contact with customers.</p> <p>Tables, chairs, and trays will be thoroughly cleaned with</p>

		<p>sanitised products before each sitting. Tables will be completely cleared, including condiment containers which will be cleaned after/before each sitting.</p> <p>Laminated menus will be cleaned before customer use.</p> <p>All payments to be made by debit/credit card at the table.</p>
Non-smoking/smoking Areas	<p>Customers using Nakira Lounge will have greater freedom to choose smoking or non-smoking outdoor areas following an amendment to legislation in Parliament.</p> <p>These changes will allow everyone to enjoy outdoor eating and drinking whether they smoke or not, with appropriate provisions made for non-smokers and smokers.</p> <p>The outside area will be in two halves.</p> <p>One side will be for non-smokers the other half for smokers. Both sites will be clearly identified.</p> <p>The maximum number of customers in this area at any one time is 20 persons</p>	<p>Clear 'no smoking' signage displayed in designated areas. No ash trays or similar receptacles to be provided or permitted to be left on furniture where a smoke-free seating is identified. There will be a minimum distance of 2 metres between non-smoking & smoking areas, wherever possible.</p> <p>Staff will monitor this space to ensure no encroachment of the guidelines, and the tables will be immediately cleaned after use.</p> <p>In the event of adverse weather additional cover is available for all outdoor customers, with ventilation, to maintain social distancing guidelines, and prevent congestion indoors.</p>
Moving within the location	To enable movement of customers within the location and service provision, congestion points have been identified and "passing spaces" created to maintain social distancing.	Information, signs, and markings have been distributed where practical at these congestion points to promote social distancing.
Toilets	<p>No more than two persons can use each of the toilet facilities at any one time.</p> <p>Anyone waiting should stay 2m from the toilet facilities doors. Social distancing markings have been applied to the queuing areas.</p> <p>Toilet facilities surfaces including door and flush handles to be cleaned regularly using disposable cloths.</p>	<p>Signs and posters are displayed in the toilets promoting both good handwashing techniques and increasing the frequency of handwashing.</p> <p>Hand dryers or disposable hand towels to be available, as well as hand sanitisers.</p> <p>A cleaning schedule should be maintained to ensure the regularity of cleaning and emptying of waste facilities.</p>

ACTION REQUIRED	ACTIONED BY	DATE
Congestion points, particularly the entrances and queue areas be to constantly be reviewed.	The Assessor	
Updates: Customers will not move from their allocated table or mingle with other customers at other tables.	The Assessor.	29.9.2020
Updates: All customers entering the premises will be required to wear a face covering unless you have an exemption or eating /drinking. Any person flouting the rules will be asked to leave.	The Assessor	29.09.2020
Updates: Customers will be directed to their seats and requested not to stand at the bar area, and that all orders for drinks and food will be taken at their table.	The Assessor	29.09.2020

CUSTOMER SERVICE AREAS	CONTROLS	FURTHER MEASURES
Entertainment	At present, venues should not permit live performances, including drama, comedy and music to take place in front of a live audience. This includes entertainment such as acoustic music, DJ's, lap dancing etc.	
Noise	The venue is required to take steps to avoid people needing to unduly raise their voices to each other which includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult, loud background	Background music is played. The noise level will be monitored by the duty manager. The DPS will during the emergency period, ensure that no music is played on the premises which exceeds 85db(A) when

	music, communal dancing, group singing or chanting.	<p>measured at the source of the music. The management have downloaded a decibel reading app which they will use to take readings every 15 minutes and record in a register their findings which will be kept on the premises.</p> <p>This requirement does not apply to any performance of live music.</p>
Sports	No live Sport including Football matches and Boxing is currently shown at Nakira Lounge & Bar.	
Gaming Machines	There are currently no gaming machines in the premises	

ACTION REQUIRED	ACTIONED BY	DATE
Updates: The DPS will during the emergency period, ensure that no music is played on the premises which exceeds 85db(A) when measured at the source of the music.	The Assessor	29.09.2020

OTHER WORKPLACE PREMISES	EXISTING CONTROLS	FURTHER MEASURES
Backroom Office	A maximum of only two people can use the office at any one time to maintain social distancing. Preference is only one person.	<p>Staff should not congregate around any desks.</p> <p>There will be no sharing of desks/workstations, equipment, or phones.</p> <p>Communal equipment such as copiers will be cleaned immediately after use by the user.</p> <p>Hand sanitisers are available by the door.</p>

ACTION REQUIRED	ACTIONED BY	DATE

OTHER WORKPLACE TASKS	CONTROLS	FURTHER MEASURES
Deliveries to the location	<p>Deliveries will not be signed for (unless required for legal continuity) and will only be delivered to the Entrance.</p> <p>2m social distancing should be maintained as far as practical.</p>	<p>If a delivery must be signed for the signor should use their own pen and wear gloves when handling the signature sheet.</p> <p>Gloves are available for handling deliveries if requested by staff.</p> <p>If more than one member of staff is required to move the delivery to the storeroom, gloves & masks must be used by both staff members. This pair of staff should also continue to work together for any tasks that require more than one person in the storeroom.</p>

		Any lifting or carrying equipment such as a trolley must be cleaned at the start and end of every day, as well as after use.
Regular cleaning duties	Parts of the premises will be cleaned regularly throughout the day, counter, kitchen, toilets.	A daily rota will be put in place so that this responsibility is shared by all staff.
Accidents, security, and other incidents	Incident and emergency procedures have been reviewed to ensure where practical social distancing principles can be maintained.	
No other tasks which involve necessary sharing and/or proximity have been identified.	Staff are requested to bring to the Assessor's attention any such tasks they consider should be included in this risk assessment.	

ACTION REQUIRED	ACTIONED BY	DATE
All deliveries where possible to be scheduled between 9.00 and 10.am to minimise contact with staff and customers	Assessor	

ASSESSOR'S SIGNATURE		DATE	
APPROVED BY		APPROVER'S JOB TITLE	
APPROVER'S SIGNATURE:		DATE:	

STATEMENT OF DEXTER LASSWELL

MADE ON MONDAY 19th OCTOBER 2020

My name is Dexter LASSWELL. I was born on [REDACTED] in [REDACTED]

I came to the U.K in [REDACTED]

I am currently a co-director of RP RESTAURANT LIMITED (Company No: 11173263) who hold the premises License for NAKIRA Bar & Restaurant.121 Suffolk Street Queensway, Birmingham, B1 1LX.

On the 29th January 2019, I became a director and bought [REDACTED] shares in the company.

On 13th February 2020 I bought my then partner out and therefore had [REDACTED] shareholdings in the company.

On 30th September 2020 Antonio Mankulu became a director.

On the 1st October 2020 Antonia acquired [REDACTED] shares in the company.

On 21st May 2019 I formed a company called NAKIRA GROUP LTD (Company No: 12008943) This is the operating company for NAKIRA Bar & Restaurant.

On 28th April 2020, Antonio Mankulu became a director with a [REDACTED] share stake in the company.

On 29th April 2020, my position as Director was terminated.

I have been in the Music Promotion and Club Scene since 2009.

In January 2019, I applied to become the Designated Premises Supervisor for Nakira, I wanted to make sure that the premises were being operated properly.

Late in January I was informed by the Co-director that my application had been refused by PC Rohomon. No official reason was given to me, but I was told that he felt I was not a trustworthy person.

I did not know any available personal License holders at the time, my ex-partner did, so we employed [REDACTED], who was the current Designated Premises Supervisor at the time of the incident in September 2020.

In October 2015 I obtained a Personal License. I have no criminal convictions. How can it be that I was not trustworthy? I have been a Designated premises supervisor in the past. The West Midlands Police did not object then.

On Friday 25th September 2020, the DPS was given strict instructions to open Nakira at 6pm and to start closing down at 9.45pm for a complete shutdown at 10pm. I was not going to be at the premises. We were not expecting to have many people in as it

was a 10pm shut down. I did not see the point being at the premises, I believed the premises were in the capable hands of the DPS.

The first time I was made aware that the premises had been visited by the police was in the early hours of Saturday 27th September 2020 when Antonio called me. He told me that one of the staff had a birthday party at Nakira and it went past 10pm, the Police had then raided it around 12.45am.

I was totally unaware of any event at the premises that night and I certainly would have not allowed any event to run past 10pm.

There are strict COVID regulations been imposed at the premises. The Risk assessment is in place showing that.

The venue has not been ignoring the guidance that the government has been putting out. Some of the guidance is very confusing it needs explaining by the authorities, not taking the heavy-handed approach.

We have provided a copy of our COVID Risk Assessment I have had no feedback from any officer to say that there was a problem. I just feel that the premises were an easy target. We feel that we have been unfairly treated.

Dexter Lasswell

Name:

Dexter Lasswell

Signed:

Date of Incident 25th September 2020

Statement Date 28th September 2020

Mr Hope Samuel Hlala

To whom it may concern,

After finishing my shift on Friday I had to help the other staff to clean up the club, there were some friends of my colleague that remained in the club due to being her birthday, she assured me Kieran was aware of it.

While I was cleaning, I realised the numbers of people inside the building were increasing and the back door was open.

I went to shut the door and alerted the other staff members, we all tried to find out who these people were and asked them to leave but they were ignoring us and being unwilling to leave.

We have talked between us and decided the situation was getting very dangerous so we decided to leave the club before everything escalated.

Sincerely

Signed [REDACTED]
Dated – 28th September 2020

Date of Incident 25th September 2020

Statement Date 26th September 2020

Mr Kieran Costello – DPS

To whom it may concern,

Friday 25th September 2020, I have instructed the DJ to call last orders at half past 9pm, security staff have been instructed to shut the doors at 9.15 and the staff were instructed to start cleaning as soon as the customers were out of the premises.

I have collected the cash from the tills at 21:45 after which a staff member asked for permission for her friends to stay over while she was doing the regular deep clean in preparation for next shift with the other members of staff, being her birthday and never having any issues with her behaviour in the past I have assessed that should be ok.

I left the premises shortly after and security was there as per usual they were supposed to stay and lock up after staff would finish cleaning to also make sure no one was left on site.

The following day I was made aware by the staff that things had clearly come out of control and random people got access to the club via the exit door, despite attempts from staff to get them out they were unsuccessful, felt threatened and have left them inside.

Unfortunately, the door staff was no longer on site and they could not deal with the situation themselves, ultimately resulting on them leaving everyone there and going home.

Due to it being out of hours, my phones were set to do not disturb and didn't receive the phone call from the distressed staff members, resulting in another member of my team being called to lock up the premises.


Further investigations are being carried out to assess as to why this happened, who has initiated invitations to the outside public and prevent any situations occurring going forward. Disciplinary action will be taken once the investigation has been completed.

Sincerely



Signed – Kieran Costello

Dated – 26.09.2020

Contact Telephone 

Date of Incident 25th September 2020

Statement Date 28th September 2020

Miss Ramatoulie Bah.

To whom it may concern,

The club has been shut on Friday at 10pm and myself and the other staff had to stay over to do our usual deep clean in preparation for the next shift, being my birthday some of my friends were in the club during opening times and I have asked permission from the DPS Kieran to allow my friends to stay over and wait for me until I finish the deep clean.

While, me and the staff were cleaning we've noticed the number of people inside the venue were increasing only to realise the exit door was opened, people were also using gas balloons and in spite my attempts to get everyone out no one was leaving.

Most of the people inside become aggressive when they were asked to leave and so I started feeling threatened, I could not get in touch with the DPS, the door staff was also gone, I and the staff started to panic as I couldn't get in touch with anyone so I decided to leave around 12am .

Kind Regards,

Date : 28/09/2020
sign: [REDACTED]
contact: [REDACTED]

Date of Incident 25th September 2020

Statement Date 28th September 2020

Mr Rabi Kisanga

To whom it may concern,

We were closed by 10 pm on Friday and we need to clean up the place.

The only people left in the building were myself, other staff members and a couple of friends of my colleague which had a few people during opening times, she has asked Kieran if they were allowed to wait for her.

While cleaning, the staff members came up to me and told me the back door was opened and other people gained access to the club.

We have tried to talk to them to convince them to leave but they were ignoring us, when we insisted they started raising their voice, tried to push us and walked away from us.

Seeing they couldn't be reasoned with we have tried to get in touch with senior management and security staff but we could not get hold of anyone therefore we decided to think of our safety and leave the club while carrying on to get someone to the club to resolve the issue.

At that point, I have felt it was the right decision as I did not want myself or my colleagues getting attacked or risk something even more serious happening as we did not know who those people were.

Sincerely

Signed

Dated 28 September 2020

Contact Telephone –

Date of Incident 25th September 2020

Statement Date 27th September 2020

Mr Sean Nkala

To whom it may concern,

Friday the club was shut at 10pm and we have started to do the cleaning, some people stayed over as there was my colleague's birthday.

As we were cleaning, we've noticed that some more people we didn't know were walking around through the club with gas balloons, I was trying to find out if anyone knew these people but everyone was unsure and couldn't say.

We have all decided to attempt to get them out of the building, but we were overwhelmed and felt in immediate danger.

I have called everyone I could think of but couldn't get through to anyone, so we have decided to leave the club before things will get even more dangerous.

I carried on calling and trying to make some of the senior staff aware as I was on my way home and finally got in touch to a member of staff of the owner which could get to the club and ensure they can secure the club again.

Sincerely

Signed –

Dated – 27/09/20

Contact Telephone –



West Midlands Police
Supporting Documentation
Nakira

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Incident 22nd August

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 Matthew WILLIAMS

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

Occupation Police Temporary Sergeant

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: PC 20488 WILLIAMS (witness)

Date 30/09/20

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

I am Temporary Police Sergeant 20488 WILLIAMS of the West Midlands Police currently stationed at Digbeth Police Station attached to Birmingham City Centre Team 2b.

On SATURDAY 22nd AUGUST 2020 at approximately 05.00 hours I was on high visibility mobile patrol in a marked Police van on SUFFOLK STREET, QUEENSWAY when I saw a large number of vehicles parked on the car park next to the NAKIRA nightclub. We drove in front of the venue where I had a view of a large area of the car park; at this time I would estimate that there was in excess of fifty vehicles on the car park. This was highly suspicious as the club appeared closed from the front.

Myself and other officers alighted the vehicle; I observed that there was a large gathering of people both stood on the car park and stood by an emergency exit situated on the side of NIKIRA's. I would estimate that there were approximately twenty people present by the emergency exit.

I walked with other officers onto the car park and approached the emergency exit. I attempted to ascertain from the persons present what was occurring however the people present either failed to offer a reasonable or believable explanation, a female stated that she was waiting for a friend with keys. Whilst speaking to these people, the emergency exit opened momentarily however it was quickly shut again. I banged loudly on the doors identifying myself as a Police officer however the doors did not open.

I continued to engage with the people present who all were dressed smartly as if on a night out; whilst engaging with them it became apparent that a number of them were intoxicated. I then became aware that the emergency door had re-opened and several people were leaving, I held the door open and went inside with other officers. I made my way up the stairs and on reaching the top it became apparent to me that there was a party on-going. I immediately noticed that the music was being played very loudly, I entered a room at the top of the stairs and saw a large number of people standing in the room and up the bar drinking. I noted that there was no social distancing between the people present which was extremely concerning

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No. [REDACTED]

URN [REDACTED]

Statement of Matthew WILLIAMS

given the fact that we were in the midst of a worldwide pandemic which was reported to have killed tens of thousands of people in the United Kingdom alone. I would estimate that there were approximately fifty people present; all persons present were crammed into a relatively small room lit by neon lights. I noted no persons were wearing any masks for their own or others protection.

I immediately identified myself as a Police officer and shouted for the Designated Premises Supervisor to make themselves known however no one did initially; I saw a male leaving the establishment. I followed the male who identified himself as an employee but not the DPS; he initially stated that there was a birthday party however he nor any other persons present who I spoke to could state whose birthday party it was. I tasked PC 22658 SHARIF to speak to the male who I now know to be [REDACTED] RASANI born [REDACTED]

I revisited the small room on the first floor and saw a large number of what I would describe as disposable cups across the tables and on the floor, other officers were also present.

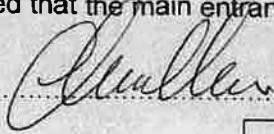
I was then made aware by one of my officers that a male had been identified as being a possible license holder/Manager of the venue; this male identified himself as Kieron COSTELLO born [REDACTED]. I asked to speak with COSTELLO inside the venue at which point an unknown IC3 male attempted to stop me speaking with him. When this was unsuccessful, the same male told COSTELLO that he did not have to say anything to me. I noted COSTELLO was clearly intoxicated, his speech was slurred and his eyes were glazed.

I tasked officers to ascertain details from COSTELLO to ascertain what his role was in relation to the events of the evening.

I then spoke again with RASANI who stated that he had opened to venue as a key holder to allow them access; I explained and attempted to educate him about the dangers of having so many people present in a confined area, with no social distancing and music being played excessively loud. He stated that he was not aware of any risk assessments having been completed in relation to the venue.

I was then approached by PC SHARIF and informed that COSTELLO had stated that he was the "BOSS". I returned to the room to speak with COSTELLO. I informed COSTELLO that I believed a breach of the Covid regulations had occurred and I would be reporting the establishment to our Licensing department. During this conversation, a male who identified himself as [REDACTED] JONES stated that he was a customer and a lawyer began speaking for COSTELLO; he stated to myself and the other officers present that the venue was a restaurant. Due to the information received I walked downstairs to the main part of the venue; I could not see or find any evidence that the establishment was preparing, cooking or serving food. On searching downstairs I noted that the main entrance to the front of the establishment was locked and secured with a

Signature



Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Matthew WILLIAMS

bolt from the inside.

I returned to the upstairs room and was was informed by PC 23218 WARD that COSTELLO has now stated to him that he was the License holder for the venue.

Myself and the other officers then left the establishment; the whole incident was recorded on my Body Worn Camera. This was then saved under ID 0704,22/08/20; Police reference MW/1, Exhibit Number () refers.

 1/15
20088

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

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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 PC 23218 Paul Ward

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

Occupation Police Constable

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  (witness)

Date 30/09/2020


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

I am Police Constable 23218 Ward of West Midlands Police, based at Digbeth Police Station.

On Saturday 22nd August 2020 at approximately 0500 hours whilst on patrol with PS 20488 PC 7104 Rowley, PC 22170 Penwright, PC 22658 Sharif and PC 21996 Vaughan we attended Nakira, Suffolk Street Queensway. Our attention was brought to this location as there were approximately 40 vehicles parked on the car park belonging to Nakira and approximately 15-20 people stood around outside.

Officers have accessed the premises via a fire exit, which was how customers had been accessing the premises and made our way on to the ground floor. There were approximately 40-50 people gathered inside, further to the 15-20 who had been stood outside. There was a bar area to my right hand side with a small seating area, approximately 10 metres by 6 metres with tables and bottles of alcohol, Hennessy, Absolut vodka, Grey Goose gin and red party cups. There was loud music being played, which was turned down shortly after officers entering the premises, so we could talk to people on the premises. No people at the location were wearing masks or face coverings and there was no sign of social distancing being complied with or enforced.

Officers attempted to locate a manager or someone who was responsible on site to establish who the licence holder was, to establish their conditions and any risk assessment that was in place to comply with corona virus legislation. The majority of customers have dispersed on Police arrival and approximately 4 or 5 males remained on site.

A male was located who eventually said he had keys to the premises but was not the manager. He said he had permission to be there from the owner but he did not have any means to contact him. This male gave his name as . He explained that he was a lawyer and asked why the Police were in attendance. I have explained that we saw a large number of vehicles at the location and customers accessing the premises via a fire escape, and that once on site due to the large number of people on

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. URN

Statement of PC 23218 Paul Ward

premises, we believed there had been a breach of corona virus legislation. JONES then stated that the venue was a restaurant and therefore it complied with legislation, but there was no sign of food being served or any plates with discarded food. PS Williams asked where the kitchen was and JONES pointed to a side room, situated down a couple of steps to the left of the bar. I do not believe that a kitchen or means of preparing food was found. JONES then stated that they had food bought in to the location, which was pre made, and that they then served this.

Another male then approached me whilst I was talking to JONES near the bar area. He was clearly intoxicated and was slurring his words, he smelt of intoxicating liquor and was gesturing and shouting and was generally animated. He did not identify himself initially but was questioning why the Police were in attendance. I have reiterated to this male what I had previously said to JONES. I have asked this male his name or if he had any responsibility at the premises. He refused to give his name and said 'WE HAVE DONE NOTHING WRONG, WE'RE JUST HAVING DRINKS AND HAVEN'T BREACHED ANY LEGISLATION, I KNOW THE RULES AND WE'VE DONE NOTHING WRONG'.

He continued to claim that there was nothing wrong with what was occurring on the premises and was more distressed than any other person at the location. It was clear to me that this male had some responsibility for the premises, so I have made further attempts to ask this male for his name and what his role was at the location. I engaged with this male for at least a further 5 minutes, with the male asking a lot of questions about why Police were at the location and that he had done nothing wrong. The male has eventually identified himself as the licence holder for Nakira, through another business which he stated he was the General Manager for. He gave his name as Kieran Costello, [REDACTED] and he was the Manager of [REDACTED].

