

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE C

**Friday 22 December 2023 at 1000
hours as an On-Line Meeting,
Microsoft Teams**

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite, please click this link, <https://birmingham.public-i.tv/core/portal/home> 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

Attached

4 RE: PORTRAIT BAR, THE ARCADIAN, 70 HURST STREET, BIRMINGHAM B5 4TD - PREMISES LICENCE NO: 222 – LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS

N.B. Application scheduled to be heard at 1000 hours.

Documents submitted:

A. Representations made by the premises licence holder

- B. Decision of the meeting held on 19 December 2023
- C. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- D. Application for Review of Licence
- E. Copy of Premises Licence
- F. Location maps

The premises licence holder has made representations (See A above) in respect of the interim steps imposed on 19 December 2023 (See B above) following the application from West Midlands Police for an expedited review of the premises licence in respect of The Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham, B5 4TD – Premises Licence No : 222. The application was accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises is associated with serious crime and disorder which was made under Section 53A of the Licensing Act 2003 (as amended). (See C and D above)

In accordance with the regulations, the licensing authority has given the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate.

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review. The Premises Licence is included at item E.

At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanies the application,
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

There is no right of appeal to a magistrates court against the licensing authority's decision at this stage.

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.

From: Carl Moore <carl@cnariskmanagementltd.co.uk>
Sent: Wednesday, December 20, 2023 3:51 PM
To: Licensing <licensing@birmingham.gov.uk>; Bhapinder Nandhra <Bhapinder.Nandhra@birmingham.gov.uk>
Cc: Jake Brooke <JBrooke@kingschambers.com>; Sarah Clover <sclover@kingschambers.com>; Raj Bahia <raj@rxbgroup.com>
Subject: Re: Licensing Act 2003 - Section 53A Expedited Review RE: Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham, B5 4TD

Dear Bhapinder,

Please take Notice of this formal notification.

I have been instructed by my client DXR Ltd to challenge/appeal the decision made by The Birmingham City Council Licensing Sub Committee B on Tuesday 19th December 2023, to impose Interim steps on the Premises License for PORTRAIT BAR.

I am aware that a Hearing will need to be convened within 48 hrs of lodging the challenge/appeal.

My client will be legally represented by Sarah Clover from Kings Chambers.

(sclover@kingschambers.com)

I will also be present (carl@cnariskmanagementltd.co.uk) and also the applicant Mr Raj Bahia

(raj@rxbgroup.com)

Look forward to hearing from you.

Regards

Carl

On 20/12/2023 13:24 GMT Licensing <licensing@birmingham.gov.uk> wrote:

Dear Recipient

Further to your interest in the interim steps meeting held in respect of the above premises yesterday being Tuesday 19 December 2023 @ 10am.

Please find attached a copy of the full decision notice in respect of the hearing which having been disclosed to all parties will now be placed in the public domain which, may result

in some media coverage.

I can advise all parties that the full review hearing has been listed for **10am on Monday 15 January 2024**, formal notifications will be sent in due course.

Regards

Bhupinder Nandhra

Senior Licensing Officer

General Licensing | Regulation & Enforcement | City Operations Directorate

Email: licensing@birmingham.gov.uk

Postal Address: PO Box 17831, Birmingham B2 2HJ

Web: www.birmingham.gov.uk/licensing

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Carl Moore
Director
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**BIRMINGHAM CITY COUNCIL****LICENSING SUB COMMITTEE B****TUESDAY 19 DECEMBER 2023****PORTRAIT BAR, THE ARCADIAN, 70 HURST STREET, BIRMINGHAM B5 4TD**

That having considered the application made and certificate issued by a Superintendent of West Midlands Police under section 53A of the Licensing Act 2003, for an expedited review of the premises licence held by DXR Limited in respect of Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham B5 4TD, this Sub-Committee hereby determines:

- that the licence be suspended, and
- that Mr Rajvir Singh Bahia be removed as the designated premises supervisor pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.

The Sub-Committee's reasons for imposing the two interim steps are due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime, which had come to light as outlined in the Superintendent's certificate and application. Those documents were in the Committee Report.