PS Williams returned to the bar area a few minutes later and I have informed PS Williams that COSTELLO had identified himself as the licence holder and had provided his name and business details. PS Williams has then liaised with COSTELLO for a short while and informed him that we would be notifying the Licensing Department of the breaches observed by officers and that evidence had been gathered on body worn video.

Officers have then left the premises and I had no further dealings at this incident.

Signature



Signature witnessed by

03/2016

OFFICIAL – (when complete)

WITNESS STATEMENT

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

Crime No. URN

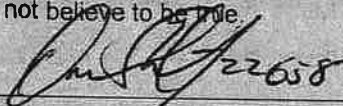
Statement of Omar SHARIF 22658

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

Occupation Police Constable

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: (witness)



Date 30/09/20

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

This statement is in relation to a Covid gathering breach and licence condition breach at NAKIRA LOUNGE & NIGHTCLUB on SUFFOLK STREET QUEENSWAY.

On Saturday 22nd August 2020 i was on duty along with other officers from my team. Having completed Night Time Economy on Broad Street, we were all in a marked Police Carrier, which was being driven by PC ROWLEY 7104 patrolling Birmingham City Centre.

At approx 05:05hrs on the same day we came onto SUFFOLK STREET QUEENSWAY approaching NAKIRA and saw that the carpark on the side of NAKIRA was full of vehicles and persons loitering around the cars and side emergency entrance to NAKIRA. i immediately put my body worn camera on to record as evidence for breaches.

SGT WILLIAMS 20488 alighted our vehicle and managed to get into NAKIRA via the side entrance. After a short while i alighted our vehicle and went to the side entrance door. This door was closed at this time but i can clearly hear SGT WILLIAMS talking and other persons inside.

I knocked on the door several times to get someones attention to open up, no one came to the door. Whilst i was knocking on the door, several cars had been driven off the carpark and left. The drivers of these vehicle were a mixture of IC3, IC4 male and females.

The side door then opened to allow some persons to leave the premises, as soon as they walked out of NAKIRA i held the door open to gain access, at this time i also shouted over to my other colleagues to inform them that there is access into premises now.

As i entered the premises i walked up a set of stairs, at the same time persons were walking down the stairs and leaving the premises. As i got to the top of the stairs i can hear SGT WILLIAMS talking to persons, at the top of the stairs there was a room to which had the door open and i can clearly see SGT WILLIAMS clearing the room of people out. This room was dark and had i would describe as neon lights, i could see

Signature

03/2016

Signature witnessed by

OFFICIAL – (when complete)

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OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Omar SHARIF 22658

there was a lot of people inside the room, i would say approx 50-60, they were a mixture of male and females of IC3 and IC4 ethnicity. At no point was there any 2 meter gap or masks worn. There were too many people in that room to be able to have a safe distant apart. I can see that there was a lot of alcohol bottles in the room along with red disposable cups. I then walked into that room and heard PC ROWLEY going through names of persons from the till screen. The room then cleared out as everyone left besides the DJ who was packing up and some other persons who claimed that they were cleaners. No one seemed to be concerned that there was a Covid Pandemic, it was like a normal night out for them. All persons were dressed as they would on a night out. Majority of the persons leaving the premises looked intoxicated and some even stated that they just came for drinks.

I was then called out of the room by SGT WILLIAMS who was next to the room with an IC3 Male, he asked me to speak to this male to obtain details off him.

I asked the male for his name to which he gave me the following details [REDACTED] RASANI ([REDACTED])
[REDACTED]

I asked RASANI what his role was, to which he informed me he was the cleaner, i then asked RASANI who the manager was, to which he stated a male called Leo and gave me a number for Leo as - [REDACTED]

He then informed me that usually Leo locks up after he has cleaned up but today he will be locking up as he is the key holder tonight. He informed me that Leo lives somewhere near [REDACTED] area.

I then informed RASANI that he can clean up but we will still be at the location.

I asked RASANI what the other rooms were and he agreed to show me around the building and rooms, which i did and there were no persons in those rooms.

I then updated SGT WILLIAMS of the information i gained from RASANI and left them to it. I then entered the room that was used by all the persons and saw PC WARD 23218 at the bar talking to a male, so i stood next to PC WARD so that i can hear what was being said.

During the conversation i heard a male tell PC WARD that he is the BOSS. I was informed later by PC WARD that the male gave his details as Kieran COSTELLO. I then informed SGT WILLIAMS that we have a male who has identified himself as the BOSS.

SGT WILLIAMS then spoke to COSTELLO in regards to the breach. During this conversation another male unknown to me at the time intervned, he stated that the venue was a restaurant. At no point did i see any food or plates in that room or any of the rooms that i had checked upstairs. i was later informed that this male gave his details as [REDACTED] JONES.

Signature

03/2016

Signature witnessed by

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Omar SHARIF 22658

I then went downstairs with RASANI to have a look to see if they do have any food or signs of anyone eating. I checked the entire downstairs floor and saw no food or ingredients to make any food. RASANI was then questioned by me in regards to where the food is and being made, he then informed me that they get the food delivered in.

Whilst still checking all the rooms downstairs myself and SGT WILLIAMS noticed that the front door was bolted shut from the inside.

The whole incident was recorded on my Body worn Camera and i can exhibit this as OS/1.

I had no further dealing with this incident.

Omar Sharif 22658

Signature

03/2016

Signature witnessed by

OFFICIAL – (when complete)

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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. **20BW/20**URN **20BW//20**

Statement of Steven John ROWLEY

Age if under 18 O18 (if over 18 insert "over 18")

Occupation Police Officer

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: **S J Rowley** (witness)Date **30/09/2020**

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

I am PC 7104 Steven ROWLEY of West Midlands Police currently stationed at DIGBETH Police Station.

On Saturday 22nd August 2020 I was on uniformed patrol in a marked police carrier in company with several other officers when at approximately 05:00 hours we drove past a Night club known as NAKIRA which is on SUFFOLK STREET QUEENSWAY heading towards the Broad Street area. As I passed the entrance to the car park I noticed a large amount of vehicles parked there and several groups of people milling about the area. As I continued past I could see that the front entrance to the club was fully closed up.

We proceeded around the block and came back to the location. The vehicles and people were still there and after alighting the vehicle and entering the car park I noticed these groups begin to move away from me and the other officers.

As I moved around to therear of the location I noticed someone come out of a door which had a fire exit sign near to it. Whilst there a person opened the door from the inside of the location and begin to exit it until they noticed me. When they did they immediately closed the door and went back inside the location. I cannot recall if it was a male or female.

I went to the door and knocked on it several times but there was no answer. A short while after I had finished knocking I was about to move away when two females came out of the same door onto the car park.

Although they hadn't opened the door for me I was close enough to be able to catch it and as I knew that the venue NAKIRA, as a nightclub was not supposed to be operating at that time under the COVID Regulations which were in place I entered the premises to ascertain who was there and did they have permission to be so.

Signature

Signature witnessed by

03/2016

Crime No. 20BW/20

URN 20BW//20

Statement of Steven John ROWLEY

The door was an entrance to a small yard area. To my right was a set of steps leading up to the building. As I ascended the steps a male came out of a door at the top and again on seeing me and my colleague turned around and ducked back inside.

On entering the building using the same door I became aware of there being a lot of people moving around the location. To my left there appeared to be an entrance to a dance floor and some toilets and offices. To my right I could see a glass partition a room in which several people appeared to be moving about. I asked a couple of the people who were around the entry door who was in charge but they shrugged their shoulders to me. I checked the toilets and offices which were empty and proceeded across a landing area into the room I had seen earlier.

In the room which other officers had now entered I could see approximately 30 to 40 people, possibly more milling about and sitting in a large booth type seating area with a small table in the middle of it. There were lots of empty and partially full bottles of various spirits lying about along with empty and full plastic cups.

Immediately to my left was a male who was packing away a sound system. I asked him if he had been DJ'ing but he said he was just packing it away for someone. To the rear of me was a bar area with a male who appeared to be tidying away there. I asked him he was the barman and he stated that he wasn't and was just tidying up. I also asked him who was in charge of the building to which he again intimated he didn't know. This male was then engaged by other officers. I did notice that the till behind was switched on and displayed a staff member's name on the screen. The fridges were switched on and contained several bottles of the same liquor which was scattered around the room leading me to believe they had been supplied from the fridges.

A few of the persons were now starting to exit the building and I followed some of them back down to see where they were going. They exited the fire exit where I had initially entered and made away their way to the various cars that were parked there. I waited by the door when after a few minutes I was approached by a white male who asked what was going on. I asked him if he was in charge to which he replied he had the keys to the location. I informed PS WILLIAMS of this fact. He came and liaised with this male and they both went away back into the venue.

Although I made BWV recording of this incident it has since been deleted from the system.

I then remained outside the property and observed various persons leaving the venue and getting to parked cars and taxis.

Signature

Signature witnessed by

03/2016

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OFFICIAL – (when complete)

Incident 26th September

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 Simon James Lawton

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

Occupation Police Officer

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: S. Lawton (witness)

Date 28th September 2020Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 3731 Lawton of the West Midlands Police currently based at Digbeth Police Station, Birmingham as a part of the City Centre Neighbourhood Team.

On Saturday 26th September 2020 I was on uniformed mobile patrol in company with other officers.

At about 0045hrs we passed drove on the car adjacent to Nakira night club and I noticed a large amount of vehicles on the car park giving consideration that this was during a pandemic and Licensed premises were due to close over hours earlier at 2200hrs due to Government lockdown restrictions.

As we drove past the rear of Nakira it was noted by someone on the van that the fire exit was ajar and the premises insecure. Concerned about the of risk of loss or damage to property we exited our vehicle and entered the Nakira through the insecure rear door calling to anybody inside, trying to get someones attention without reply. There was no signs of damage to the insecure. We checked staff areas and kitchens but found nobody until we got to the main public area of the club where I saw two men sat on sofa who showed signs of intoxication as they had glazed eyes and slurred speech. There were drinks on the table and silver nitrous oxide cannisters strewn all over the place. I could smell cannabis hanging in the air.

The males were asked if they were staff and they stated they were not.

I then became of other officers in an upstairs room with a large window. The lights of this room went on and then I saw about a further 15 people who sat around upstairs. I then looked around the premises in an attempt to locate staff. I spoke to a number of people in the premises and none of them admitted to being employed by Nakira.

The upstairs room cleared and as it did the people left the premises automatically through rear corridors and the fire exit as apposed to leaving at the main front door to the premises. It appeared to me that to the people in Nakira at that time it was well known that you leave via the rear exit. there was about 15-20 people inside the venue drinking and chatting.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Simon James Lawton

As I walked around the premises I checked various part if the club looking for staff without success.

having checked the whole premises we left and whilst making enquiries as to how secure the building appropriately a female arrived and identified herself and staff. The premises was left in their control.

I am quite disgusted that Nakira have allowed a party to take place in their premises well past midnight despite well advertised government instruction to close at 2200hrs.

I produce my bopdy cam footage of the incident to the court as EXH() REF(SJL/1). This has been uploaded to evidence.com with a reference number of 0152,26/09/20 and a title of Nakira.S.Lawton

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

14

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 Jenny Louise SLEATH

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

Occupation POLICE CONSTABLE 20098

This statement (consisting of 1 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: J.SLEATH (witness)

Date 27/09/20

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

I am Police Constable 20098 SLEATH of The West Midlands Police currently based at Digbeth Police Station, currently assigned to Neighbourhood Policing Team 5 within the city centre of Birmingham.

On Friday 25th September at 0041hrs I was in a marked police van in company with a number of other city centre officers. At this time we were travelling along SUFFOLK STREET-QUEENSWAY in the direction of the MAILBOX. As we approached the parade of shops on the left hand side where DESSERT BOX store and NAKIRA nightclub and lounge are located we could see that the car park to the left and rear of these premises was unusually busy for the time of night especially as the COVID-19 legal requirement restrictions at the time were that all licensed premises should be closed from 2200hrs.

We therefore entered the car park and alighted the police vehicle in order to investigate the nightclub. The rear fire exit door was slightly ajar and there appeared to be low level lighting on within the venue. Myself and the other officers from the van entered the venue under Section 17 of PACE 1984 as it was suspected that there had been a break in due to the door being insecure.

Upon searching the premises there were around 25-30 people within the venue - all were dressed in "party attire" and there was evidence of alcohol consumption and substance abuse namely Nitrous Oxide within. Many of them were sat close together in an upstairs room with no social distancing measures in place. I was aware that one of the females had told my colleague that she was a dentist and that it was her birthday hence the celebration. It was explained to all parties that they were breaching the current COVID guidelines as they should have been in groups of no more than 6 and the premises should have been closed by 2200hrs. All persons were asked to leave the venue and advised about their conduct.

I spoke to two males within the venue who identified themselves to me as:

[REDACTED]

[REDACTED]

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Jenny Louise SLEATH

There was a white Land Rover Evoque VRM parked directly outside the rear of the premises.

This is registered and insured to

I had no further dealings are these are my original notes. Ik

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

16

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 Stephen Malborn

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

Occupation Police Officer

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: S. Malborn (witness)

Date 28/09/2020

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

I am PC 8766 Malborn of the West Midlands police force currently based on the city centre neighbourhood team in Birmingham city centre.

On Saturday 26th September 2020 I was on duty with my colleagues in full high visibility street uniform on mobile patrol around Birmingham city centre. At approximately 00:35hrs I attended with my colleagues Nakira nightclub on Suffolk Street Queensway as there were a lot of cars on the car park at the rear of the premises. On arrival I went to the back door of the premises which was already open which led onto the emergency fire exit to Nakira nightclub, as I approached the emergency exit fire door I could see that that door was open as well and there were lights on inside the premises, on seeing this it made me suspicious that someone was inside the premises so opened the door and went inside. This led me onto a short corridor with a number of doors leading off it which were also open and a door at the end which led straight into the nightclub itself so I headed straight for that door. When I got to the door I pulled on the door to check to see if it was open and as soon as I pulled on the door it opened and immediately on the other side of the door was a black male who was just walking about, I asked him who he was but the male just walked off down the club away from me so I followed him down, as I did I looked up at a room above me and saw that the lights were on and it was full of people who were drinking and in close proximity to each other clearly breaching Covid 19 rules. I then carried on walking down the club to the seating area and could smell a strong smell of cannabis coming from around the area, I then saw two black males lying down on the seats so I asked them what they were doing, the one male stated that he was the cleaner and the other males stated he was there visiting his friend. I then spoke to the males and informed them that they shouldn't be in there due to the new Covid rules, I then obtained the one males details whilst my colleague obtained the other males details, my male gave me the details of [REDACTED] and an address of [REDACTED]. I then told the two males to leave the premises and go home which they did. I then carried on walking around the nightclub with my colleagues

Signature



Signature witnessed by

03/2016

OFFICIAL – (when complete)

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(17)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Stephen Malborn

filming everything on my police bodycam. I then went upstairs to the room where I saw all the people drinking earlier and as I walked into the room I could again smell a strong smell of cannabis and could see that there were fresh half empty bottles of alcohol and half glasses of alcohol everywhere on all the tables, I could also see there were lots of the silver bullet like containers which are nitrous oxide all over the tables as well. I continued to walk around the nightclub to see if anyone else was still in the there and to film everything, whilst I was doing this my colleagues were talking to other people who were inside the nightclub to try and find out who the manger was or who was in charge but nobody was saying who was in charge and they all just left the premises. A short time later the police licensing team arrived and I showed them around the premises as to what had happened and that people had stated that they were there for a birthday party. After all of this I left the premises and went and waited in the police vehicle as one of my colleagues had managed to get a member of staff to come back and lock the premises up and secure it. After a short wait a female turned up and claimed to be a member of staff and I saw my Sgt and the licensing staff speaking to her before she went in the back door of the nightclub.

We then left the scene.

S. Malborn 8766

Signature

S. Malborn 8766

Signature witnessed by

03/2016

OFFICIAL – (when complete)

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 Stephen Heeley

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

Occupation Police Constable 23409

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)

 23409

Date 28/09/20

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

I am police constable 23409 HEELEY of WEST MIDLANDS POLICE currently based at DIGBETH POLICE STATION, BIRMINGHAM. This statement relates to an incident at NAKIRA LOUNGE & NIGHTCLUB at 121 SUFFOLK PLACE, QUEENSGATE, BIRMINGHAM B1 1LX on SATURDAY 26TH SEPTEMBER 2020 at approximately 00:37 hours.

On the above day and date I was on duty, in uniform in the company of PC 8766 MALBORN, PC 22580 ANDERSON, PC 22196 ALI, PC 21624 MAGUIRE, PC 20098 SLEATH, PC 3731 LAWTON and PS 21760 PARSONS on mobile patrol on a carrier vehicle. Whilst driving past the NAKIRA LOUNGE we noticed that the car park behind the venue was unusually full - given the time of day being approximately 00:37 hours and that the Covid-19 related 22:00 curfew was in effect and that all such venues should have closed at that time. We decided to pull into the car park and my attention was drawn to a fire escape at the rear of the venue, the door to which was slightly ajar. Upon exiting the vehicle MALBORN headed toward said fire escape door and I was immediately behind him. The door was easily opened fully and initially I was concerned that the building had been perhaps left insecure and had been victim to a break in of some kind. MALBORN and I cautiously headed into the building into a corridor and past several doors which opened onto kitchen and bar type areas and store cupboards. At the end of the corridor a door opened into the main room of the venue itself. The lighting initially around the door area upon entry to that main room was on a low level - a similar level to what one would expect to see in a nightclub that was open and had customers in. I headed right and down towards the end of the room where there was blue lighting on a low setting but which revealed several areas of 'lounge' type seating and a stairway up towards another room which overlooked the main room. I could see various discarded alcohol bottles strewn across the floor along with nitrous gas canisters. There was a faint smell of cannabis lingering in the room as if it had recently been smoked. As I headed towards the stairway which led up to the upper room overlooking the main room I was aware of various people that started appearing from around the lounge chairs and various other poorly lit

Signature

 23409

Signature witnessed by

03/2016

OFFICIAL - (when complete)

Crime No. URN

Statement of Stephen Heeley


areas. Moving up the stairway and into the upper room ALI and I entered and there were approximately 15 persons in that room. There was an array of drinks and alcohol bottles at various stages of consumption filling the tables in the room. The people in the room remained silent and did not make any attempt to get up or speak to officers and seemed to be nervous about our arrival. PC ALI and I began to question those persons and attempt to ascertain their identities - we received no reply and no attempts were made by any of the people in the room to cooperate with officers. One person in the room did eventually speak up and PC ALI explained that they were all technically in breach of the Covid regulations as per the 22:00 curfew time. Eventually it transpired that it had been a birthday party event for one of those in attendance.

My ANDERSON and MALBORN had been speaking to a staff member who identified himself as a cleaner in order to make contact with the owners in order to deal with the Covid regulations breaches. I went to speak to PARSONS and explained that none of the occupants of the upper room were giving us much of an explanation or identification and asked if we were happy to start moving them out to which PARSONS advised to begin that process. I returned upstairs to inform the people present to being exiting the premises. After this was complete my colleagues and I performed a thorough search of the venue and its various off-shoots and store-rooms and the rear smoking area to ensure that no further occupants remained before securing the building.

ALI had managed to get contact details of the building manager from a desert shop at the front of the building and she later attended to secure the building and speak with the licensing officers who had been advised and shortly attended the scene.

My bodyworn camera was on and recording during this incident and can be exhibited as EXH/REF: SH/01, COURT REF: ()

I had no further dealings with this incident.

 23 409Signature 

03/2016

Signature witnessed by

OFFICIAL – (when complete)

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 Wajid Ali

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

Occupation Police Constable 22196

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 28/09/2020

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

This statement is in relation to a Covid19 breach at Nakira Bar in Suffolk Street QUEENSWAY Birmingham City Centre on Saturday 26th September 2020.

I am Police Constable 22196 ALI currently based at Digbeth Police Station Birmingham City Centre.

On Saturday 26th September 2020 at approximately 00-30 hrs while myself PS 21760 PARSONS, PC 21624 MAGUIRE, PC 23409 HEELEY, PC 8766 MALBORN, PC 3731 LAWTON, PC 20098 SLEATH and PC 22580 ANDERSON were on mobile patrol in Birmingham City Centre we attended the car park at the rear of Nakira Bar in Suffolk Street Queensway due to a large number of vehicles within the car park and it seemed unusual for the time of the night.

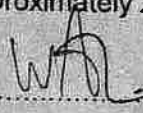
Once at the location we noticed that a rear fire exit door to Nakira Bar which has access from this car park was ajar. As the venue was closed and all other access points were closed we entered the venue through the rear door under section 17 of Police and Criminal Evidence Act just to prevent any serious damage to the premises from someone who may have gained entry in to the venue illegally.

Once inside the venue we could hear noises, upon seeing police officers on the venue someone within the venue turned the lights off. I then entered the venue and walked to the right side of the Building and noticed a stair case which lead to the first floor. I climbed these stairs and once at the top of the stairs I turned left and saw a large number of males and females all sat together enjoying themselves.

There were empty alcohol bottles on the tables and also a large number of used nitrogen oxide tubes on the floor. I asked if anyone on the premises had any details but they all said no.

No one within the venue owned up to being a manager or someone who is in charge of the venue. They all claimed they were customers.

There were approximately 25-30 people within the venue when we entered. They were clearly in breach of

Signature 

Signature witnessed by

03/2016

OFFICIAL – (when complete)

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21

Crime No. URN

Statement of Wajid Ali

Covid19 regulations as they were all sitting together in a group of more than six people; they were inside a licensed premise after the hours of 22-00. All licensed premises are supposed to close after 22-00 hrs from Thursday 24th September 2020 and people are not allowed to be in groups of more than six people. The group within this venue were clearly breaching corona regulations as they were all sitting together with no social distancing.

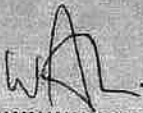
All the individuals within the venue were asked to leave and they all left as advised. As the group were leaving one of the females was carrying a Birthday cake. She stated she was a dentist and it was her Birthday. I said to this female "YOU SHOULD KNOW BETTER AS YOU ARE A DENTIST". She replied "I DO KNOW BETTER THAT'S WHY I TRY TO KEEP IT CIVIL".

As we could not lock the premises I spoke to a member of staff at an adjacent premises who provided me with a contact number for a security company who manage the building. I made contact and requested for someone to attend and secure the premises.

However as we were waiting for the security officer to attend a female by the name of **[REDACTED]** OMER, **[REDACTED]** attended the location and said she had been working at the location earlier on in the night and she was contacted by the manager to re-attend the location and lock it up as it was insecure.

This was all captured on my body worn camera. I can produce this in court as (Ref:WA/01) (Court Exh:).

While inside the premises I walked around the entire building and noticed that the BAR area was open with all the lights on and it was in an untidy state as if it had been in use prior to our arrival. Additionally within the Kitchen area there was warm shisha paraphernalia which indicates someone was in the Kitchen when we arrived but left as soon as they saw us.

Signature 

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Intervention and Licensing officer statement

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 Ben Reader

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

Occupation Police Constable 2413

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 13th October 2020Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 2413 Reader, a licensing officer based at Lloyd House police HQ in Birmingham.

This statement is in relation to a licensed premises called Nakira on Suffolk Street Queensway, Birmingham.

On Friday 28th August 2020 I attended Nakira in company with my colleague, police staff 60264 Mark Swallow.

My colleague had been looking into a suspected Covid guidance breach at Nakira. He had contacted the licence holder and had arranged the meeting. I had not viewed the bodycam footage at this point as I had been dealing with other premises.

We met at the venue with Dexter Laswell, Kieron Costello and other staff members. I was chatting with Dexter as I have had prior interactions with him.

Dexter was saying that the venue would not be opening and that a refurb was taking place. He said he wanted to get it right before it was open.

Dexter was complaining about other venues, saying he had seen footage on social media about events being held at other venues. I assured him that as a team we were looking into other venues that may have breached guidance but I could not go into specific details.

Dexter asked a member of staff to access the CCTV and show us the footage. We went into the office but the CCTV could not be accessed at the time.

Dexter seemed frustrated by what he had been told by my colleague. As we were leaving he was saying that he urgently needed to have a meeting with the staff to find out what happened.

From the meeting that we attended, I believed that Dexter Laswell was in control of the premises, he gave no indications that anyone else was in control or that the business had been sold.

Signature

Signature witnessed by

03/2016

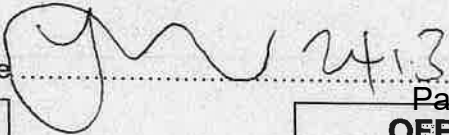
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OFFICIAL – (when complete)

24

Crime No. URN

Statement of Ben Reader

After the meeting, I went back to Lloyd House and viewed the bodycam footage as I wanted to understand fully what Kieron Costello had been describing. I was quite shocked by what I had seen so I sent Dexter Laswell an email with some guidance on it and requesting a follow up meeting to go through the CCTV. I did not have a reply from Dexter.

Signature Signature witnessed by 

03/2016

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Abdool Rohomon

From: Ben Reader
Sent: 28 September 2020 11:58
To: Abdool Rohomon
Subject: FW: Event Guidance

2413 PC Ben Reader

Birmingham Central Licensing Team

Force Public Order & Public Safety Tactical Advisor
T: 101 (ext. 801 1669) Direct 0121 626 6099

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From: Ben Reader
Sent: 28 August 2020 13:45
To: [REDACTED]
Cc: bw licensing
Subject: Event Guidance

Dexter,

Thank you for meeting with us earlier.

I have just viewed the bodycam footage of the incident that Mark has raised with you today. I would urge you to check the CCTV of the incident as I am shocked with the version of events that Mr Costello presented today. This was clearly not staff members carrying out maintenance. There are approx. 50 people in the venue, both male and female, and people are not in work attire, they are dressed for an event. Music is playing and people are drinking. Officers are told that this was a birthday party.

After viewing this, I believe that licensable activity is taking place, and therefore the CCTV should be in operation as per condition of your licence.

Please can you produce the CCTV covering this, so that we can view together and discuss further.

There is a clear breach of the covid guidance.

Here is a link to the gov.uk website which offers advice on Covid guidance for venues. I have also pasted some of the key points below

Thank you

Ben

Steps that will usually be needed:

1. Calculating the maximum number of customers that can reasonably follow social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) at the venue. Taking into account total indoor and outdoor space, specific venue characteristics such as furniture as well as likely pinch points and busy areas.
2. Reconfiguring indoor and outdoor seating and tables to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) between customers of different households or support bubbles. For example, increasing the distance between tables.
3. Working with your local authority or landlord to take into account the impact of your processes, including queues, on public spaces such as high streets and public car parks.
4. Working with neighbouring businesses and local authorities to provide additional parking or facilities such as bike-racks, where possible, to help customers avoid using public transport.
5. Reducing the need for customers to queue, but where this is unavoidable, discouraging customers from queuing indoors and using outside spaces for queueing where available and safe. For example, using some car parks and existing outdoor services areas, excluding disabled car parking bays.
6. Managing outside queues to ensure they do not cause a risk to individuals, other businesses or additional security risks, for example by introducing queuing systems, having staff direct customers and protecting queues from traffic by routing them behind permanent physical structures such as street furniture, bike racks, bollards or putting up barriers.
7. Providing clear guidance on social distancing and hygiene to people on arrival, for example, signage, visual aids and before arrival, such as by phone, on the website or by email.
8. Managing the entry of customers, and the number of customers at a venue, so that all indoor customers are seated with appropriate distancing, and those outdoors have appropriately spaced seating or standing room. This is to ensure that the venue, including areas of congestion does not become overcrowded. Managing entry numbers can be done, for example, through reservation systems, social distancing markings, having customers queue at a safe distance for toilets or bringing payment machines to customers, where possible.
9. Ensure customers are compliant with limits on household gatherings. For example, inform customers of restrictions through signage or notices at the point of booking or on arrival, and ask customers for verbal confirmation of the number of households in their party at the point of arrival. Indoor gatherings are limited to members of any 2 households (or support bubbles), while outdoor gatherings are limited to members of any 2 households (or support bubbles), or a group of at most 6 people from any number of households. Limits on gatherings may vary with local restrictions.
10. Ensuring any changes to entrances, exits and queue management take into account reasonable adjustments for those who need them, including disabled customers. For example, maintaining pedestrian and parking access for disabled customers.
11. Reminding customers who are accompanied by children that they are responsible for supervising them at all times and should follow social distancing guidelines.
12. Keeping indoor and soft play areas closed. For guidance on opening outdoor playgrounds safely, see [guidance for managing playgrounds](#) published by the Ministry of Housing, Communities and Local Government.
13. Looking at how people move through the venue and how you could adjust this to reduce congestion and contact between customers, for example, queue management or one-way flow, where possible.
14. Planning for maintaining social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) in the event of adverse weather conditions, being clear that customers cannot seek shelter indoors unless social distancing can be maintained.
15. Working with neighbouring businesses and local authorities to consider how to spread the number of people arriving throughout the day for example by staggering opening hours; this will help reduce demand on public transport at key times and avoid overcrowding.

16. Determining if schedules for essential services and contractor visits can be revised to reduce interaction and overlap between people, for example, carrying out services at night.

2413 PC Ben Reader

Birmingham Central Licensing Team

Force Public Order & Public Safety Tactical Advisor

T: 101 (ext. 801 1669) Direct 0121 626 6099

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WITNESS STATEMENT

Crime Number:.....

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

URN

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Statement of: Mark Swallow.....

Age if under 18: Over 18. (if over 18 insert 'over 18') Occupation: Licensing officer 60264.....

This statement (consisting of two page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:


Date 8th October 2020.....Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Licensing Officer 60264 Mark Swallow of the West Midlands Police currently stationed at Lloyd House in Birmingham.

On 26th August 2020 I was making enquiries into a premise called Nakira located on Suffolk Street Queensway in the City Centre. This was due to receiving an email from the Neighbourhood Team stating that officers had visited the premises on 22.8.20 due to observing over 50 vehicles on the car park of the premises in the early hours of the morning. There was a gathering of people on the car park by the emergency exit and when spoken to they could offer no plausible explanation for their presence. After some difficulty officers gained access to the premises and discovered a party upstairs which had loud music, no social distancing and persons standing drinking. The numbers of people encountered were 20 on the car park and 50 within the premises. Any members of staff present did not identify themselves until after a while a male identified himself as Kieron Costello the Designated Premises Supervisor of the premises. Costello informed officers that there was no Covid 19 Secure risk assessment in place and that the premises were now a restaurant. There was no food seen within the premises and a member of staff informed officers that food had been ordered in.

I sent an email exhibit number reference number MS1 at 1006 hours 26th August 2020 to the premises license holder as listed on police systems in order to request a meeting with them and the Designated Premises Supervisor from the premise. This person was listed as being Catalin Anghel.

Mr Anghel responded to my email on the same date and stated that he had had nothing to do with the club for a long time. He stated that he did not know the identity of the Designated Premises Supervisor but supplied the identity of the owner of the premise as being Dexter Laswell and also supplied his mobile phone number and email address.



Again on the same date I emailed Mr Laswell making the same request. After negotiation we agreed to meet at the club at 1230 hours on Friday 28th August 2020. I attended this meeting in company with Police Constable 2413 Ben Reader. Present was Mr Laswell and a person who identified themselves as the Designated Premises Supervisor Kieron Costello. There were other members of staff also present. During the meeting we explained the concerns re the breaches of the Covid guidance and requested to view the cctv from the premises. The cctv from the premises could not be accessed whilst we were there and at the conclusion of the meeting Dexter Laswell told Kieron Costello that he wanted an urgent meeting with staff in regards to what had happened.

During the meeting Mr Laswell did not indicate that anyone else was in control of the premises. In fact from the way he spoke to the staff there he gave me the impression that he was in charge himself. I later met Mr Mankulu when he attended Lloyd House in company with Kieron Costello to speak to Police Constable 4075 Abdool Rohomon. I had never met him previously and had no knowledge that he played any part in the running of Nakira.

I now produce exhibit number reference number MS1 as evidence.



Mark Swallow

From: Mark Swallow
Sent: 26 August 2020 10:07
To: [REDACTED]
Subject: NAKIRA-BUNA

CATALIN,

I am a Licensing officer from West Midlands Police covering the Birmingham area.

On 22.8.20 officers had occasion to visit the premises above in relation to potential breaches of the COVID 19 guidance. I would like to visit the premises and speak with yourself and the designated premises supervisor in relation to this visit.

Could you please provide a time when you would be available in the daytime at the premises either tomorrow or Friday in order that we can meet. Please respond to the email address above or phone 101 extension number 801 1795.

MARK SWALLOW.
WEST MIDLANDS POLICE
BIRMINGHAM LICENSING TEAM.

WITNESS STATEMENT

Crime Number:

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

URN


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Statement of: Pc Abdool Rohomon. BEM

age if under 18 Over 18 (if over 18 insert 'over 18')

Occupation: Police officer (4075)

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: 

Date: 16/10/20

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

I am the above named Police officer, currently serving with West Midlands Police, for the last 29+ years, all based in Birmingham City Centre. For the last 18+ years I have been a Police Licensing officer, again based in Birmingham.

I hold qualifications in risk management, assessment, inspecting licensed premises, BiiAB level 2, foundation knowledge of the science of people movement.

This statement is in relation to a premise called Nakira, which is on Suffolk Street Queensway, Birmingham.

I am aware of the incident on the 22nd August, which has been fully detailed in the officers statements, and also the follow action taken by officers from the licensing team, and the emails sent, to the director.

I was also aware of the reason offered by the premise as to why they were open, in that the premises stated that they were open for maintenance, which was not believed by officers.

On my return to work on Monday the 28th September, officers from the weekend NTE patrol had emailed to indicate that they had found Nakira open at 00.40 hours on the 26th September, they had found people inside, silver nitrous oxide cannisters on the floor, drinks on the table, smell of cannabis.

Officers describe finding people upstairs in a VIP lounge, that someone had indicated it was their birthday, with no one claiming to be in charge.

When I received this I emailed Dexter Laswell (he was showing to be the sole director the company that held the premise licence)

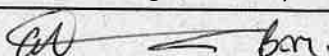
This email was sent on the 29th September (AR1) – requesting CCTV and a meeting to be held the next day.

No reply was received from this email.

At 09.37 hours on the 30th September I chased Dexter Laswell up about the email from the 29th, we knew he replied to the email address we had for him as he had replied to one my colleague Mark Swallow had sent. This was done via email (AR2)

No reply was received.

At midday on the 30th September (the time I had requested the meeting for) I was notified that two people were in the Police station to see me. I went into the room with my colleague mark Swallow, and two gentleman



presented themselves, claiming to be from Nakira

They identified themselves as Antonio Mankulu and Kieron Costello. Antonio stated he was the director of the company with Kieron as the DPS. This differed from companies' house records which only showed Dexter Laswell as the sole director of the company that held the licence. The DPS on the premise licence was not Kieron Costello.

Antonio claimed that Kieron had been at the premises on the night of the 26th and that he had left around 2200 hours. He had left as security were still there, and staff were cleaning up. When they were asked why we had found the premise open at 00.40 hours, Antonio claimed that the staff – with which he had statements from claimed people had walked through the back door, they felt intimidated and left. When I asked why the Police had not been called if the staff were that scared he didn't give a reason.

I asked if he believed his staff and he said he did. I was rather surprised that an excuse of this nature had been said to us, considering that the last time we had found them open, another excuse with officers found implausible had been given. I did find the excuse given for the 26th September also to be implausible, especially as the Police had not been called, when that would have been expected if the staff had left the premises through fear.

I asked what Kieron's position was, and was told it was the DPS, he stated he had sent the forms off to the council but as he expected them to have been furloughed it may not have got through. He said he had tried several times and spoken to someone.

Antonio did show me companies house records for Nakira holdings limited, as he said he had bought the company off Dexter earlier in the year, it was explained he was not shown as a director of the company that held the premise licence.

They told me that the CCTV had been dropped off the day before by Antonio, when I asked how they knew about the meeting they said they had been forwarded the email from Dexter Laswell.

I took contact details in the form of mobile numbers before they left.

It is known that we then served an expedited review application against Nakira, with the interim steps meeting being held on the 1st October. Dexter Laswell, Antonio Mankulu and Kieron Costello were present, although the talking was mainly done by Antonio Mankulu.

I started to review the CCTV footage after it had been handed to us, which I have documented all the clips sent in (AR3).

What this showed in summary was staff appearing to remain on site, letting some people in through a clocked fire exit, someone appearing to collect a box of small cannisters from a car outside, people freely walking around, someone with a balloon to his mouth, people taking drinks from the lower bar.

This did not tally with the account that Antonio Mankulu had told or the committee.

There were gaps in the CCTV, so I called Antonio Mankulu at 15.01 on the 5th October. He did not answer but his voicemail came up where he said his name. I left a message for him to call me, left my number and also my email address – I had no reply

I tried again at 11.35 hours on the 6th October, again there was no reply but his voicemail did come up where he says his name. Again I left a message with my phone number and email address.

On the 5th October I was contacted by an officer in our criminal investigation team about an alleged assault at Nakira on the 24th September 2020. Initially she had the complaint down as Nakira – John Bright Street. I called the officer and asked her to clarify which premises it was as another premises on a different street used to be called Nakira.(AR4)

This officer later called me back and confirmed that it was Nakira on Suffolk Street Queensway. I was also sent a further email from the investigating officer describing the circumstances of the alleged assault. (AR5)

What was very concerning about the whole report was the fact that the IP told officers he was told not to call the Police or an Ambulance even though the top of his thumb had been severed. The IP also stated to officer that he knew the owner who he named as Dexter and provided a phone number. He stated he had been trying to contact Dexter but his calls had been ignored. The phone number that the IP gave to the investigating officers I have seen and can confirm is the same number we have for Dexter Laswell.

On the 7th October 2020 I was contacted by Carl Moore who told me he was now representing the premises. I sent an email to Carl asking for a CCTV plan, and additional footage, including the footage needed for the officers investigating the assault. (AR6)

Although I didn't receive a reply from that email I was subsequently notified that someone had left an envelope for me which turned out to contain more CCTV.

On checking this CCTV I did not contain all the CCTV that I had requested, including the footage for the date of the alleged assault. On the 12th October I sent another email to Antonio and Carl Moore asking for the CCTV (AR7)

I chased this up again on the 15th as no reply had been received (AR8).

On the 16th October a hearing was held as the licence holder had appealed the interim steps decision. During the questions one of the Councillors asked if the CCTV had been provided. Sarah Clover representing the premises deferred the question to Carl Moore, who stated that he thought it had been.

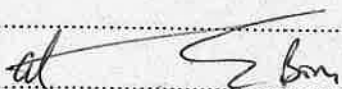
I had had no replies to the emails about the CCTV and had even chased again on the 15th October, to which Carl Moore was cc'd.

In case I had missed the CCTV on the file, I rechecked the memory stick and even did a time and date list of all the clips on the stick, and as I thought none of them correlated to the date for the assault or provided the missing CCTV times on the first memory stick. I sent this in an email to Antonio and Carl Moore (AR9).

I was sent a copy of the Covid 19 Risk Assessment on 12th August 2020. I have not been able to assess the contents of it to date, however I do note that the date it was signed would indicate that there wasn't one completed on either the visit date in August or the later date in September.

As a professional officer and very experienced Police Licensing officer I have no confidence in the management of these premises, they appear to have poor management and control of the premises and little understanding of what they should be doing,

 E. B. M.

 E. B. M.

Abdool Rohomon

From: Abdool Rohomon
Sent: 29 September 2020 09:32
To: [REDACTED]
Subject: Nakira - 25th - 26th Sept

Dear Dexter

Following officers intervention this weekend at Nakira, I need to see the CCTV for the premises for Saturday 26th Sept 20 between the hours of 2200 hours (on Friday 25th) to 0100 (on Saturday 26th).

I require this by the end of the day please, if you have any issues with downloading the cctv then DO NOT interfere or tamper with the system, we will seize and have it examined.

I would also like to see you tomorrow at 12 midday at the Police Station at the side of Lloyd House

Feel free to call if you wish

Abs Rohomon. BEM

PC 4075 Rohomon. BEM
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

Internal : 801 1631
External : 0121 626 6099

West Midlands Police
Tel. 101 Ext 8011627

Email: a.rohomon@west-midlands.pnn.police.uk
Website: www.west-midlands.police.uk
Twitter: www.twitter.com/brumpolice
Facebook: www.facebook.com/westmidlandspolice
YouTube: www.youtube.com/westmidlandspolice

Vision statement - Serving our communities, protecting them from harm

Abdool Rohomon

From: Abdool Rohomon
Sent: 30 September 2020 09:37
To: [REDACTED]
Subject: FW: Nakira - 25th - 26th Sept

Dexter,

Can you confirm the below, we know you have responded to this email address before when officers from my office have contacted you

Please confirm

Abs Rohomon. BEM

PC 4075 Rohomon. BEM
BW Licensing
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Abdool Rohomon

From: Rebecca Dando
Sent: 05 October 2020 08:05
To: bw licensing
Subject: Nakira Bar

Morning,

I have been allocated a report in regards to an assault that occurred at Nakira Bar, John Bright Street on 24/09/20 between 03:00hrs and 04:00hrs.
The IP alleges he was assaulted by a doorman, whereby he was forcibly pushed and the door then forcibly shut on his hand, severing the IP's upper part of his thumb.

20BW/240246A/20 refers.

I understand that the premises have recently had their licence suspended, however I wondered if there would still be a way of obtaining this cctv?

Thanks

Becky

INVESTIGATION TEAM 3
PERRY BARR CUSTODY SUITE
HOLFORD DRIVE
BIRMINGHAM
B42 2TU
TEL: 101 Ext: 8456083



Abdool Rohomon

From: Abdool Rohomon
Sent: 07 October 2020 11:14
To: [REDACTED]
Subject: Nakira

Carl,

Thank you for indicating you are representing Nakira. I have made calls to Antonio now two days in a row, and left messages with my email address asking for contact but had no reply.