The Sub-Committee determined that the cause of the serious crime originated from a style of management which had been incapable of upholding the licensing objectives. The style of management was the responsibility of DXR Ltd, as premises licence holder for the premises. One of the company directors of DXR Ltd was Mr Rajvir Singh Bahia. Mr Bahia was also the person named on the licence as the designated premises supervisor.

Mr Bahia attended the meeting, together with Mr Lal, a shareholder of the company. West Midlands Police also attended.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that the matter was a live police enquiry regarding a serious crime incident, namely the discharge of a firearm inside licensed premises. Two persons had been injured as a result. A Police investigation was ongoing to try to trace those involved in the incident.

The Police asked for the proceedings to be conducted in private, in the interests of fairness and so that all could speak freely in relation to the incident. Mr Bahia did not object to this course, and so the Sub-Committee conducted the meeting in private session.

Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A of the Act, related to an

allegation of serious crime which had originated at the premises. The details were as per the documents in the Committee Report.

The Police summarised the investigation thus far. A person had brought a firearm into the Portrait Bar premises whilst it was open and conducting licensable activities. The firearm was then discharged inside the premises in the very early hours of Monday 18th December 2023, causing injury to two persons.

Two offences of wounding with intent to cause grievous bodily harm under s18 of the Offences Against the Person Act 1861 had been reported. This offence was classed as a serious crime under s81 of the Regulation of Investigatory Powers Act 2000, as the potential maximum sentence on conviction was life imprisonment. The incident therefore warranted the use of the s53A power, and the matter had been brought before the Sub-Committee for an Expedited Review hearing.

The Police view was that interim steps were required in order to deal with the causes of the serious crime whilst the criminal investigation was under way. It was the advice of the Police that a lack of management control had led to the incident. Overall, the Police had no confidence in the premises' ability to prevent further serious crime. It was therefore the Police's recommendation that the incident had been so serious, and the risk to the upholding of the crime prevention objective so grave, that specific interim steps were required.

The Police recommended that the correct course was to suspend the licence, for the reasons given in the Superintendent's certificate and application, and also to remove the designated premises supervisor. This was in the interests of guarding against the risks of further serious crime pending the full Summary Review hearing in 28 days' time.

The Sub-Committee then heard from the two persons representing the premises. They said that the event, which had begun on the Sunday night of 17th December and had continued into the Monday morning of 18th December, had been booked on the 15th December, and that they considered that they had ensured ample time to make proper arrangements for a "successful and safe gathering".

On the night/early hours in question, the premises had had twenty members of staff on duty; of these, eight were security guards and five were bar staff. There had been 200 patrons attending for the event.

The security measures had comprised three separate "pat and wand" searches for each patron before being admitted to the premises. The door team had included very experienced security staff, and the team had been given instructions to check all patrons, as safety was of the utmost importance to the venue. However, the Members observed that despite this procedure, a firearm had found its way into the premises.

Portrait Bar had been operating for three to four years, they said, without incident. It had held "over 70 separate events over the year with no issues", and considered itself a "safe and enjoyable environment". Some £20,000 had been invested in recent months in the interests of improving safety at the venue. The additional steps included the introduction of more security protocols and training. Some of the new measures recommended by Police had been done, and others were still being implemented.

The company had been the licence holder since June 2023; Mr Bahia had been involved in the premises for three years, in an administrative role, and had been appointed as the Designated Premises Supervisor in September 2023. The venue itself had been operated as a bar premises for over 20 years. Those at the premises were actively engaging with the Police. They also assured the Sub-Committee that they were “committed to continuous improvement”, and would learn from the incident.

However, the Police observed that as the event had been booked on 15th December, this would have given sufficient time to conduct a risk assessment to guard against the risks of crime and disorder – but it appeared to the Police that either no risk assessment had been done, or one was done but not followed. The Sub-Committee noted this.