He has sent me some CCTV footage

I require a plan of where the CCTV cameras are – as we feel there some missing and looking at the mezzanine level

There is gaps in the footage from 2230 to 2330 that was sent in

We also need footage from 2000 to 2200 hours for the

Front door

Bar

Mezzanine level

Main floor area and also all fire exits

Our investigation teams are also investigating an assault on the 24th Sept between 0300 and 0400 hours. Need the front door and entrance as well fire exits

Can this be sent to us please

Abs

Abs Rohomon. BEM

PC 4075 Rohomon. BEM

BW Licensing

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Birmingham

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YouTube: www.youtube.com/westmidlandspolice

Abdool Rohomon

From: Abdool Rohomon
Sent: 12 October 2020 15:39
To: [REDACTED]
Subject: FW: Nakira

Antonio,

Thank you for the additional footage

May be easier if I indicate the exact camera,

So camera 21 – the footage I have is from 2000 until 2100 hours
I require from 2100 hours onwards – until officers attend at 00.40 hours

On the original memory stick you sent there were timings missing from 2230 until 2330 hours – I cannot see these on the stick you sent in

Also and this is for a separate investigation I have requested CCTV from the 24th Sept from 0300 to 0400, this needs to be on a different stick as this is for a criminal investigation

Please can you arrange this as a matter of urgency

Regards

Abs Rohomon. BEM

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Abdool Rohomon

From: Abdool Rohomon
Sent: 15 October 2020 15:08
To: [REDACTED]
Cc: Rebecca Dando
Subject: RE: Nakira

Antonio

Any response to the below please, the criminal investigating officer is chasing as it is holding up the investigation

Could you please come back to me with an update

Abs Rohomon. BEM

PC 4075 Rohomon. BEM
BW Licensing
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To: [REDACTED]
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Front door
Bar
Mezzanine level
Main floor area and also all fire exits

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Vision statement - Serving our communities, protecting them from harm

Abdool Rohomon

From: Abdool Rohomon
Sent: 16 October 2020 14:25
To: Antonio Ndombele [REDACTED]; 'car [REDACTED]
Cc: Jennifer Downing; licensing authority
Subject: Nakira
Attachments: UNIFLOW-LH-PS1_MFD4033_2357_001.pdf

Dear Mr Mankulu/Moore

Following on from this morning's hearing I can confirm that the CCTV that was sent in on the white memory stick (the second stick sent in) relates to images purely from the 25th September. I have checked again this afternoon and documented them (as attached) and can confirm they are all from this date, none relate to the date for the alleged assault (24th Sept)

I have sent you emails on the 12th and 15th of October to which I have had no reply, this details the CCTV that was required

Could you please respond accordingly to this

In terms of the supporting documentation, I will be in a position to email the documents to you on Monday, I will email them to both of you (if you want them to go elsewhere please let me know)

There are 3 Blue Rays discs for you – 2 are copies of your CCTV, which was indicated today you had – and the other is officers body worn footage

Please could you indicate where you would like the discs sent, so that can be arranged, if you don't want the discs of your cctv please let me know

Please note the discs are blue ray due to volume of data, the two with your images have a player included in the file which may need to be uploaded first to watch

I look forward to your response

Abs Rohomon. BEM

PC 4075 Rohomon. BEM
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46	(19)	25/9	20.
47	(19)	25/9	20.15
48	(19)	25/9	20.30
49	(19)	25/9	20.45
50	(19)	25/9	21.
51	(19)	25/9	21.15
52	(19)	25/9	21.30
53	(19)	25/9	21.45
54	(19)	25/9	22.00
55	(22)	25/9	20.00
56	(22)	25/9	20.15
57	(22)	25/9	20.30
58	(22)	25/9	20.45
59	(22)	25/9	21.
60	(22)	25/9	21.15
61	(22)	25/9	21.30
62	(22)	25/9	21.45
63	(22)	25/9	22.00
73	(23)	25/9	20.
74	(23)	25/9	20.15
75	(23)	25/9	20.30
76	(23)	25/9	20.45
77	(23)	25/9	21.
78	(23)	25/9	21.15
79	(23)	25/9	21.30
80	(23)	25/9	21.45
81	(23)	25/9	22.

Sec 53 (a) application and additional reps



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

I - Superintendent 7005 Morris

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: **Nakira**

Postal address of premises, (or if none or not known, ordinance survey map reference or description):

**Queensgate,
121 Suffolk Street Queensway**

Post Town: **Birmingham**

Post Code (if known): **B1 1LX**

2. Premises Licence details:

Name of premise licence holder (if known):

RP Restaurant Ltd

Number of premise licence (if known):

3919

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:
(Please read guidance note 2)

The year 2020 has seen a Pandemic disease, referred to as Covid 19 infect vast swathes of the World, with the UK not being immune to its effects.

In March the UK Government had to take the extra ordinary step of closing down numerous operating premises, close schools, encourage people to work from home, all with the aim of stopping the spread of the virus, reduce the number of deaths and stop the infection rates.

Although the consequences for the country and the economy were considerable and far reaching this is what the UK Government had to do.

On the 4th July 2020, the UK government were able to start relaxing the lock down measures. This was not a return to normality but a start to allow businesses to reopen, and get the country operating again. The re-opening was assisted with guidance issued to the sectors that were being allowed to re-open.

For licensed premises, the guidelines were found in a document called "Keeping workers and customers safe during Covid 19, in restaurants, pubs, bars and takeaway services"

<https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-takeaways-240920.pdf>

This document has been revised, on the 14th June, 24th June, 3rd July, 9th July, 23rd July, 31st July, 12th August, 10th September, 11th September, 18th September and 24th September.

This guidance was designed to do one thing, to show how premises could open and what they would need to do, to do so safely and minimise any potential spread of the disease.

This document provided guidance in matters such as, risk assessments, queue control, social distancing, and noise control, no dancing, shouting, cleaning, as with other measures.

Cases and infection rates of Covid 19 began to rise again in various parts of the UK through September, resulting in areas having to issue local lock down rules. Birmingham was not immune to the increased numbers of Covid 19, and had to impose local lock down rules on the 15th September 2020.

On top of this the UK Government then imposed nationwide (England only) measures forcing all hospitality venues to close at 10pm and for everyone to be out of the building by 10pm. This was on top of any local lock down rules.

This has been widely publicised; to the point in recent weeks where there hasn't been a day without something in the news about it.

The UK Prime Minister – Boris Johnson addressed the UK through a TV broadcast, in which he emphasised the dangers of the disease coming back and that we had to stick to the rules to curb the growth in infections.

These premises came to the attention of the Police on the 22nd August 2020. Officers noted at 5am a large number of cars on the car park which is immediately adjacent to the premises, and a large gathering of people, both in the car park and by the emergency exit.



Officers tried to find out what was going on but people were being illusive and not assisting. The emergency exit door was briefly opened and then closed very quickly. Officers stated they were banging on the door to be let in but no one answered.

Eventually the door was opened and officers made their way inside. What they saw inside they described as a party going on, loud music, no social distancing, with about 50 people in a small room, and another 20 outside.

Officers have noted that they struggled to find anyone who would identify as being in control of the premises, a person did come forward inside the premises who said he was the cleaner but also the key holder.

When officers went back outside they identified a male who claimed to be the licence holder/manager. This man is not on the premise licence as either the DPS or PLH but indicated to officer he was the "boss". This male denied doing anything wrong, whilst indicating that they had no Covid risk assessment.

This person who claimed to be "the boss" then stated to officers that the premises was a restaurant, something that the officers saw no evidence of and even questioned as the cleaner had indicated that the food had been ordered in.

Officers from the Birmingham Central Police licensing team emailed the premise licence holder and a meeting was held at the premises on the 28th August 2020. The male that claimed to be "the boss" was also at the meeting with the Premise licence holder.

It was claimed that the people in the premises on the 22nd August were staff doing some maintenance. This was not believed by the officers, as there was too many people there, the way they were dressed and no maintenance being carried out.

An email was sent on the 28th August 2020 to the premise licence holder from the Police licensing officer. In this email advice was given, the website showing the guidance was included and to assist key points from that to be considered.

The CCTV was requested but no response has come back from the PLH.

On the 26th September 2020 at around 00.40 hours (the premises should have been shut and closed at 22.00 hours), officers noted that again there were a number of cars parked on the car park adjacent to the premises.

It was noted by officers that the side emergency exit door was ajar. Officers investigated in case it hadn't been locked properly or the premises broken into. As officers investigated they came across two males in the main public area of the club, sat on a sofa.

Officers describe them as showing signs of intoxication, they could smell cannabis in the air, and noted there were drinks on the table and silver nitrous oxide canisters strewn all over the place.

Other officers then describe finding another upstairs room, the lights being put on and a number of people in this room. Evidence was seen of alcoholic drinks on the tables, no social distancing by the groups. Again officers noted that there were the silver nitrous oxide canisters on the floor.

Officers have noted that they were approached by a female who indicated it was her birthday party and that is why they were celebrating. From this it is clear that an event was taking place in the premises, and that there is potential financial gain by the premises.

This party contravenes Covid restrictions, and the rule of six, and also the fact that people were still in the premises at 00.40hours.

It was noted by officers that as people left they automatically went towards the rear fire exit to leave the premises, almost as if it was known that was how you left the premises.

Officers have noted with concern and disgust about how this premise has been found operating, in what they say are clear breaches of the Covid regulations.

There has been little to no engagement from the PLH, even after engagement from the Police licensing team. When officers have found the premise open with people inside there is no control, they have struggled to identify anyone in control of the premise. This is very concerning considering the way the country is struggling to deal with this pandemic.

The infection rate in Birmingham continues to rise, as of the 29/9/20 it has risen to 145.1 per 100,000, compared to last weeks figure of 96.2.

It is imperative that hospitality trade comply with the rules set down, to curb the growth of the disease.

Covid 19 is a worldwide virus, that has seen many people die, articles in the press have shown that deaths unfortunately have surpassed 1 million people .

It is an infectious disease which is spread as a result of activities carried out by people. This explains the reason for measures such as social distancing.

The risk of spreading infections is deemed a "public nuisance". In the case of R v Rimmington and Goldstein (2005) UKHL.63, it quoted the leading modern authority on public nuisance as Attorney general v PYA Quarries Ltd (1957) 2 QB 169.

The case quotes "a person is guilty of a public nuisance (also known as a common nuisance) who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or emission is to **endanger the life, health, property, morals** or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects" (Rimmington at [3]).

Public nuisance is a common law offence which carries an offence of life imprisonment. It is WMP's stance that a serious crime under the definition in RIPA has been fulfilled on the above facts.

"Serious crime" is defined by reference to S.81 of RIPA Act 2000. An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

West Midlands Police are concerned that the actions of this premise are contributing to the spread of the virus, they are ignoring the rules set to help reduce the threat of this virus, which places both its customers, staff in danger and threatens their safety, which then widens to the safety of their families and the communities they live in.

Signature of applicant:



Date: 24/9/20

Rank/Capacity: Superintendent 7005 Morris

Contact details for matters concerning this application: BW Licensing

Address: Licensing Dept c/o Birmingham West and Central Police Station, Birmingham

Telephone Number(s): 0121 626 6099

E-mail - bw_licensing@west-midlands.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

West Midlands Police

CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: Nakira

Premise Licence Number: 3919

Premise Licence Holder: RP Restaurant Ltd

Designated Premise Supervisor: Mr Anton Gasparov

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

The actions of the premise took in deciding to be open have placed an unnecessary risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. This is causing a public nuisance.

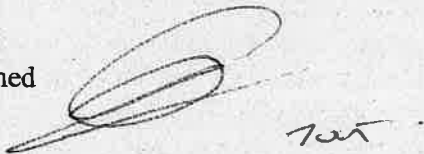
Public nuisance is a serious crime and combined with the national threat the Covid 19 possesses, it warrants the use of this power.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstance due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately.

I am conscious of the guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed



Abdool Rohomon

From: Abdool Rohomon
Sent: 13 October 2020 09:33
To: licensing authority
Subject: Nakira

Dear Licensing Authority

West Midlands Police have submitted an expedited review application for the above premise and wish to submit the following additional representation

Between the hours of 0300-0400 on the 24th September an alleged assault took place at the premise, as a result of which the victim has had his thumb severed off. The victim has indicated to investigating officers that he was told not to call the Police or an Ambulance and was taken out of the fire exit by friends and conveyed to hospital in a car.

The victim has provided investigating officers a name of an individual involved – who is claimed to be a door supervisor. These details match the details of a male that officers engaged with on the 22nd August, and at that time that person claimed to be a cleaner not a door supervisor

Requests for this CCTV have been made to the premises

Officers have also been supplied with additional CCTV from the premise, in that CCTV it appears to show that the premise is engaged in the smoking of Shisha inside the main area, which would not be compliant with the Health Act 2006.

It also shows none compliance with covid measures as people are freely moving around, people not wearing masks.

The covid risk assessment dated the 29th September has been supplied which raises concerns as to when it was done and the content it shows being enforced.

CCTV from the 25th/26th September has also been viewed and documented, it shows what is believed to be staff allowing people in through a fire exit, it does not show staff leaving in fear. This was the reason given by officers during a meeting after the incident.

It shows people freely moving around the premises, person using a balloon (which is widely used for the consumption of nitrous oxide), someone bringing out with them what looks like a birthday cake box (which an officer also comments on in the body cam footage), people going to the bar downstairs.

Extra footage has been requested as there are gaps in the original footage and for other areas.

Supporting documentation will be provided prior to the hearing

Regards

Abs Rohomon. BEM

PC 4075 Rohomon. BEM
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

Email and investigation log

20BW/240246A/20

Abdool Rohomon

From: Rebecca Dando
Sent: 05 October 2020 12:47
To: Abdool Rohomon
Subject: 20BW/240246A/20- Nakira

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

The details of the offence are:

20BW/240246A/20- S.20 Assault

Location: Nakira Lounge, Suffolk Street

Date/ Time: Approx 03:00-04:00hrs, 24/09/2020.

Circs: BMT the victim has left the location to "do something". A short time later he has returned, and has gone through the main door to reception. Upon trying to get through the small door to the club, victim has been refused entry by the doorman. He states there was no reason for this. At this point, the doorman has started to push him, and said "Let's go outside". The victim has resisted by grabbing hold of the main door and the doorman has forcibly closed the door, causing the victim to sever his thumb. Others have come to help the victim whereby he has been taken to the office and given first aid.

The victim has stated he was told not to call the Police or an ambulance and was taken out by a friend via the rear of the premises which leads to a car park.

The victim is an IC3 male, about 5ft 10, muscular build, wearing a grey top/grey overcoat, blue/white cap and white shoes.

He initially entered the premises with his friends at about 11pm.

The victim has also stated he contacted the owner of the club (Dexter- [REDACTED]) as he knows him personally however has now been ignoring his calls.

The victim was provided with the details of Mr [REDACTED] Rasni as the doorman involved and he is apparently employed by [REDACTED]. He described him an IC3, taller than himself so 5ft10 +, muscular build with dreadlocks.

Please can you assist with the cctv for this?

Thanks

Becky

PSI 55793 Rebecca Dando | Force CID Investigation Team 3
West Midlands Police
T: 101 (ext. 845 6083)



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WEST MIDLANDS POLICE

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INVESTIGATION LOG

"UNDETECTED"

Offence / Incident No. 20BW/240246A/20

OFFENCE / INCIDENT DETAILS

Status	VALIDATED
Offence Code	OF61200
Offence Address	INFLECTING GBH WITHOUT INTENT NAKIRA BAR&GRILL, 74, JOHN BRIGHT STREET, BIRMINGHAM, WEST MIDLANDS B1 1BN
Committed	24/09/2020 03:00:0024/09/2020 04:00:00
Neighbourhood	BW BIRMINGHAM CITY CENTRE

Investigation Log

GENERAL LOG ENTERED BY SPRIGG_0334, ON 04 OCT 2020 AT 12:22:07:
THIS REPORT HAS BEEN TAKEN OVER THE TELEPHONE AS PART OF AN INITIAL
INVESTIGATION.

LOG NO: 3600-01/10/2020

SUSPECT DETAILS: BOUNCER GAVE HIS NAME AS MR [REDACTED] RASNI- HE WORKS FOR
[REDACTED]

WITNESS DETAILS: UNKNOWN

CIRCS: BETWEEN 03.00-04.00 ON THURSDAY THE 24TH SEPTEMBER 2020, THE VICTIM HAD
LEFT NAKIRA BAR TO DO SOMETHING IN HIS WORDS, HE STATES THAT HE THEN WENT TO
GO BACK INSIDE.

HE STATES THAT HE HAS GONE THROUGH THE MAIN DOOR TO RECEPTION AND AS HE HAS
TRIED TO GET THROUGH THE SMALL DOOR TO THE CLUB, THE OFFENDER HAS REFUSED HIM
ENTRY. HE STATES THAT HE DID NOT GIVE HIM ANY REASON WHY HE WAS REFUSING HIM
AND STARTED TO PUSH HIM SAYING "YOU'RE NOT GETTING IN."

HE STATES OFFENDER HAS PROCEEDED TO SAY "LET'S GO OUTSIDE" AND VICTIM HAS

Date: 07-OCT-20 14:44:22 Oracle User: JONES_55410



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INVESTIGATION LOG

VALIDATED

OF61200

RESISTED BY GRABBING HOLD OF THE MAIN DOOR WHICH OFFENDER HAS CLOSED FORCEFULLY CAUSING THE VICTIM TO HAVE THE TOP HALF OF HIS LEFT THUMB SEVERED .

THE VICTIM STATES OTHERS HAVE COME TO HIS AID AND HELP HIM INTO THE CLUB AND TOOK HIM TO THE OFFICE WHERE THEY HAVE TRIED TO BANDAGE AND HE STATES HE HAS ALSO GOT THE PART THAT WAS SEVERED IN A GLASS .

HE STATES THAT HE WAS TOLD NOT TO CALL POLICE OR AMBULANCE AND HIS FRIEND HAS TAKEN HIM TO QE VIA REAR OF PREMISES WHICH LEADS TO CARPARK.

HE STATED THAT HE WAS TREATED THERE HOWEVER DUE TO REQUIRING SPECIALIST TREATMENT HE WAS THEN REFERRED TO JOHN RADCLIFFE NEAR TO HIS HOME

HE STATES THAT HE HAS NOW LOST PART OF HIS THUMB AND IS LEFT WITH A PERMANENT LIFE INJURY.

HE HAS STATED THE FOLLOWING , HE STATES THAT HE REGULARLY ATTENDS THIS LOCATION WITH FRIENDS AND HE HAS BEEN PROVIDED THE NAME OF THE OFFENDER , HOWEVER HAS ALSO STATED THAT THE OFFENDER KNOWS HIM AS A REGULAR CUSTOMER .

HE STATES THAT HE HAS CONTACTED THE CLUB OWNER VIA MOBILE AS HE IS ALSO KNOWN TO HIM PERSONALLY WITH REGARDS THIS INCIDENT, HOWEVER HE IS NOT RESPONDING TO HIS MESSAGES ANY MORE THEREFORE HE HAS CONTACT THE POLICE TO DEAL WITH THIS MATTER

HE STATES THE LATENESS FOR REPORTING IS DUE TO ATTENDING HOSPITAL APPOINTMENTS AND HAD 5 HOUR SURGERY TO REPAIR HIS THUMB.

Date: 07-OCT-20 14:44:22 Oracle User: JONES_55410



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INVESTIGATION LOG

VALIDATED

OF61200

INJURIES SEVERED THUMB :

GENERAL LOG ENTERED BY SPRIGG_0334, ON 04 OCT 2020 AT 12:23:59:
CCTV:THIS WILL NEED TO BE CHECKED .

THE VICTIM HAS PROVIDED THE FOLLOWING TO ASSIST WITH CCTV ENQUIRIES .

HE STATES HE ENTERED THE CLUB AT APPROX. 23.00 HOURS ALONG WITH FRIENDS AS
FOLLOWS .

HE DESCRIBES HIMSELF AS
IC3 MALE 5FT 10 . MUSCULAR BUILD WEARING GREY TOP/ GREY OVERCOAT, BLUE/WHITE
SNAPBACK CAP WHITE SHOES

HIS FRIENDS 2

1 2 IC3 MALE 6FT 2 PONYTAIL

2- IC3 MALE SHORT BRAIDED HAIR 2 WEARING WHITE TOP

3- IC3 MALE TRACKSUIT TYPE JACKET

WHAT OUTCOME DOES THE IP WANT: SUPPORT PROSECUTION

MEDICAL CONSENT 2 YES

Date: 07-OCT-20 14:44:22

Oracle User: JONES_55410



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INVESTIGATION LOG

VALIDATED

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GENERAL LOG ENTERED BY SPRIGG_0334, ON 04 OCT 2020 AT 12:25:39:
VICTIMS CODE COMPLIANCE: YES, FULLY COMPLETED AND FURTHER REFERRALS DECLINED

COMPLETED ENQUIRIES: AS ABOVE
EMAIL TO LICENCING

OUTSTANDING ENQUIRIES:
VICTIM HAS PROVIDED NAME FOR OWNER AS DEXTER . MOBILE NUMBER [REDACTED]

CCTV - NAKIRA BAR, 74 JOHN BRIGHT STREET, BIRMINGHAM, B1 1BN
CONTACT WITH SECURITY COMPANY TO IDENTIFY OFFENDER

SAFEGUARDING ISSUES: THE VICTIM HAS BEEN ADVISED NOT TO FOLLOW THIS UP HIMSELF
AND THAT POLICE WILL MAKE ENQUIRIES , HE HAS BEEN MADE AWARE THAT IF HE DOES HE
WILL BE INTERFERING WITH THE INVESTIGATION

INV / FILING RATIONALE: FOR SECONARY INVESTIGATION

SPRIGG_0334 CONTACTED [REDACTED] ON 04 OCT 2020 AT 12:27:03 BY TEXT MESSAGE TO
NUMBER [REDACTED]

Date: 07-OCT-20 14:44:22 Oracle User: JONES_55410



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INVESTIGATION LOG

VALIDATED

OF61200

GENERAL LOG ENTERED BY KHAN_9414 - SUPERVISOR, ON 04 OCT 2020 AT 14:48:15:
INV DANDO,

PLEASE SECURE CCTV ASAP.

THE PROGRESS OF THIS MATTER WILL DEPEND ON THE CCTV.

GENERAL LOG ENTERED BY DANDO_55793, ON 05 OCT 2020 AT 08:05:48:

I AM AWARE THAT NAKIRA BAR RECENTLY HAD THEIR LICENCE SUSPENDED. I HAVE EMAILED LICENCING TO SEE IF IT WILL STILL BE POSSIBLE TO OBTAIN THE CCTV

DANDO_55793 CONTACTED [REDACTED] ON 05 OCT 2020 AT 11:05:49 BY TELEPHONE CALL TO MOBILE NUMBER [REDACTED]. I have spoken to the Ip and introduced myself as OIC.

He confirmed that it was Nakira lounge on Suffolk Street that the incident happened at, not Nakira Bar and Grill on John Bright Street.

He states that he has been to the premises numerous times before and whilst he does not know the doorman involved that well, he has seen him there before, and was able to obtain his details from someone he knows.

The IP will email me some photos he has of his images.

DANDO_55793 CONTACTED [REDACTED] ON 05 OCT 2020 AT 11:06:59 BY EMAIL [REDACTED]. Dear Trevis Madzima

As per our telephone conversation, please can you send any images you have of your injuries to me at r.dando@west-midlands.pnn.police.uk?

If you need to know more about this case or you become aware of further information that may help investigate this crime please contact me by reply, or telephone, quoting the crime reference number.

Kind Regards,

Date: 07-OCT-20 14:44:22

Oracle User: JONES_55410



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INVESTIGATION LOG

VALIDATED

OF61200

PSI 55793 Rebecca Dando

West Midlands Police
Tel. 101, extn 845 6083

Website: www.west-midlands.police.uk
Twitter: [www.twitter.com/wmpolice](https://twitter.com/wmpolice)
Facebook: www.facebook.com/westmidlandspolice
YouTube: www.youtube.com/westmidlandspolice

GENERAL LOG ENTERED BY DANDO_55793, ON 05 OCT 2020 AT 11:09:21:
PRIOR TO MY PHONECALL TO THE IP, I SPOKE WITH PC ROHOMON FROM LICENSING. HE
INFORMED ME THAT THERE WAS A NAKIRA ON JOHN BRIGHT STREET AND ONE ON SUFFOLK
STREET QUEENSWAY. IT IS THE LATTER ONE THAT HAD ITS LICENSCE SUSPENDED.

GENERAL LOG ENTERED BY DANDO_55793, ON 05 OCT 2020 AT 11:51:40:
IP HAS SENT ME 2 SHORT VIDEOS SSHOWING HIS INJURIES THAT WERE CLEARLY TAKEN
JUST AFTER THE INCIDENT.
THEY CLEARLY SHOW THE TOP PART OF THE IPS THUMB HAS BEEN SEVERED.

HE HAS ALSO SENT ME A STILL IMAGE OF HIS HAND THAT HAD BEEN TAKEN AFTER HIS
SURGERY.

I HAVE UPLOADED ALL OF THESE ONTO EVIDENCE.COM UNDER THE CRIME REFERENCE
NUMBER.

GENERAL LOG ENTERED BY DANDO_55793, ON 05 OCT 2020 AT 12:46:57:
I HAVE SENT THE DETAILS OF THE OFFENCE TO PC ROHOMON AT LICENSING WHO WILL
MAKE ENQUIRIES AT THE LOCATION REGARDING CCTV.

*** End of Report ***

Date: 07-OCT-20 14:44:22

Oracle User: JONES_55410

CCTV time line

Cameras

Out front right

Cam 4

Lobby Area

Cam 9

Cam 16

Cam 19

Cam 22

Office lobby

Clip ref	date	time	Camera title	contents
1_02_H_20092522000	25-Sep	2200	Out Front right	flower seller leaves front door - turns right
		22.01.14		anon male goes to front door up stairs out of sight
		22.01.36		same male comes back down stairs
		22.01.55		same male joined by a very tall male. go back up front door steps
		22.02.3		third male to the front of the steps
		22.02.49		3 males walk back off steps, head towards car park
		22.03.17		male 1 runs back to the front door and then turns around
		22.03.36		this group and other turn into car park entrance
		22.05.01		another male comes to the front door
		22.06.08		same male comes back down stairs from front door
				with another male in a cap
				they walk off (their right) and turn into car park
				clip ends
		2215		
1_02_H_200925221500	25-Sep	2215	out front right	3 females walk out - 2 together and the other on her own
		22.17.43		2 females together walk towards camera, one is carrying bottle and cup
				female on her own has very long hair, and is on the phone
				can see another female in door way pop her head out
				small car pulls up
		22.18.08		female with long hair and still on phone goes to n/s passenger side
				on and off the phone, appears to engage with occupants of the car
				female is handed something from the car, turns back to the front door
		22.21.33		goes up steps and is carrying a small box
				drops a small item/cannister on the floor by steps
				bends down to pick it up
				Walks back up steps to the front door
		22.23		same female walks back down steps appears on phone (right hand)
				left hand is clasped tightly into her body
				turns right towards car park entrance
				clip ends
		2225		

3_02_H_200925232905	25-Sep	2329	out front right	nothing of evidential value
4_02_H_2009260000313	26-Sep 0005 am		out front right	nothing of evidential value
5_02_H_200926000903	26-Sep 0009 am		out front right	shows difference between shop (next door) and entrance to c/park small step visible to the right bottom of the road work sign male in dark clothing walks from the car park - can see him go past small step walks to the front, up the steps to front of the premise same male walks back down steps, walks to the car park and turns right into it. clip ends
6_02_H_200926001839	26-Sep 00.13.04 00.13.27 00.16.01		out front right	nothing evidential does show more detail of the difference to car park entrance and shop entrance can see cars pulling into the car park clip ends
7_02_H_200926003000	26-Sep 00.30am 00.35.24 0036am		out front right	Police van pulls into the car park clip ends
8_02_H_200926003842	26-Sep 0038am 00.38.44		out front right	show cars pulling off car park can just see lower half of people bodies as they walk away distant

9_02_H_200925220000	25-Sep	2200 Cam 4	female by front door - later seen to be dor supervisor flower seller leaves female door supervisor locks the front door Male in cap, unloks front door and leaves4 (Same male is in clip 22.06.08 on 1_02_H) female door supervisor checks outside and then bolts door shit finishes
		22.00.06 22.01.00 22.06.07 22.06.20 22.15	
10_04_H_200925221500	25-Sep	2215 Cam 4	male with beanie/woolen hat can be seen, has doorstaff badge holder on left arm female with long hair on phone (same as female in clip 22.17.43 on 2_02_H) leave via the front door two other females behind her female in dark clothing, goe sout of door stays by steps an looks around same female comes bck in, door is left unlocked clip finishes
		22.16.32 22.17.31 22.17.36 22.17.48 22.18.12 22.25	
11_04_H_200925232905	25-Sep	23.29 Cam 4	Nothing noted clip finishes
		23.33.30	
12_04_H_200926000513	26-Sep	00.05.15am Cam 4	Nothing noted clip finishes
		00.06.30am	
13_04_H_200926000903	26-Sep	00.09.05am Cam 4	Nothing noted clip finishes
		00.16.01am	

14_04_H_200926001839	26-Sep 00.18.40am	Cam 4	Nothing noted clip finishes
	00.30.00am		
15_04_H_200926003000	26-Sep 00.30.00am	Cam 4	Nothing noted clip finishes
	0.36.01am		
16_04_H_200926003842	26-Sep 00.38.45am	Cam 4	Police officer walks in and out through the side door clip finishes
	00.43.30		
	01.00.00am		
17_07_H_200925220000	25-Sep	22 Lobby area	People walking around Disco lights going/people not wearing masks See flower seller leave female that appears to be the same female is in clip 2_02_H @ 22.17.43 she bends down with something in her hand walks into the club Staff walking around with trays other people walking around - no masks people still inside premises people continue to move around - no evidence they are leaving - no masks female with long hair comes back collects what was put on the floor appears to be a phone sits in one of the booths Disco lights still on Male walking around with a drink in his hand can see people in the top of the screen female with long hair is joined by two other females appears to be waitress has a pad in her back pocket
	22.00.46		
	22.00.36		
	22.02.00		
	22.09.00		
	22.10.20		
	22.11.30		

20_07_H_200926000513	26-Sep 00.05.18 00.06.07 00.06.31	Lobby area	Male walks through Male walks back clip finishes
21_07_H_200926000903	26-Sep 00.09.07 00.09.19 00.09.22 00.09.58 00.10.25 00.11.30 00.13.00 00.13.46 00.15.46 0.16	Lobby area	females walks from bottom screen ot top see feet in top of screen Male walks in from bottom of screen has balloon in his hand, raises to face balloons are what people use to inhav nitrous oxide Another male walks top to bottom female follows male and female walk from bottom to top different male walks through (top to bottom) male walks (top to bottom) walks back - appears to be carrying to glasses pours one into another 2 females, 1 male come from top to bottom, stay in camera shot clip ends
22_07_H-200926001839	26-Sep 00.18.40 00.19.15 00.21.47 00.22.55 00.25.16 00.26.44 00.28.08 00.29.31 0.3	Lobby area	2 males walk through - bottom to top male to the right has a bottle in right hand person in a puffy jacket - enters top and goes left re-appears - another male walks in from top see another person in top of screen go and sit in a booth movement top of screen by booths 2 females walk through top to bottom females walk back male seen several times before walks through again finish

23_07_H-20092600300	26-Sep	0.3 Lobby area 0.31 00.32.18 00.34.30 0.36.05 0.36	Male walks back male big puffer jacket walks through (top to bottom) walks back male walk (top to bottom) carrying bottle in his left hand Male steps into shot clip ends
24_07_H-200926003843	26-Sep	00.38.40 Lobby area 00.43.15 00.44.05 1	Police arrive in building dispersal female carrying large white box circa 20 people leave clip ends
25_09_H-200925220000	25-Sep	22 Cam 09 22.05.20 22.06.45 22.12 22.14.01 22.15	People standing at rear fire exit people leave from rear fire door people still hanging around the rear fire door people leave through the fire door - other people do not disperse people have left area people still leaving through the fire door clip ends
26_09_H-200925221500	25-Sep	22.15.01 Cam 9 22.19.34 22.24.26	People leaving via rear fire exit People leaving via rear fire exit clip finishes
27_09_H-200925232905	25-Sep	23.29.05 Cam 9	nothing of note
28_09_H-200926000513	26-Sep	00.05.11 Cam 9	nothing of note
29_09_H-200926000903	26-Sep	00.09.11 Cam 9 0.11.01 00.16.01	male comes to back door onto phone walk off and around wall to the right finishes

30_09_H_200926001839	26-Sep 00.18.51 00.29.58	Cam 9	nothing of note clip finishes
31_09_H_200926003000	26-Sep 00.30.01 00.36.07	Cam 9	nothing of note clip finishes
32_09_H_200926003843	26-Sep 00.38.49 00.44.46 00.45.05	Cam 9	People start appearing from behind the right hand wall female with white box can be seen in top line of the screen not leaving through the door that people had left before clip ends
33_16_H_200925220000	25-Sep 22.00.01 22.01.01 22.11.10 22.14.59	Cam 16	female that is seen in clips 10_04_H_@22.17.48 and in 2_02_H_@ 22.17.43 is seen behind the bar she has a distinctive bangle/pouch on her left wrist, she appears to be staff can see people walking around through the bar screens people walking around, see through screens 1 appears to have bottle in his hand clip ends
34_16_H_200925221500	25-Sep 22.15.01 22.17.25 22.24.27	Cam 16	see people walking around people by the big chair in top of screen disco light still going clip ends
35_16_H_200925232905	25-Sep 23.29.06 23.29.56 23.31.05 23.33.31	Cam 16	Bar in darkness see people/person walking around by big chair - top middle male with a coat (possible sleeveless into shot from top middle, disappears out of shot same male believed to be seen several other times in different camera shots clip ends
36_16_H_200926000513	26-Sep 00.05.11 00.06.31	Cam 16	nothing of note clip finishes



37_16_H_200926000903	26-Sep 00.09.02	Cam 16	clip opens - male seen in 35_16_H is behind the bar (Same style jacket) has a balloon in his left can see a female and male walk top middle out of shot bar side door opens, male walks in, bends down and picks up something, appears to be a bottle (he has a distinctive top on) as walks out of door appears to be another person behind the door can see two people walk into shot top middle on wearing a distinctive top - pattern on the back male with sleeveless jacket walks into the bar through the side door, he has a long thing dangling from his left hand pocket gets a drink from the bar, pours into a glass he puts a long thin thing into his mouth as he pours drink see two people come into view from top and disappear behind pillar someone by screen to the right of the bar clip ends
	00.10.03		
	00.13.06		
	00.15.49		
	00.16.01		
	00.16.02		
38_16_H_200926001840	26-Sep 00.18.42	Cam 16	clip opens male with sleeveless jacket behind bar with another male gets drinks from bar both leave bar people appear by screen top middle two females walk into the bar one in a coat has a glass in left hand - CCTV skips and then shows something being poured into the glass females left the bar clip ends
	00.19.07		
	00.23.01		
	00.26.53		
	00.28.03		
	00.29.59		

39_16_H_200926003843	26-Sep 00.30.10 00.31.30	Cam 16	someone walks into the bar area through the side door male with a big puffer coat on, the other male with sleeveless coat also walks in bend down to the fridge both leave clip ends
	00.36.07		
40_16_H_200926003843	26-Sep 00.38.45	Cam 16	Police officers in the building
41_19_H_200925220000	25-Sep	22 Cam 19	nothing of significant note some people moving around clip ends
	22.15		
42_19_H_200925221500	25-Sep	22.15 Cam 19	two girls standing together mobile phones being used, flashes from phones clip ends
	22.24.25		
43_19_H_200925232905	25-Sep 23.29.08 23.33.30	Cam 19	nothing of note clip finishes
44_19_H_200926000513	26-Sep 00.05.20 00.06.25	Cam 19	nothing of note clip finishes
45_19_H_200926000903	26-Sep 00.09.11 00.16.02	Cam 19	nothing of note clip finishes
46_19_H_200926001840	26-Sep 00.18.39 00.29.59	Cam 19	nothing of note clip finishes
47_19_H_200926003000	26-Sep 00.30.01 00.36.05	Cam 19	nothing of note clip finishes

48_19_H_200926003842	26-Sep 00.38.43 00.59.59	nothing of note clip finishes
49_22_H_200925220000		no data on stick
50_22_H_200925220001	25-Sep 22.00.04 22.14.59	exit with furniture and other items in it
51_22_H_200925221500	25-Sep 22.15.01 22.19.18	male appears in shot has to remove articles that a blocking the door unbolts the door from the top and opens it two people walk in very calmly one is a very tall male - who appears to be same male as 1_02_H @22.02.20 onwards another male then runs in and the door is closed clip ends
52_22_H_200925232905	25-Sep 23.29.10 23.33.31	nothing of note clip finishes
53_22_H_200926000513	26-Sep 00.05.20 00.06.31	nothing of note clip finishes
54_22_H_200926000903	26-Sep 00.09.01 00.16.01	nothing of note clip finishes
55_22_H_200926001840	26-Sep 00.18.41 00.29.59	nothing of note clip finishes

56_22_H_200926003000	26-Sep 00.30.01 00.34.50	Cam 22	male comes to the back door carrying a bottle tries to open it using push bar ends (doesn't appear to have middle bar attached) un bolts the top opens and leaves, leaving door slightly open clip ends
57_22_H_200926003842	26-Sep 00.38.43 00.44.07 00.59.59	Cam 22	door is more open from end of previous clip male with sleeveless jacket and long thing dangling from pocket appears and closed the door disperal of people from inside appears to be 10 males 12 females including female with what appears to be a cake box some of the furniture has to be moved at points by people so they can get through Police officers in attendance clip finishes
58_26_H_200925220000	25-Sep 22.00.01 22.00.18 22.04.16 22.04.57 22.10.54 22.11.50 22.15	Office lobby	small lobby - with door showing fire exit, running man sign and push bar female with long hair in the door way female with something on her left wrist alos appears from another door, she is holding a tray would appear to be staff two females walk in, and then walk out walk back in with male that appears to have sleeveless jacket and long thing dangling from pocket appears to be same male as on pevious clips - would appear to be staff as has access to office lobby female walks in goes into a door on right two other females in corridor, one with thing on left wrist, female that walked in at 22.10.54 walks aout with a glass clip ends

59_26_H_200925221500	25-Sep	22.15 Office lobby 22.19.10	<p>staff walk in and out - with trays</p> <p>male in cap walk out from room on the left, to the rear fire door does something with the door, but does not push the push bar to open it, he appears to unhook something to open the door can see him move furniture that is blocking the route same male walks back in and goes into the left room, where a female member of staff comes out very tall male walks through fire exit door, and another male with a mask around his chin they walk through door to main club area</p> <p>3rd male also comes through</p> <p>same group that are seen 51_22_H @ 22.19.18</p> <p>this indicates that the final door which was blocked with furniture is a fire door as the previous door is marked fire door</p> <p>more people come into lobby area, not challenged so would indicate staff clip ends</p>
60_26_H_200925232905	25-Sep	23.29.06 office lobby 23.30.57 23.31.11 23.33.30	<p>fire door is now closed</p> <p>male with mask under chin that had come in at 59_26_H @ 22.19.10 from door on the right and walks out of office lobby through door</p> <p>same male walks back in and goes through same door he had come out of before</p> <p>male with sleeveless coat and long things hanging from left pocket also comes in and goes into same door other male had gone into clip ends</p>
61_26_H_200926000513	26-Sep	00.05.23 office lobby 0.06.03 00.06.31	<p>sleeveless coat male walks in again, goes into same room as before</p> <p>walks out again</p> <p>clip ends</p>

62_26_H_200926000903	26-Sep 00.09.14	office lobby	female, and same male as above walk out of door to the left, male who appears to be male with sleeveless jacket has balloon in hand and brings to mouth as they leave the door male with distinctive pattern on back of shirt walks in and goes to door on the right female with handbag over shoulder enters and also goes to door on right both leave female is carrying something in her hand male walks in and goes to door on the right, doesn't appear to be carrying anything same male walks back out and has an object in his right hand, appears to be a can male with sleeveless coat walks in and goes to door on right walks out with something in his hand door opens but clip finishes
63_26_H_200926001839	00.10.00 00.10.11 00.10.16 00.11.35 00.12.05 00.13.01 00.13.38 00.16.01 00.18.40 00.19.06 00.26.49 00.28.00 00.29.59		two males walk out one is carrying something two females enter and go to the door on the right both females leave, one in rear is carrying a bottle/glass as well as phone clip ends
64_26_H_200926003000	00.30.01 00.34.42 00.36.07		male with bottle seen on 56_22_H @ 00.34.50 walks through clip ends
65_26_H_200926003842	00.38.49 01.00.00		male walks out, fire door is open dispersal of people and Police officers in attendance clip ends

CCTV time line
Limited Cameras
Lobby Area

Second selection of CCTV sent through

Not all clips have been reviewed due to time

Clip ref	Date	Time	Camera title	Contents
9_07_H_200925200000	25-Sep	20.00.01	Lobby area	table to the right, appears to have two shisha pipes top of the units are glowing not thermal cameras, so picking up on light emission female with long hair, seen in later clips sits down removes top glowing blocks from shisha takes top off and puts to mouth, smooke can be seen from her mouth puts top back on, and replaces glowing blocks male comes into shot - he has been seen on previous clips - appears holding something in his left hand, which is glowing considerably - like the blocks on top of shisha does something to the first shisha pipe which is blocked out when see pipe next the glowing blocks on top are no longer glowing takes 3 glowing blocks from what he is carrying and puts on top of the shisha pipe As walks away the pipe is glowing brightly at the top Walks to next shisha pipe at top of table removes several blocks from top which are still glowing replaces with other glowing blocks People are walking around - no masks on another male walks through carrying something, with glowing top can see smoke from the other rtable more people join table, standing up people walking about male with sleeveless top appears from top of screen, carrying tray with glowing things on it male walks from left, has radio on belt loop, can make out reflective markings on left sleeve - like those of an SIA badge holder comes to table where Shisha pipes are and appears to smoke from the pipe fist pumps a male standing at the table
		20.01.51		
		20.02.40		
		20.03.10		
		20.04.25		
		20.07.47		
		20.11.30		
		20.12.34		

20.14.05 male turns and walks back left, as he turns see more of what appears to be badge holder on left arm
20.15.00 disoc lights that see on later clips are seen throughout clip ends

11_07_H_200925203000 25-Sep 20.30.00 Lobby area
more evidence around shisha pipes
people standing, not social distant
no masks
people freely moving around
pipes are removed
clip ends

20.45.00
12_07_H_200925204500 25-Sep 20.45.00 Lobby area
20.50.44 see people standing top of screen
start dancing
clip ends
20.59.59

Premise Licence

Number 3919

Public Register: Licence Report

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1. Licence

Summary of the licence certificate.