The Police advised the Sub-Committee that searching at the door was critical to preventing weapons from entering premises; however, despite the assurances given by those from the premises (namely that three searches were conducted of each patron), the Police informed the Sub-Committee that they had not been satisfied with what they had seen on CCTV recordings of the searches at the door of the Portrait Bar. It was the advice of the Police that the search regime was not as robust as had been suggested by those representing the premises. The Sub-Committee noted this.

The Police added that at the end of November 2023 they had held a meeting with Mr Bahia in which an action plan had been suggested by the Police, relating to various security measures. However, the measures had not been fully implemented, and as a result, in the early hours of 18th December a firearm had been brought into the premises and had been fired, injuring two persons.

The Police reiterated that for these reasons, the correct course was for the Sub-Committee to suspend the licence and remove the designated premises supervisor pending the full Review hearing. The Police assured the Sub-Committee that they would work with the premises in the intervening period.

Having heard all of the evidence, the Members were mindful of the Guidance issued by the Secretary of State under s182 of the Act, which advised them to only impose those steps which were necessary to guard against the risks of further serious crime. However, the starting point was that the Members were not confident that the company understood its responsibilities as licence holder, and moreover were not satisfied that there was proper management control of the premises.

The Police had observed that the offence had been committed in the presence of staff at the premises. The Police had advised in the application that the staff “were in a position of trust in the premises, with a duty to promote the safety of the public and to prevent crime and disorder, which they have failed to do”.

This was unacceptable and the Members were surprised that those from the premises had said that the security team included very experienced staff. The Sub-Committee considered that the inadequate security procedure was a significant risk to the upholding of the crime prevention objective.

The Sub-Committee agreed with the Police that at this stage it was not possible to have any trust in the management of the operation. The Members felt that they were not prepared to take any risks regarding the potential for further serious crime, pending the full Review hearing.

In deliberating, the Sub-Committee determined that there had been an allegation of serious crime, which was being investigated by Police. It was abundantly clear that the operation was not being run in accordance with the licensing objectives. Any instance of a weapon finding its way into licensed premises was extremely serious; moreover, on this occasion, a firearm had in fact been fired whilst the premises was open to the public and conducting licensable activities, and consequently two persons inside the premises had been injured.

Two offences under s18 had been reported. This was a clear risk to the prevention of crime and disorder objective. All in all, the management style seen at the premises was not at all the standard expected of premises licence holders in Birmingham.

The Sub-Committee was not satisfied that the licence holder company could be trusted to operate in a manner capable of preventing further serious crime. The Members noted in particular the Police comments regarding the unsatisfactory security checks and/or procedures which the Police had observed on the CCTV recordings. There was something of a contrast between the Police comments and the premises' own account of the security checks, but as the Police were the experts in crime and disorder, the Sub-Committee accepted the Police's advice.

The Sub-Committee considered the options of modification of the conditions of the licence, and exclusion of the sale of alcohol by retail from the scope of the licence, but did not consider that these would adequately cover the risks, given the seriousness of what had been described in the Superintendent's certificate and application. Moreover, the Police had not recommended either of these as a satisfactory course for the Sub-Committee to take.

The correct way forward was therefore to suspend the licence pending the full Review hearing, as recommended by the Police. The Sub-Committee found the Police recommendation to be entirely the proper course given what had been described in the documents and in the meeting, and determined that it was both necessary and reasonable to impose the interim step of suspension of the licence to address the immediate problems with the premises, namely the potential for further serious crime.

The Sub-Committee further noted that it was the responsibility of the designated premises supervisor to ensure that alcohol sales were conducted in accordance with the licence. The Sub-Committee therefore determined that the removal of the designated premises supervisor was a very important safety feature, given that he had only recently been appointed as the individual responsible for the day to day running of the premises (in September 2023). Moreover, it was not clear to Members what previous experience he had in running a late night entertainment venue of this nature, as his previous role in the operation was in an administrative capacity.

The Members considered that Mr Bahia had fallen short of the standards expected of him - as both a director of the licence holder company, and as the designated premises supervisor, and that the style of operation described in the Superintendent's certificate and application was a significant risk to the upholding of the licensing objectives in Birmingham.