Application Reference	107358
Licence Holder Name	RP Restaurant Ltd
Registered Company Number	11173263
Licence Number	3919
Time Limited Start Date	N/A
Time Limited End Date	N/A
Issue Number	3
Issue Date	13/08/2018
Grant Date	27/02/2013
Granted By	SHAID YASSER
Status	Current
Representation Start Date	26/07/2018
Representation End Date	09/08/2018

2. Current Designated Premises Supervisor

A **DPS** is required wherever there is a licenced activity for the sale of alcohol for consumption on or off the premises.

Status	Assigned
Name	Mr Anton Gasparov
Licence Number	8312
Issuing Authority	Birmingham
Start Date	07/10/2019

3. Premises Details

Details of the premises, the licensed activities and hours of operation.

Premises Name	Nakira
Premises Type	BAR/RESTAURANT
Premises Address	Queensgate, 121 Suffolk Street Queensway, Birmingham, B1 1LX
Ward Name	LADYWOOD

3.1 Licensable Activities

A list of activities for which this premises is licensed.

Code	Description
A	Plays
B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

3.2 Activity Times

The times of day during which the activities listed in 3.1 are permitted. Where the start time is later than the end time, the period of activity spans mid-night. Where the start time is equal to the end time, the period licensed is 24 hours.

Days	Start Time	End Time	Licensed Activity Codes
Monday - Sunday	08:00	07:59	A, B, C, E, F, G, H, M3
	23:00	05:00	L

3.3 Operating Hours

The hours of operation of the premises during the day. Where the start time is later than the end time, the period of operation spans mid-night. Where the start time is equal to the end time, the period of allowed operation is 24 hours.

Days	Start Time	End Time
Monday - Sunday	08:00	07:59
The premises to have a standard operating hours of 10:00am till 04:00am. If the premises wish to go past 04:00am then the Premises Licence holder must give 28 days notice to West Midlands Police (Licensing Department Birmingham West and Central Police Sta		

4. Conditions

4.1 Mandatory Conditions

Mandatory conditions attached to the licence.

Objective	Condition

Objective	Condition
N/A	No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
N/A	Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
N/A	The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
N/A	The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
N/A	The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.
N/A	The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Objective	Condition
N/A	(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:- (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence" (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
N/A	Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.
N/A	The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

4.2 Operating Conditions

Operating conditions attached to the licence and classified by objective:

General

General conditions consistent with the operating schedule.

Crime

Conditions consistent with, and to promote the prevention of crime and disorder.

Safety

Conditions consistent with, and to promote public safety.

Nuisance

Conditions consistent with, and to promote the prevention of public nuisance.

Child

Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	The Licence Holder shall ensure that all staff are regularly trained in their responsibilities under the Licensing Act 2003. In particular, the Licensing Objectives, no underage drinking, no drunkenness on the premises or outside of the premises, no use of drugs, violent or anti-social behaviour, a need to protect children from harm, and on compliance with the conditions attached to the premises licence The Premises Licence Holder shall ensure that records are kept of such training and that the records are available for inspection by any of the Responsible Authorities upon reasonable request.

Objective	Condition
CRIME	The Premises Licence holder must operate an incident register and must ensure that any incident in the premise or relating from the premise, irrelevant if any emergency service is called is to be recorded in the premise incident register and signed off nightly by the DPS/Manager.
CRIME	The Premises Licence holder will ensure that CCTV is fitted at the premises to the specifications and recommendations of West Midlands Police (Birmingham Central Licensing Department.) CCTV to be recording at all times the premises is open for licensable activity. CCTV images to be held for a minimum of 28 days and to be made available immediately downloadable on request by any Responsible Authority.
CRIME	Promoters: a) If the premises has any external promoter the premises must give 28 days notice of any such event to West Midlands Police (Licensing Department Birmingham West and Central Police Station). Notice must include full risk and security assessment. If additional control measures are needed they will become conditions for the duration of that event and any other events of the same name. Any additional measures to be communicated to the premises by West Midlands Police and retained on the premises and be produced when requested by any responsible authorities. For the sake of clarity of the promoter changes the event for any reason (name, music type, etc) then the above condition applies in terms of notification and risk assessments. b) If the premises has internal promoted events, then for the 1st event the premise must give 28 days notice of any such event to West Midlands Police (Licensing Department Birmingham West and Central Police Station). Notice must include full risk and security assessment. If additional control measures are need they will become conditions for the duration of that event and any other events of the same name. Any additional measures to be communicated to the premise by West Midlands Police and retained on the premises and be produced when requested by any responsible authorities. c) The Premise Licence holder to provide to West Midlands Police (Licensing Department Birmingham West and Central Police Station) by the last day of the month, a full list of events (times, names of event) for the following month. d) The Premises to have a documented dispersal policy. e) Search policy to be determined per event and through the risk assessment. f) Premises to have a documented lost and found policy g) Premises to have a documented drugs retention and disposal policy in agreement with West Midlands Police (Licensing Department Birmingham West and Central Police Station).
CRIME	Hours - the premises to have a standard operating hours of 10:00am till 04:00am. If the premises wish to go past 04:00am then the Premises Licence holder must give 28 days notice to West Midlands Police (Licensing Department Birmingham West and Central Police Station). Notification to include completed risk assessment and security assessment, any additional measures identified through the risk assessment will become conditions for the premises whilst they are operating the extended hours. West Midlands Police (Licensing Department Birmingham West and Central Police Station) retain the power to veto any such extension of the license if any of the licensing objectives have been or about to be breached. Any additional measures to be communicated to the premise by West Midlands Police and retained on the premises and be produced when requested by any responsible authorities.
CRIME	The Premises Licence holder will ensure that when the premises use Door Supervisors that the numbers required will be determined by a risk assessment. Risk assessment to be disclosed to West Midlands Police (Birmingham Central Licensing Department).
CRIME	The Premises Licence holder will ensure that Door Supervisors when deployed to be in High Visibility coats/jackets when outside and tabards inside. Door Supervisors are to sign on and off duty every night, the signing in sheet to include their full name and SIA badge number. Door Supervisors profiles to be retained on the premises for every Door Supervisor that is working at the premises or has done in the last 6 months. Profiles to be proof of identity (copy SIA badge, passport or photo driving licence) and proof of address dated in the last 6 months (utility bill, bank statement or other government letter). Profiles to be made available immediately on request to any Responsible Authority.
SAFETY	No enforceable conditions identified from operating schedule.

Objective	Condition
NUISANCE	A Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Unit and shall fulfil the following criteria: a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given. b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person. c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times. d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational. e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.
CHILD	The Premises Licence holder will adopt the 'challenge 25' or similar policy as proof of age scheme to be in operation during licensed hours.

4.3 Committee Conditions

Conditions attached to the licence after a hearing by the licensing authority and classified by objective:

General

General conditions consistent with the operating schedule.

Crime

Conditions consistent with, and to promote the prevention of crime and disorder.

Safety

Conditions consistent with, and to promote public safety.

Nuisance

Conditions consistent with, and to promote the prevention of public nuisance.

Child

Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	N/A
CRIME	N/A
SAFETY	N/A
NUISANCE	N/A
CHILD	N/A

5. Licence History

The history of variation and transfer applications since the initial application for grant or conversion.

Reference	Applicant Name	Application Type	Application Date	Status	Representation Dates	Variation Reason
<u>100559</u>	Miss Sonia Marshall	Transfer	03/02/2017	Transferred	01/02/2017 To 15/02/2017	
<u>81155</u>	RDB (Birmingham) Limited	New Application	30/01/2013	Transferred	29/01/2013 To 26/02/2013	

6. Designated Premises Supervisor History

Start Date	Finish Date	Name	Licence	Issuing Authority
08/02/2019	01/10/2019	Mr Catalin Anghel	8130	Birmingham
29/01/2019	08/02/2019	Mr Daxter Lasswell	9228	Birmingham
12/09/2018	29/01/2019	Mr Catalin Anghel	8130	Birmingham
30/01/2013	12/09/2018	Miss Sonia Marshall	6930	Birmingham

Other significant events recorded for this licence.

Date	Reference	Event Name
07/10/2019	107358	Designated Premises Supervisor Nominated
08/02/2019	107358	Designated Premises Supervisor Nominated
29/01/2019	107358	Change Of Premises Name
29/01/2019	107358	Designated Premises Supervisor Nominated
12/09/2018	107358	Designated Premises Supervisor Nominated
13/08/2018	107358	Issue
13/08/2018	107358	Licence Approval
26/07/2018	107358	Application Received (Transfer)
22/02/2017	100559	Issue
20/02/2017	100559	Licence Approval
03/02/2017	100559	Application Received (Transfer)
26/01/2017	81155	Surrender of Licence
05/03/2013	81155	Issue
27/02/2013	81155	Licence Approval
27/02/2013	81155	Licensable Activities Added/Changed
27/02/2013	81155	Licensable Activities Added/Changed
27/02/2013	81155	Licensable Activities Added/Changed
27/02/2013	81155	Licensable Activities Added/Changed
27/02/2013	81155	Licensable Activities Added/Changed
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30/01/2013	81155	Licensable Activities Added/Changed
30/01/2013	81155	Licensable Activities Added/Changed
30/01/2013	81155	Licensable Activities Added/Changed
30/01/2013	81155	Licensable Activities Added/Changed
30/01/2013	81155	Application Received (New Application)



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Tel: 0121 303 9896
Email: licensing@birmingham.gov.uk

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RP RESTAURANT LTD

Company number 11173263

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- **Persons with significant control** (<https://beta.companieshouse.gov.uk/company/11173263/persons-with-significant-control>)

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Current officers

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4 officers / 3 resignations

LASSWELL, Dexter

Correspondence address [REDACTED]

Role Active **Director**

Date of birth **August 1982**

Appointed on **28 January 2019**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Engineer**

ANGHEL, Catalin Eugen

Correspondence address [REDACTED]

Role Resigned **Director**

Date of birth **September 1985**

Appointed on **26 May 2020**

Resigned on **27 June 2020**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Advertising**

ANGHEL, Catalin Eugen

Correspondence address [REDACTED]

Role Resigned **Director**

Date of birth **September 1985**

Appointed on **29 January 2018**

Resigned on **26 November 2019**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Advertising**

SANGHERA, Sukhjinderjit Singh

Correspondence address **[REDACTED]**

Role Resigned **Director**

Date of birth **July 1970**

Appointed on **29 January 2018**

Resigned on **3 January 2019**

Nationality **British**

Country of residence **England**

Occupation **Retail**

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Filter officers



Current officers

Apply filter

5 officers / 3 resignations

LASSWELL, Dexter

Correspondence address **[REDACTED]**

Role Active **Director**

Date of birth **August 1982**

Appointed on **28 January 2019**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Engineer**

NDOMBELE MANKULU, Sadrac Antonio

Correspondence address **[REDACTED]**

Role Active **Director**

Date of birth **May 1990**

Appointed on **30 September 2020**

Nationality **German**

Country of residence **United Kingdom**

Occupation **Director**

ANGHEL, Catalin Eugen

Correspondence address **[REDACTED]**

Role Resigned **Director**

Date of birth **September 1985**

Appointed on **26 May 2020**

Resigned on **27 June 2020**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Advertising**

ANGHEL, Catalin EugenCorrespondence address **[REDACTED]**Role Resigned **Director**Date of birth **September 1985**Appointed on **29 January 2018**Resigned on **26 November 2019**Nationality **British**Country of residence **United Kingdom**Occupation **Advertising****SANGHERA, Sukhjinderjit Singh**Correspondence address **[REDACTED]**Role Resigned **Director**Date of birth **July 1970**Appointed on **29 January 2018**Resigned on **3 January 2019**Nationality **British**Country of residence **England**Occupation **Retail**

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NAKIRA BAR & LOUNGE
COVID-19 Return to Work Pub/Restaurant Risk Assessment

ASSESSOR	JOB TITLE	ASSESSMENT DATE	REVIEW DATES
Kieran Costello	Designated Premises Supervisor	29.09.2020	01.11.2020 01.12.2020

ASSESSMENT LOCATION	Nakira 121 Suffolk Pl, Queensgate, Birmingham B1 1LX
PERSONS AT RISK	Customers, Staff (Kitchen, Front of House and Office), Delivery Personnel

The risk assessment and controls/measures below have been put in place to evaluate the risk to staff, customers and delivery personnel in respect of the Coronavirus and to eliminate/reduce the potential for infected persons to enter the location, the contamination of surfaces, and to maintain social distancing practices. These controls/measures are designed to enable the provision of food and beverage consumption at the location to customers, takeaway and delivery services to customers, and the tasks undertaken by staff and delivery personnel.

This risk assessment is in addition to the Company's commitment to compliance with Food and Hygiene Health and Safety regulations.

This risk assessment has been completed in accordance with the government's guidance on managing the risk of COVID-19. Copies of the signed COVID-Secure Notice are on display at selected parts of the Location.

From 24 September, businesses selling food or drink, must be closed between 10pm and 5am.

In both indoor and outdoor licensed premises, food and drink must be ordered from, and served at, a table.

Licensed and unlicensed businesses must also take all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

From 29 September, Customers will not be allowed to leave their allocated seats/table unless going to the toilet.

There will be no mingling between tables.

Only 1 household up to 6 persons including the bubble allowed to sit together.

All customers and staff to wear face masks, there are exceptions. (See risk Assessment)

Official QR poster located at the entrance to the venue.

The DPS will ensure that no music is played on the premises which exceeds 85db(A) when measured at the source of the music.

FACTORS CAUSING SPREAD OF VIRUS	EXISTING CONTROLS	FURTHER MEASURES
Contact with infected persons: Staff	All staff must provide each day before entering the premises/location their confirmation of the COVID-19 Health Check Declaration.	The Assessor or shift manager will check each staff member has completed the Declaration before they enter the location and keep records of arrivals. All staff will be temperature checked before entering location.
Contact with infected persons: Customers		All customers will be asked to have a temperature check before entering premises.
Overcrowding and Congestion	Both indoor and outdoor areas have been reconfigured to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable). Number of customers will be limited to 120 persons . See below for further details in respect of each customer service area. Customers must book in advance.	Indoor groups of customers will be limited to 1 household (including support bubble). Outdoor groups of customers will be limited to 1 household (including support bubble) Bookings will be staggered so that customers arrivals are spread evenly, and queues are kept to a minimum. 2m, or 1m with risk mitigation where 2m is not viable. Social distancing should be maintained for each group whilst queuing. On booking, customers will be asked to confirm that the "party" complies with the Government restrictions per household numbers as described above. At the time of booking all customers must be informed that they must inform us of any lateness so we can manage the flow of customers and that they may lose the booking if they fail to inform us within 15 minutes of over-running their allotted time.
Track & Trace	A booking system is in place where the full name address and contact number of the lead person booking the table will be recorded. These details will be maintained for 21 days to assist NHS Test and Trace (subject to data protection requirements) should business receive requests for data to help contain clusters or outbreaks of COVID-19.	When someone enters the premises and they have downloaded the government Track & trace app on their phone then they will be asked to scan the official QR poster located at the entrance to the venue. The venue information will be logged on the customers' phone.

		<p>This information will stay on the customers phone for 21 days and if during that time a coronavirus outbreak is identified at a location, the premises ID in question will be sent to all devices.</p> <p>The device will check if users have been at that location and if the app finds a match, customers may get an alert with advice on what to do based on the level of risk.</p> <p>Following the launch of the new COVID-19 app, customers will be able to check-in on entry with their phone instead of filling out a check-in book or tool specific to the premises. This will allow NHS Test and Trace to contact customers with public health advice should there be a COVID-19 outbreak.</p> <p>If a customer does not have the above app downloaded, then the booking in system of Track & Trace will be used.</p> <p>Records of bookings will be maintained for 21 days to assist NHS Test and Trace (subject to data protection requirements) should business receive requests for data to help contain clusters or outbreaks of COVID-19.</p>
Proximity of Customers to Staff and other Customers	Social distancing measures of 2m (or 1m with risk mitigation where 2m is not viable) should be maintained in all parts of the location wherever possible.	<p>Information, signs, and markings have been distributed where practical at the entrance and throughout the location to promote social distancing and hygiene.</p> <p>A one-way flow has been set up with floor markings and signs to manage customer traffic through the location.</p> <p>Queue management measures have been established for those parts of the location that are likely to get congested. For further details see below.</p>
Proximity of Staff to other Staff	Social distancing measures of 2m (or 1m with risk mitigation where 2m is not viable) should be maintained in all parts of the location wherever possible.	<p>Staff roles agreed to ensure staffing levels are sufficient to manage customer service requirements and enabling safe distancing for staff.</p> <p>Further details of measures for working in the outdoor, indoor and bar seating areas, backroom office, and storeroom are provided below.</p>

		All staff will be required to wear face covering whilst on the premises unless you have an exemption.
Contaminated and potential contaminated surfaces	The location has been deep cleaned, by applying approved sanitisation and disinfectant products.	The location will continue to be cleaned daily.
Contamination and potential contamination of surfaces	Hand sanitiser has been placed at various suitable places in the location, as well as at the entrance.	Specific parts of the location will need further cleaning during working hours – please see details below. At intervals during the working shift the availability of hand sanitiser will be checked and replenished. A staff member will be allocated this responsibility for each working shift.

ACTION REQUIRED	ACTIONED BY	DATE
<p>All measures to be constantly reviewed. A full review, including consultation with staff, will be completed at the end of each week to ensure that staffing levels and social distance controls have been sufficient to manage customer numbers, customer service and customer flow through the premises, particularly in respect of congestion points.</p> <p>Updates: When someone enters the premises and they have downloaded the government Track & trace app on their phone then they will be asked to scan the official QR poster located at the entrance to the venue. The venue information will be logged on the customers' phone.</p> <p>Updates: All staff will be required to wear face covering whilst on the premises unless you have an exemption.</p>	<p>The Assessor</p> <p>The Assessor</p>	<p>29.09.2020</p> <p>29.09.2020</p>

CUSTOMER SERVICE AREAS	CONTROLS	FURTHER MEASURES
Queuing at the location	Designated outside spaces are in place for customers waiting for admission to the location.	A single staff member will set-up the external waiting boundary and check the floor-pavement social distance markings before the bar opens.
	Customers waiting for service of drink at the location will be	

	<p>served by a waitress who will attend to their allocated table/booth.</p> <p>Customers must comply with social distancing markings, and guidelines.</p> <p>Queue management must provide for disabled customers.</p> <p>Management will remind customers to wear a face covering by displaying posters also by informing them at point of entry & whilst in the premises.</p>	<p>Gloves should be used by staff when handling the boundary props.</p> <p>Staff will check each queue to ensure customers are admitted to their booked seats as close as viable to their booking times.</p> <p>All customers entering the premises will be required to wear a face covering unless you have an exemption. Any person flouting the rules will be asked to leave.</p>
Bar Server/Counter	<p>Staff working at the server/counter will wear protective equipment. Waitresses will wear face masks/protective face screens.</p> <p>The bar will be closed to customers and will only be used by waiter/waitress staff to provide drinks orders to the bar staff and then collect and distribute these orders.</p>	<p>Orders and payments are encouraged to be made online. If this is not possible payment will be by debit/credit card.</p> <p>Gloves and masks are available to staff handling orders and processing payments.</p> <p>The counter will be cleaned at regular intervals throughout the working day.</p>
Entrance/Exit	<p>A staff member will be responsible for managing the flow of customers into the location per the maximum provided for in Overcrowding and Congestion above and checking that the "party" complies with the Government's restrictions per household numbers.</p> <p>These numbers will be checked and matched to the bookings schedule.</p>	<p>Customers should be encouraged to use the hand sanitiser made available at the entrance/exit.</p> <p>Exiting customers will be given right of way over customers entering the location to ensure congestion does not occur indoors.</p> <p>Customers will be directed to their seats and requested not to stand at the bar area, and that all orders for drinks and food will be taken at their table.</p>
Indoor seating and tables	<p>Seating and table plans have been reconfigured to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable).</p> <p>The maximum number of customers in this area at any one time is 120 persons</p>	<p>The reconfiguration of seats and tables further adjust for service approaches to minimise staff contact with customers.</p> <p>Single members of staff will be assigned to each table to restrict the numbers of staff that come have contact with customers.</p> <p>Tables, chairs, and trays will be thoroughly cleaned with</p>

		sanitised products before each sitting. Tables will be completely cleaned, including condiment containers which will be cleaned after/before each sitting. Laminated menus will be cleaned before customer use. All payments to be made by debit/credit card at the table.
Non-smoking/smoking Areas	Customers using Nakira Lounge will have greater freedom to choose smoking or non-smoking outdoor areas following an amendment to legislation in Parliament. These changes will allow everyone to enjoy outdoor eating and drinking whether they smoke or not, with appropriate provisions made for non-smokers and smokers. The outside area will be in two halves. One side will be for non-smokers the other half for smokers. Both sites will be clearly identified. The maximum number of customers in this area at any one time is 20 persons	Clear 'no smoking' signage displayed in designated areas. No ash trays or similar receptacles to be provided or permitted to be left on furniture where a smoke-free seating is identified. There will be a minimum distance of 2 metres between non-smoking & smoking areas, wherever possible. Staff will monitor this space to ensure no encroachment of the guidelines, and the tables will be immediately cleaned after use. In the event of adverse weather additional cover is available for all outdoor customers, with ventilation, to maintain social distancing guidelines, and prevent congestion indoors.
Moving within the location	To enable movement of customers within the location and service provision, congestion points have been identified and "passing spaces" created to maintain social distancing.	Information, signs, and markings have been distributed where practical at these congestion points to promote social distancing.
Toilets	No more than two persons can use each of the toilet facilities at any one time. Anyone waiting should stay 2m from the toilet facilities doors. Social distancing markings have been applied to the queuing areas. Toilet facilities surfaces including door and flush handles to be cleaned regularly using disposable cloths.	Signs and posters are displayed in the toilets promoting both good handwashing techniques and increasing the frequency of handwashing. Hand dryers or disposable hand towels to be available, as well as hand sanitisers. A cleaning schedule should be maintained to ensure the regularity of cleaning and emptying of waste facilities.

ACTION REQUIRED		ACTIONED BY	DATE
Congestion points, particularly the entrances and queue areas be to constantly be reviewed.		The Assessor	
Updates: Customers will not move from their allocated table or mingle with other customers at other tables.		The Assessor.	29.9.2020
Updates: All customers entering the premises will be required to wear a face covering unless you have an exemption or eating /drinking. Any person flouting the rules will be asked to leave.		The Assessor	29.09.2020
Updates: Customers will be directed to their seats and requested not to stand at the bar area, and that all orders for drinks and food will be taken at their table.		The Assessor	29.09.2020

CUSTOMER SERVICE AREAS	CONTROLS	FURTHER MEASURES
Entertainment	At present, venues should not permit live performances, including drama, comedy and music to take place in front of a live audience. This includes entertainment such as acoustic music, DJ's, lap dancing etc.	
Noise	The venue is required to take steps to avoid people needing to unduly raise their voices to each other which includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult, loud background	Background music is played. The noise level will be monitored by the duty manager. The DPS will during the emergency period, ensure that no music is played on the premises which exceeds 85db(A) when

	music, communal dancing, group singing or chanting.	measured at the source of the music. The management have downloaded a decibel reading app which they will use to take readings every 15 minutes and record in a register their findings which will be kept on the premises. This requirement does not apply to any performance of live music.
Sports	No live Sport including Football matches and Boxing is currently shown at Nakira Lounge & Bar.	
Gaming Machines	There are currently no gaming machines in the premises	

ACTION REQUIRED		ACTIONED BY	DATE
Updates: The DPS will during the emergency period, ensure that no music is played on the premises which exceeds 85db(A) when measured at the source of the music.		The Assessor	29.09.2020

OTHER WORKPLACE PREMISES	EXISTING CONTROLS	FURTHER MEASURES
Backroom Office	A maximum of only two people can use the office at any one time to maintain social distancing. Preference is only one person.	Staff should not congregate around any desks. There will be no sharing of desks/workstations, equipment, or phones. Communal equipment such as copiers will be cleaned immediately after use by the user. Hand sanitisers are available by the door.

ACTION REQUIRED		ACTIONED BY	DATE

OTHER WORKPLACE TASKS	CONTROLS	FURTHER MEASURES
Deliveries to the location	Deliveries will not be signed for (unless required for legal continuity) and will only be delivered to the Entrance. 2m social distancing should be maintained as far as practical.	If a delivery must be signed for the signor should use their own pen and wear gloves when handling the signature sheet. Gloves are available for handling deliveries if requested by staff. If more than one member of staff is required to move the delivery to the storeroom, gloves & masks must be used by both staff members. This pair of staff should also continue to work together for any tasks that require more than one person in the storeroom.

		Any lifting or carrying equipment such as a trolley must be cleaned at the start and end of every day, as well as after use.
Regular cleaning duties	Parts of the premises will be cleaned regularly throughout the day, counter, kitchen, toilets.	A daily rota will be put in place so that this responsibility is shared by all staff.
Accidents, security, and other incidents	Incident and emergency procedures have been reviewed to ensure where practical social distancing principles can be maintained.	
No other tasks which involve necessary sharing and/or proximity have been identified.	Staff are requested to bring to the Assessor's attention any such tasks they consider should be included in this risk assessment.	

ACTION REQUIRED		ACTIONED BY	DATE
All deliveries where possible to be scheduled between 9.00 and 10. am to minimise contact with staff and customers		Assessor	

ASSESSOR'S SIGNATURE	<i>Castella</i>	DATE	29.09.2020
APPROVED BY	Antonio Mankulu	APPROVER'S JOB TITLE	Director
APPROVER'S SIGNATURE:	<i>Mankulu</i>	DATE:	29.09.2020



West Midlands Police

Additional Supporting Documentation

Nakira

PAGE(S)	DOCUMENT(S)
105 - 106	Additional Statement Pc Rohomon
107	Whistle Blower hotline complaint

WITNESS STATEMENT

Crime Number:.....

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

URN

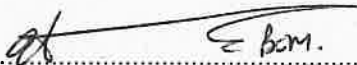
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Statement of: Pc Abdool Rohomon. BEM

Age if under 18:over 18 (if over 18 insert 'over 18') Occupation: Police Officer (4075)

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:



Date 20.10.20

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

This statement is made in direct response to the implication of submissions made at the interim steps challenge hearings on 16 October 2020, on behalf of the licence holders of Nakira and Petite Afrique, that West Midlands Police may have unfairly targeted certain venues because they are used or operated by members of the black community. The suggestion was made without any supporting evidence and is false. As an officer with a BAME background myself, I personally resent the accusation that we have targeted these particular venues because of the ethnic background of their customers or operators.

WMP follow the approach set down by our Senior leadership team: to engage and educate and only taking enforcement action if the problems continue with little or no effective response by operators. We have done this with premises across the whole of Birmingham, including venues in the City centre, Moseley, Broad St, Southside, and Sutton to name a few. Most venues take their community responsibilities seriously and have responded well to police (and local authority) engagement, advice and warnings and operate in a compliant fashion. Nakira and Petite Afrique are two notable exceptions.

In the cases of Nakira and Petit Afrique, both involved deliberate, clear, repeat and serious breaches of the Covid regulations and guidance by the venues. This was despite prior police engagement with the operators in an effort to engage, educate and advise them in order to assist them with their compliance duties, risk assessments, and operating procedures. This was all done with the aim of reducing the spread of this pandemic disease in our community.

It was only after the failure by them to properly and responsibly respond to police engagements that applications for summary reviews were launched. This was because it became clear that the operators were either unable or unwilling to comply with Covid regulations and guidance and so immediate steps needed to be taken to prevent future breaches and so promote the licensing objectives. The summary reviews were launched following the approval of a Superintendent of WMP.




WMP have spoken to numerous licensed operators who have expressed annoyance at other premises who are not playing by the rules, and are seen to be getting away with flagrant non-compliance, whilst they are struggling to do their best in a law-abiding fashion.

We have also received numerous complaints from members of the public about non-compliant licensed premises. These have been actioned by officers on patrol and also in dedicated Police operations. The have been sent through to the licensing department.

It is our policy to only take high-level direct enforcement action against premises licences (such as by applying for a summary review), where there has been prior engagement, advice and education in the first instance and this has not been complied with, and/or where a particular breach is very serious and poses serious risks to the public.

WMP have approached the enforcement of Covid related breaches in licensed premises without discriminating on the basis of the race or ethnic background of the customers or operators of these venues.

However, based on the evidence, the police have no confidence that Nakira or Petit Afrique would operate in a compliant manner if they were permitted to continue to operate as licensed premises in the future. Urgent licensing procedures were required to promote the licensing objectives. That is the reason why summary reviews were launched in these cases, irrespective of the ethnicity of their clientele or operators. Any particular impact of these summary reviews on BAME operators and customers needs to be weighed against the strong public interest in protecting the whole community during the Covid pandemic



Signature:

Signature witnessed by:

Abdool Rohomon

From: [REDACTED]
Sent: 02 October 2020 13:33
To: Abdool Rohomon
Subject: [External]: from whistleblowing complaint

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Remarks - WK/009786498

Name of the business or organisation you wish to report: Nakira Birmingham's Premium Clubbing Venue
What are you concerned about? : Being open for business whilst the guidelines state to remain closed
More details about your concern : Club will be open from 11, they will be holding a secret event. Letting people in at the entrance and upstairs via the fire entrance
When did it happen? : 2020-09-25
Time of incident :
How did you come by this concern? : I was told about it by a friend or relative
More details about your source :

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to <http://publicregister.birmingham.gov.uk>

For more information about what we do visit: www.birmingham.gov.uk/licensing
Follow us on Twitter @BCCLicensing

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 **Abdool Rohomon**

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

Occupation **Police Officer 4075**

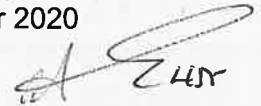
This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

(witness)

**Date** 21/10/20Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This is a correction statement, in my statement dated 16th October 2020, the second to last paragraph (page 34 Police bundle and 118 of agenda pack) it states that the risk assessment was received on the 12th August 2020, this is incorrect in terms of the month, and should be the 12th October 2020



Signature



Signature witnessed by

BEFORE BIRMINGHAM CITY COUNCIL’S
LICENSING SUB-COMMITTEE

A Summary Premises Licence Review under S.53A-D of the Licensing Act 2003

THE CHIEF CONSTABLE OF WEST MIDLANDS POLICE
(“WMP”)

Applicant

- v -

RP RESTAURANTS LTD
(t/a “NAKIRA”
Queensgate, 121 Suffolk Street, Queensway,
Birmingham B1 1LX)

Premises Licence Holder

WMP WRITTEN SUBMISSIONS
ON FACTS & LAW
For Review Hearing on 23 October 2020

[Page references in square brackets are to the Agenda Papers]

INTRODUCTION

1. “Nakira” held itself out to be “*Birmingham’s Premium Clubbing Venue*”, a “*legendary lounge and nightclub*” and the “*ultimate hotspot with DJ booth*”.¹ It covers two floors with two bars downstairs, a further bar upstairs and two VIP rooms. It has a capacity of some 650 persons. Nakira has operated at this location since October 2018. Its website indicates “*we understand and appreciate the expectation of excellence*”.

¹ Website: <http://nakirabirmingham.co.uk/>

2. However, since the restrictions on hospitality venues imposed by the Government in response to the COVID-19 pandemic, the premises licence holder of Nakira, RP Restaurants Ltd, has persistently, deliberately and flagrantly operated in breach of regulations and guidance. These measures are intended to secure the health and safety of Nakira's staff, customers and the wider community by reducing the opportunities for a potentially fatal respiratory infection to spread during a national pandemic that has already resulted in over 43,000 deaths in the UK.
3. This is not a case involving a one-off inadvertent or unavoidable minor breach of technical requirements due to the COVID-19 pandemic. Nor is the behaviour exhibited the result of an innocent misunderstanding of complex legislation or changing rules by a well-meaning operator doing its best in difficult circumstances. Indeed, these breaches have occurred despite engagement, advice and warnings from the authorities.
4. Rather, the breaches here are the result of deliberate, reckless or, at the very least, grossly negligent actions by the operators of Nakira in order to further their commercial interests. They have operated without paying any serious regard to the wider consequences to the community of their actions during a national pandemic. Therefore, West Midlands Police ("WMP") consider this as a serious matter that undermines the licensing objectives.
5. There appears to be little effective managerial control over this premises.
6. In addition, there has been at least one serious violent incident at the venue in recent weeks. On 24 September 2020 a customer had the tip of his thumb severed off when a male who works at Nakira slammed the victim's finger in the main door. It is of deep concern, and reveals much about the approach of the management at Nakira, that they tried to cover-up this incident so the authorities would not find out.
7. This attitude accords with other attempts by the operators, their management and staff to mislead the authorities during the investigation into the facts behind this summary review application. The licence holder has also sought to mislead this sub-committee in an earlier interim steps held on 1 October 2020.
8. Given the facts set out in the Agenda Papers, WMP have no confidence that this licence holder has either the competence or willingness to promote the licensing objectives of, in particular, preventing crime and disorder, preventing public nuisance and public safety. Nor do WMP

have any confidence that the operator will abide by the new 3-Tier COVID-related regulations and provide a COVID-secure premises if they were permitted to open for licensable activities.

9. It is significant that WMP's application for review has received support from Birmingham's Licensing Enforcement, Director of Public Health, and Environmental Health teams acting as responsible authorities.
10. The sub-committee is entitled to take robust, appropriate and proportionate steps, warranted in the public interest, that achieve the twin aims of:
 - a. preventing this operator from further undermining the licensing objectives, and
 - b. deterring similar behaviour by this operator or others.²
11. As a consequence, WMP invite the sub-committee to revoke the premises licence³.
12. Should the sub-committee take that step, then WMP would ask that, additionally, the sub-committee suspends the premises licence as an interim step pending any appeal.⁴

FACTUAL TIMELINE & SUPPORTING WMP DOCUMENTS

22 August 2020

13. On 22 August, at around 05:00hrs, police officers saw a large gathering of 40-50 cars parked in the car park next to Nakira.
14. Nakira looked to be closed from the front. Police officers banged at the front door to be let in. The front door was locked and later found to be bolted from the inside. This is a feature of this case – the premises attempts to look closed from the front and, instead, permits customers to enter more covertly enter via a rear/side door.
15. Police saw a large gathering of people in the car park and about 15-20 people near the side exit. They appeared to be dressed as if for a night out. Police made enquiries of these people

² In relation to licence review decisions also serving the purposes of deterrence, see *East Lindsey District Council v Abu Hanif* [2016] EWHC 1265 (Admin) (per Jay J at §16 and 18) and *R (Bassetlaw District Council) v Worksop Magistrates' Court* [2008] EWHC 3530 (Admin) (per Slade J at §32)

³ Pursuant to s.53C(3)(e) of Licensing Act 2003 (LA2003)

⁴ S.53D(3)(d) LA2003

as to why they were present but they were uncooperative and elusive in response to police enquiries. A number of them appeared drunk.

16. The side door, was opened and then immediately shut. Officers banged on the door to be let in so they could investigate what was going on inside. Eventually, other customers left and police were able to enter through the now open side door.
17. Officers went to the upstairs room in the venue. There was party going on with loud music, a DJ and neon lights. There were about 50 people crammed into a relatively small room with a bar and drinking alcohol (bottles of Hennessy Cognac, Grey Goose and disposable cups were seen).
18. No efforts were being made by management to ensure some level, any level, of social distancing. The event was clearly not being operated in a COVID-secure manner. The officer on the ground described the situation as “*extremely disturbing*”.
19. No one appeared to be in control of the venue. Mr Hasing Rasani identified himself to police as a “cleaner”. (This is believed to be the same man who was later described as a doorman and was involved in the incident on 24 September when he shut the door on a customer’s hand severing the top of his thumb). He indicated that he had opened the venue as key-holder and would close it. Police attempted to educate him about the COVID-risks. He was unaware of any risk assessment the venue had (or more likely had not) carried out.
20. One staff member told police the event was a birthday party, but no one appeared to know whose.
21. Eventually, a man identifying himself as the “Boss”, Mr Kieron Costello, appeared outside. He appeared to be drunk. He claimed to be the licence holder (though he is not). He admitted to police that the venue had no COVID-safe Risk Assessment.
22. Another male present claimed to be a lawyer and asserted the venue was operating as a “restaurant” (there was no evidence it was and no sign of food being prepared, served or any discarded food plates). In contrast, Mr Rasani told police on the night that the venue had food delivered in.
23. Although the premises holds a 24-hour licence, any events held past 04:00hrs requires 28-days advanced notice with a risk and security assessment to be provided to WMP (who have

a veto). No such notice was provided to police. The venue was operating at 05:00hrs in breach of the conditions of its premises licence [PL at p.33-42].

24. Police Statements relating to this incident are at [p.85-95].

25. Police Bodycam footage is also available and has been served on all parties should the sub-committee wish to view it.

26 August 2020

26. On 26 August a police licensing officer, Mr Mark Swallow, contacted by email an individual on police records believed to be associated with the venue: Mr Catalin Anghei. Mr Anghei responded by stating he has had nothing to do with the club for a long time. He did not know the identity of the DPS but identified the owner as Dexter Laswell and provided his contact details.

27. Mr Swallow's statement is at [p.113].

28. The DPS on the Premises Licence is Mr Anton Gasparov. The police have not encountered him in their recent investigations. (He was removed as DPS at the interim steps hearing on 1 October 2020).

28 August 2020

29. On 28 August the police held a meeting at Nakira with the operators. PC Reader and a colleague met with Mr Dextor Laswell (a Director of the Premises Licence Holder⁵), Mr Kieron Costello ("the Boss") and other staff.

30. Mr Laswell indicated to police that the venue would not re-open again as a refurbishment was planned. He pledged to "*get it right before it was open*". He complained about other venues holding events.

31. When asked about the event on 22 August, Mr Costello claimed the people inside were "*staff members carrying out maintenance*"⁶. The police did not believe him.

⁵ Companies House printout at [p.175-178]

⁶ See email at p.110.

32. WMP submit that either the management deliberately lied to police, or else they were wholly ignorant as to what was going on in their venue and so have no effective control over it.
33. PC Reader subsequently saw the bodycam footage from the 22 August, which was at odds with the account he had just been given by Mr Costello. He sent an email to Mr Laswell later on 28 August expressing his “shock” at the version of events presented to him earlier that day in their meeting. The email set out in detail the current Government Guidance on restaurants and bars and is at [p.110-112]. The “*steps that would usually be needed*”, as set out in the Guidance, were helpfully pasted onto the police email and included measures to secure social distancing, management of the number of customers on the venue, and queue management.
34. Police statements relating to this meeting are at [p.108-112].

24 September 2020

35. The male victim is a regular attendee of Nakira. On 24 September between 03:00 – 04:00hrs he left the venue. When he returned he went through the main door to reception and attempted to enter via the “small door” to the venue. He was refused entry by the door supervisor. The victim grabbed hold of the door and the doorman forcibly closed the door on his hand. This incident severed the top of the male’s thumb. He was given first-aid in the venue’s office and told not to call the police or an ambulance. He was taken out of the venue by a friend via the rear of the premises and taken to hospital. He has been left with permanent injuries and the incident is currently being investigated by police as grievous bodily harm.
36. The victim contacted the owner of the club who he knew, Mr Dextor Laswell. Mr Laswell has been ignoring his calls. The victim was later told the doorman involved in this incident was “Mr Rasni”. Despite the spelling ambiguity, this is believed to refer to the same male, Mr Rasani, who was present at the venue on 22 August describing himself to police as a “cleaner”. There is no record on the SIA database of Mr Rasani (or “Rasni”) being registered to act as a door supervisor or security guard.
37. The venue did not report this serious incident to the police or call an ambulance. Indeed they have sought to cover-up the incident. This is not the behaviour of a responsible licence holder who is capable of promoting the licensing objectives. The victim himself contacted the police to report the incident.

38. At the time of writing, the licence holder has still not supplied WMP with the CCTV covering this incident in response to requests.
39. (Note: the 10pm curfew did not come into force until 05:00hrs on 24 September and so this late opening was not a breach of the curfew provisions).
40. The police documents relating to this incident are at [p.139-146].

25 September 2020

41. A “whistle-blower” complaint was made to the local authority on 25 September and forwarded to WMP. The complainant indicated that he had been told by a friend or relative that Nakira would be open from 11pm for a “secret event” (despite the 10pm curfew that had come into force the day before on 24 September). The organisers would be letting people in at the [...] ⁷ entrance and upstairs via the fire entrance.
42. The importance of this complaint is that the predicted infringement of the curfew was precisely what occurred on the evening of 25 September and into early hours of 26 September. Contrary to the licence holder’s assertions that the events witnessed by police were due to an unexpected infiltration by aggressive customers, it appears that the event was a pre-planned and deliberate breach of the 10pm curfew.
43. The whistle-blower complaint is at [p.48].

26 September 2020

44. The 10pm curfew was by now in force.
45. At around 00:45hrs on 26 September WMP officers drove past Nakira and noticed a large amount of vehicles in the car park. The rear fire exit was ajar. Officers entered the venue. Only low-level lighting was on inside the venue (as would be encountered in a night-club setting).

⁷ The missing word has been cropped off the email.

In the main public area of the premises police saw two men sat on a sofa who appeared to be drunk. There were drinks on the table and silver nitrous oxide canisters strewn all over the place (nitrous oxide, or laughing gas, is a legally prohibited drug for recreational purposes). The smell of cannabis was in the air.

46. Officers went upstairs to one of the rooms. The lights went on and a further 15-20 people were sat around sat close together drinking and chatting. An officer described the room as being “*full of people who were drinking and in close proximity to each other*”⁸. Officers could smell cannabis and fresh half empty bottles of alcohol and half glasses of alcohol on all the tables. Nitrous oxide canisters were all over the tables as well. The people in this room seemed to be nervous about the police’s arrival.
47. Officers estimated that about 25-30 persons were in the venue in total. There was no social-distancing and the Rule of 6 was not being complied with since groups of more than 6 were sitting together. The officers on the ground stated that the event was “*clearly in breach of COVID-19 regulations*”. All attendees were dressed in “*party attire*”. No one admitted to being a staff member or management. One individual claimed to be a cleaner.
48. One female told police she was a dentist and this was her birthday celebration. Other guests appeared to confirm this was the reason they were in Nakira.
49. Officers told the attendees they were breaching COVID guidelines and the guests were asked to leave. The upstairs room cleared in response to the police presence. The people automatically exited through rear corridors and the fire exit as opposed to the main front door to the premises. This suggested to the officer that the – more covert - side exit was the expected means of entry and exit to the premises.
50. The main bar area was open with all the lights on and in an untidy state. Additionally, within the kitchen area, there was warm shisha paraphernalia which indicated to police that someone had been in the kitchen when police arrived but left when they saw them. (CCTV footage later showed shisha pipes being smoked, unlawfully, inside the venue earlier in the night).
51. Eventually, in response to police enquiries, a female from the security company that managed the building attended the premises to lock it up.
52. The police officer on the ground described the scene as leaving him feeling “*quite disgusted*”.

⁸ Pc Malborn, p. 101

53. Police statements relating to this incident are at [p.97-106].
54. Police Bodycam footage as well as CCTV from inside the venue is also available (and has been served on all parties) should the sub-committee wish to view it.

CCTV of 26 September 2020

55. The CCTV from the premises on 26 September, in so far as it has been supplied to WMP, has now been examined. The footage has been uploaded to a cloud-link which has been served on all the parties in this review hearing. (If the sub-committee wish to view any of it then it can, technical glitches permitting, be played via MS Teams).
56. The footage shows that despite some customers leaving and the front door being locked shortly after 10pm, there is effectively a “lock-in” party continuing in Nakira until police arrive at around 00:40hrs. Staff remained at the premises. Some people are deliberately let in (peacefully) at the side door at 22:15hrs. There is no “invasion” of unwelcome aggressive guests as the licence holder now claims (and supplies letters from staff in support). The footage also shows shisha pipes being smoked (unlawfully) inside the venue from 20:00hrs.
57. On several of the cameras there is an unexplained gap in the footage supplied between 22:30-23:30. The footage from the upstairs room from 22:00hrs - where most the party-goers were discovered by police - has still not been disclosed by the licence holder despite police requests.
58. The police have produced a timeline at [p.147-164]. Of particular note are these observations:

20:00-20:30 – shisha pipes are being smoked inside the venue.

22:06 – the front door of the premises is locked. Some customers leave.

22:09 – some people remain in the venue and disco lights are on. A male is walking around with a drink in his hand.

22:13 – people are still in the venue walking around, some with drinks, and others sitting in a booth.

22:15 – two females in party attire are posing and taking photos of each other with mobile phones.

22:15 – 22:20 – a male approaches the side fire exit door via a corridor in the staff area. The fire exit door is blocked. The male removes articles blocking the door. He

opens the door and lets in 3 other males who enter peacefully. (These males had previously been seen at the front door). Female staff members are walking in this corridor carrying trays with glasses. They do nothing to intervene.

22:21 – a female goes to a car park outside, returns to the venue door and drops what looks like a canister, picks it up and re-enters the premises before leaving at 22:23.

00:09 – customers walking around ground floor area. Male seen walking into lobby area with a balloon in his hand which he raises to his face (believed to be nitrous oxide inhalation). A male is seen behind the bar with a balloon in his hand also believed to be nitrous oxide.

00:28 – two females seen walking in corridor. One carrying a mobile phone and a bottle/glass.

00:34 – male walking around with bottle in his hand.

29 September 2020

59. On 29 September, WMP apply for a summary review of Nakira's premises licence. The certificate is signed by Superintendent Morris.

30 September 2020

60. PC Rohomon requested a meeting with Dextor Laswell on 30 September. On that day, at the time indicated, Antonio Mankulu and Kieron Costello turned up at the police station. Mr Mankulu indicated that he was the director of the company that held the premises licence and had bought company off Dextor Laswell earlier in the year. Mr Costello indicated he was the DPS.
61. Companies House records indicate that Mr Mankulu became a Director of RP Restaurants Ltd on the same day as this meeting, 30 September⁹. Mr Costello is not recorded to be the DPS on the Premises Licence. Both said they became aware of the police request for the meeting via Dextor Laswell.
62. Mr Mankulu claimed that Mr Costello had been at the premises on the night of 26 September but had left at around 22:00hrs. He had left as security were still there and staff were clearing up. Staff later indicated to Mr Mankulu that people had walked through the back door and

⁹ See p.177

since the staff had felt intimidated they left. (WMP assert that this account is contradicted by the CCTV footage from the night).

63. This meeting is evidenced in the statement of PC Rohomon at [p.116-118].

1 October 2020

64. The licensing sub-committee determined to suspend the premises licence as an interim step pending the full review hearing.

65. In the course of this hearing the licence holder claimed the issues arose out of “unsatisfactory *internal management procedures at the premises*”.

66. The Decision Notice is at [p.12-14].

12 October 2020

67. For the first time, the licence holder served a Risk Assessment on the police (dated 29 September 2020). The Risk Assessment is at p.179-188. The date of the document coincides with WMP’s application for a summary review. The licence holder has not suggested they had any Risk Assessment prior to that date which they ought to have done.

16 October 2020

68. The licensing sub-committee considered a challenge to the interim suspension by the premises licence holder and determined that the suspension of the premises licence should continue pending the full review hearing.

PREMISES LICENCE HOLDER’s EVIDENCE

69. The premises licence holder has served a number of witness statements/letters and a Risk Assessment. They are in the Agenda Papers at [p.76-82].

70. Mr Dexter Laswell indicates that he is a co-director of RP Restaurants Ltd together with Mr Mankulu. He claims that he gave strict instructions that Nakira should be completely shut down at 10pm.
71. Since that did not happen, either Mr Laswell is lying or else he has no effective control over his premises. Either way, it demonstrates the licence holder is unable to promote the licensing objectives in the future.
72. A number of letters have been submitted from staff at Nakira. They claim that on the night of 25/26 September some friends of a colleague remained in the venue as it was their “colleague’s” birthday. SIA door supervisors were released at 22:00hrs. However, the number of people entering Nakira increased and were aggressive. Despite staff asking them to leave they did not. The staff decided to leave at around midnight.
73. These assertions are undermined by:
- a. The CCTV evidence showing staff remaining in the premises during the lock-down party.
 - b. When police arrived the “birthday girl” claimed to be a dentist.
 - c. Her birthday guests were not aggressive when confronted by police.
 - d. There is no evidence that staff attempted to get the customers to leave after 10pm.
 - e. Party attendees were being recorded on CCTV being let in to the venue peacefully at 22:15 with staff in the vicinity making no attempt to prevent them entering.
 - f. There is no evidence of the attendees being “aggressive” towards staff on the disclosed CCTV footage.
 - g. Why would SIA staff be released when people were still on the premises after 22:00hrs? Any responsible operator would have directed the SIA staff to help remove the unwelcome guests.
 - h. The staff made no attempt to contact police to assist them with the remaining customers who, it is now claimed, refused to leave.

RELEVANT COVID-19 RESTRICTIONS & REQUIREMENTS

74. Since March 2020, Government restrictions on the hospitality trade, and suggested measures for licensed premises to take, have been altered on several occasions in response to the dynamic health challenges facing the UK during the COVID-19 pandemic.

75. A breach of the Regulations is a criminal offence and so engages the prevention of crime and disorder licensing objective.¹⁰
76. However, it should be borne in mind that, regardless of the specific terms of COVID-related regulations, all licensed operators are subject to a more general legal duty under the Health and Safety at Work Act 1974 to protect the health, safety and welfare of their employees and other people who might be affected by their business¹¹. This includes staff, customers and the wider community. Operators must do whatever is reasonably practicable to achieve this aim.
77. Operators can be expected to have regard to government issued guidance in ensuring that they provide a safe work environment. There is no legal duty on an operator to comply with every word of COVID-related guidance issued by the Government. Nevertheless, responsible operators should take such guidance into account when ensuring that their operation is run in a COVID-safe and secure manner. As part of this process operators are legally obliged to carry out a risk assessment.¹² Moreover, operators are expected to effectively *implement* the measures set out in their risk assessment.
78. The following timeline sets out, in summary form, the most relevant restrictions applicable to licensed premises introduced from March 2020 and introduced by way of Regulations:
- a. **21 March**¹³ – certain businesses including nightclubs, pubs, bars and restaurants were ordered by regulations to **close** (with some exceptions for takeaway/delivery of food and drink). (The **lockdown** relating to movement of persons began five days later on 26 March).
 - b. **4 July**¹⁴ – (“**Independence Day**”) save for nightclubs, discos, dance halls and similar venues (which open at night, have a dance floor or other space for dancing by members of the public and provide music for dancing), the hospitality industry was permitted to re-open. This included the re-opening of pubs, bars and restaurants.

¹⁰ See *R(Blackpool Council) v Howitt* [2008] EWHC 3300 (Admin) in relation breaches of regulatory provisions (the smoking ban in pubs) engaging the crime and disorder objective.

¹¹ See s.2-4 of the Health and Safety at Work Act 1974.

¹² See regs 3-5 of the Management of Health and Safety at Work Regulations 1999

¹³ The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020, replaced from 26.3.20 with The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 which also introduced the original “lockdown”.

¹⁴ By way of amendment to the No.2 Regs.

Extensive industry specific guidance was issued by the Government to assist licensed premises in drawing up their risk assessments. A number of measures were proposed to assist operators to provide a COVID-secure environment. These measures included social-distancing (2m or 1m with risk mitigation), reconfiguring seating and tables to maintain social distancing, reducing and managing queues, managing capacity levels in a venue to avoid over-crowding, hygiene and sanitation measures.

- c. **14 September**¹⁵ – the **Rule of 6** was introduced by regulations. Subject to a number of exceptions (including larger households), gatherings in pubs, bars and restaurants were limited to groups of 6 persons who could not mix with other groups.
- d. **15 September**¹⁶ – special regulations relating to **Birmingham** were introduced in response to an increasing COVID-19 infection rate. These regulations placed restrictions on households mixing in private dwellings.
- e. **18 September**¹⁷ – restaurants, pubs and bars were required to collect the contact details of their customers for **track and trace** purposes (with QR codes mandatory from 24 September). Further obligations¹⁸ were placed on hospitality operators requiring them to take reasonable measures to ensure (subject to certain exceptions) that: (a) table bookings for a group of more than 6 persons are not accepted; (b) groups of more than 6 are not admitted to the premises; (c) mingling between groups is avoided; and (d) an appropriate distance is maintained between tables (i.e. 2m or 1 m if barriers, back to back seating, or other mitigation measures).
- f. **24 September**¹⁹ – amended regulations placed further restrictions on restaurants, pubs and bars (among other venues) from 5am on 24 September. A **curfew** of 10pm-5am was introduced, during which hours businesses “*must not carry on*” that business or “*provide that service*”. (The curfew provisions are headed “*Restrictions on opening hours of businesses and services*”.²⁰). After 10pm a premises could still provide a delivery/drive-thru service for food or drink in response to orders but not a take-away service. In addition, for restaurant, pubs and bars that serve alcohol for

¹⁵ The Health Protection (Coronavirus, Restrictions) (No.2)(England) Regulations 2020 (“the No.2 Regs”)

¹⁶ The Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020

¹⁷ The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020

¹⁸ The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020.

¹⁹ By way of amendment to the No.2 Regs.

²⁰ Reg.4A of No.2 Regs

consumption on the premises, they may only do so if the food or drink is ordered by, and served to, **seated customers** and the operator must take all reasonable steps to ensure the customers remain seated whilst consuming the food or drink²¹. From 24 September both customers and staff (likely to come into close contact with the public) in restaurants and bars were required to wear **face coverings** whilst indoors unless they had a “reasonable excuse”, e.g. to remove a mask where it is reasonably necessary to eat or drink. (Some persons are specifically exempted from the face-covering provisions including police officers, PCSO’s and local authority officers).²²

- g. **28 September**²³ – further obligations were imposed on operators to take all reasonable measures to prohibit customers **singing in groups** of more than 6, or **dancing** on the premises, or playing recorded music at **sound levels** above 85db(A) at source.²⁴ (These measures were later revoked on 14 October 2020). With effect from this day the requirement on hospitality undertakings to take all reasonable measures to ensure “mingling” between groups did not take place was replaced with a requirement to take such measures to ensure no person in one group “joined” another.
- h. **14 October** – the new 3-Tier Regulations (Medium, High and Very High Alert Levels) were introduced.

LEGAL FRAMEWORK

Full summary review hearing

79. This full summary review hearing is held under s.53C of the Licensing Act 2003 (LA2003).

80. The licensing authority must:²⁵

²¹ Reg.4B of No.2 Regs

²² The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place)(England) Regulations 2020 (as amended)

²³ The Health Protection (Coronavirus, Restrictions) Obligations

²⁴ The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations (as amended)

²⁵ S.53C(2)

- a. hold a hearing to consider the application for the review and any relevant representations; and
- b. take such steps as it considers appropriate for the promotion of the licensing objectives.

81. The steps available to the licensing authority are: ²⁶

- a. to modify the conditions of the licence (which includes changes to permitted hours);
- b. to exclude a licensable activity from the scope of the licence;
- c. to remove the designated premises supervisor;
- d. to suspend the licence for a period not exceeding three months;
- e. to revoke the licence;

82. Licensing authorities must carry out their functions under the Licensing Act 2003 with a view to the promotion of the licensing objectives.²⁷

83. The licensing objectives, all of which may be considered at this full summary review hearing, are:

- a. The prevention of crime and disorder
- b. The prevention of public nuisance
- c. Public safety
- d. The protection of children from harm.

84. Each is of equal importance and the promotion of the four objectives is a paramount consideration at all times.²⁸

85. In the case of Nakira, the police submit that all the objectives, whether directly or indirectly, are engaged.

²⁶ Section 53C(3)

²⁷ Section 4 LA03

²⁸ S.182 Guidance at paragraph 1.4

86. Steps taken to achieve the promotion of the licensing objectives should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.²⁹
87. In carrying out their licensing functions a licensing authority must have regard to the licensing authority's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 ("s.182 Guidance")³⁰.
88. In relation to "Reviews", the s.182 Guidance recognises that:³¹

*11.1- The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent **a key protection for the community** where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.*

89. Similarly, the s.182 Guidance points out, in the context of reviews arising in connection with crime, that the duty of a licensing authority is to make decisions in the interests of the wider community and not simply those of the individual licence holder:

*11.26- Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. **The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.***

90. Hearsay evidence is admissible³² although the High Court has observed that:³³

²⁹ S.182 Guidance at 9.43

³⁰ Section 4, Licensing Act 2003

³¹ Chapter 11 "Reviews". Emphasis added.

³² *Westminster v. Zetfair*, [1989] 88 LGR 288

³³ *Leeds City Council v. Hussain* [2002] EWHC 1145 (Admin)

“Some evidence such as gossip, speculation and unsubstantiated innuendo would be rightly disregarded. Other evidence, even if hearsay, might by its source, nature and inherent probability carry a greater degree of credibility. All would depend on the particular facts and circumstances.”

91. Given these are administrative/civil proceedings, where a factual issue falls to be decided the standard of proof is the balance of probabilities.
92. The promotion of the licensing objectives is ultimately a forward looking exercise. Deterrence is also a proper consideration. In East Lindsey District Council v Abu Hanif (Admin), a licensing case involving the employment of illegal workers, the High Court (Jay J) made important observations of more general application to licence review decisions: ³⁴

“The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.”

93. Similarly, in R (Bassetlaw District Council) v Worksop Magistrates’ Court [2008] EWHC 3530 (Admin), the High Court considered a case where a licence review followed sales of alcohol to underage test-purchasers. Slade J (at §32), referred to deterrence as a proper consideration in the context of licence reviews.

The Superintendent’s Certificate

94. The Superintendent’s certificate that accompanied this application for summary review is at [p.11]. The application itself is at [p.6-10].

³⁴ [2016] EWHC 1265. See also R (Bassetlaw District Council) v Worksop Magistrates’ Court [2008] EWHC 3530 (Admin), when the High Court considered a case where a licence review followed sales of alcohol to underage test-purchasers. Slade J stated at §32: “... Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State.”

95. In *Lalli v Commissioner of Police for the Metropolis* [2015] EWHC 14, the High Court indicated that it is not for the licensing authority to go behind the Superintendent's Certificate stating that, in his opinion, the premises is associated with serious crime or serious disorder or both.
96. In the course of his judgment, Mr John Howell QC, sitting as a Deputy High Court Judge, stated [at §62]:

“In my judgment the licensing authority is obliged to conduct the summary review even if it considers that the information available to the officer when he gave the certificate did not establish that the premises were associated with serious crime or serious disorder.”

And to similar effect [at §75]:

“Parliament intended that the licensing authority should be entitled to treat an application for a summary review made by the chief officer of police as valid if it is accompanied by a certificate that apparently meets the requirements of section 53A(1) and has not been quashed. The licensing authority is not obliged to consider whether or not it is liable to be quashed.”

97. The Court pointed out that the licensing authority's own view as to whether the premises was “associated with serious crime or serious disorder” (even if different to the opinion of the senior police officer who signed the certificate) is not decisive on what steps are appropriate to take in order to promote the licensing objectives as the summary review hearing. The Deputy High Court Judge stated [at § 63]:

“The fact (if it be the case) that the licensing authority does not itself consider that any reasons provided for giving the certificate establish that there is an association between the licensed premises and serious crime or serious disorder is not of itself necessarily decisive for any decision about interim steps or for the determination of the summary review itself. The licensing authority may consider interim steps are necessary or appropriate for the prevention of crime and disorder (which is one of the licensing objectives) given further information provided, or representations made, by the chief officer of police or, when determining the summary review, by others... When doing so, as explained above, the authority may consider representations that do not relate to the crime prevention objective (as well, of course as those which do) and, as section 53C(2)(b) of the 2003 Act states, the authority must then take any steps as it considers appropriate for the promotion of the licensing objectives, not merely the crime prevention objective.”

98. Finally, in the context of summary reviews, the Court in *Lalli* stated [at § 71]:

“The statutory provisions describing the substantive functions of the licensing authority on receipt of the application for a summary review are focused solely on what may be necessary or appropriate for the promotion of the licensing objectives.”

Public Sector Equality Duty

99. At the interim steps hearing on 16 October 2020, Counsel for the licence holder invited the sub-committee to consider their obligations under the Equality Act 2010 and, in particular, the Public Sector Equality Duty (“PSED”) as contained in s.149.

100. WMP agrees that the PSED *is* engaged in these proceedings, as it is with every licensing determination by a local authority. WMP positively invites the sub-committee to consider their PSED when reaching their determination.

101. The PSED requires a public authority (which includes this licensing sub-committee), in the exercise of its functions, to have **due regard** to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

102. The “protected characteristics” are: age, disability, gender reassignment, pregnancy and maternity, **race**, religion or belief, sex, sexual orientation.³⁵

³⁵ S.149(7) of the Equality Act 2010

103. As in the interim hearing on 16 October, the sub-committee will wish to have regard to the “Brown Principles”.³⁶ In summary this means:

- a. Decision-makers must be made aware of their duty to have 'due regard' and to the aims of the duty.
- b. Due regard is fulfilled before and at the time a particular policy that will or might affect people with protected characteristics is under consideration, as well as at the time a decision is taken.
- c. Due regard involves a conscious approach and state of mind. A body subject to the duty cannot satisfy the duty by justifying a decision after it has been taken. Attempts to justify a decision as being consistent with the exercise of the duty, when it was not considered before the decision, are not enough to discharge the duty. General regard to the issue of equality is not enough to comply with the duty.
- d. The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- e. The duty has to be integrated within the discharge of the public functions of the body subject to the duty. It is not a question of 'ticking boxes'.
- f. The duty cannot be delegated and will always remain on the body subject to it.
- g. It is good practice for those exercising public functions to keep an accurate record showing that they had actually considered the general equality duty and pondered relevant questions. If records are not kept it may make it more difficult, evidentially, for a public authority to persuade a court that it has fulfilled the duty imposed by the equality duties.

104. In this case there is, at the time of writing, no evidence before the sub-committee suggesting that a decision to revoke the premises licence of Nakira would have an adverse impact on any group of people with protected characteristics (e.g. the BAME community).

³⁶ Set out in *R(Brown) v Secretary of State for Work and Pensions* [2008] EWHC 3158

105. But, even if such evidence were to be produced, WMP submits that there is an overriding duty to promote the licensing objectives in an appropriate and proportionate manner in this case, having had due regard to the PSED. (Not least because the increased risks of COVID-19 infection as a result of acts and omissions by Nakira's operators impacts on all communities, including the BAME community who frequent Nakira itself).
106. At the interim steps hearing on 16 October, there appeared to be an insinuation from the licence holder that WMP were unfairly and unjustifiably focusing their enforcement action on venues popular with the BAME community in Birmingham. That is denied. The statement of PC Abdool Rohomon (dated 20.10.20) deals with this issue at Agenda Papers [p.46-47].

CONCLUSION

107. For these reasons WMP invite the sub-committee to revoke the premises licence of Nakira and impose an interim suspension pending any appeal.

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22 October 2020