Under the current style of operation, a weapon had been fired inside the Portrait Bar, injuring two persons. Public safety was of paramount importance, and the Members considered that it was a danger to the public for the premises to continue to operate in the manner seen on the night in question. The Police had assured the Sub-Committee that they would work with the premises; the Members hoped that those

at the premises would follow the advice they were given, ready for the full Summary Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the application made and certificate issued by a Superintendent of West Midlands Police, the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by West Midlands Police, and by those from the Portrait Bar.

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 excluding non-working days.

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

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: Portrait Bar,

Premise Licence Number: 222.

Premise Licence Holder: DXR Ltd.

Designated Premise Supervisor: Mr Rajvir Singh Bahia..

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 management and staff involved in the premises where this incident has occurred casts serious doubt on their abilities to promote the licensing objectives.

In this incident a person has entered the premises which were open and conducting licensable activity in possession of a firearm. The person has then produced the firearm and it has been discharged within the premises causing injury to other persons.

Wounding with intent to cause grievous bodily harm is a serious crime by virtue of the maximum sentence being up to life imprisonment if a person is found guilty of this offence and warrants the use of this power. The offence has been committed in the presence of staff at the premises who are in a position of trust in the premises with a duty to promote the safety of the public and to prevent crime and disorder which they have failed to do.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances 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: Supt 9700 D.Twyford 18/12/23



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 David Twyford

(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: Portrait Bar.

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

The Arcadian.

70, Hurst Street.

Post Town: **Birmingham**

Post Code (if known): **B5 4TD.**

2. Premises Licence details:

Name of premise licence holder (if known):

DXR Ltd..

Number of premise licence (if known):

222.

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)

x

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

Portrait is a licensed premises situated at The Arcadian, 70, Hurst St. Birmingham. B5 4TD. The premises license holder is DXR Ltd and designated premises supervisor is Mr Rajvir Singh Bahia.

The premises is licensed to sell alcohol for consumption on the premises between the hours of 1000 and 0400 hours on each day of the week.

At approximately 0035 hours Monday 18th December 2023 the premises were open and conducting licensable activity.

At this time an incident occurred whereby a firearm was produced and has been discharged within the premises causing injury to other persons.

This matter is two counts of wounding with intent to cause grievous bodily harm contrary to section 18 Offences Against The Persons Act 1861 which is a serious crime by virtue of the maximum sentence on conviction being life imprisonment.

West Midlands Police have serious concerns for the promotion of the licensing objectives at this premises.

A firearm has been in the premises and discharged showing current control measures at the premises to be inadequate and ineffective.

West Midlands Police have grave concerns over the operation of the premises which we want to bring to the committee's attention immediately.

This is such a serious incident and breach of the licensing objectives that West Midlands Police would request that the premises license is suspended and the Designated Premises Supervisor is removed.

Signature of applicant:

Date: 18.12.23.

Rank/Capacity: Superintendent

Contact details for matters concerning this application: BW Licensing

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

Telephone Number(s):

E-mail

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.

Licensing Act 2003
Premises Licence

Premises Licence Number	222
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description
Portrait Bar, Units E107, 108, 109 &110, Ladywell Walk, The Arcadian, 70, Hurst Street, B5 4TD
Telephone Number
N/A

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Sale of Alcohol by Retail Provision of Late Night Refreshment Exhibition of a Film Indoor Sporting Events Performance of Live Music Playing of Recorded Music Performance of Dance Anything of a similar description to that falling within Live Music, Recorded Music and Dance

Times the licence authorises the carrying out of licensable activities

Sale of Alcohol by retail:		
Day	Start Time	End Time
Monday	10:00	04:00
Tuesday	10:00	04:00
Wednesday	10:00	04:00
Thursday	10:00	04:00
Friday	10:00	04:00
Saturday	10:00	04:00
Sunday	12:00	04:00
Place:		
Seasonal Variations: 12:00 - 02:30 Sundays preceding Bank Holiday (excl Easter Sunday) 12:00 - 15:00 Christmas Day 19:00 - 00:30 Christmas Day		
Non-Standard Times:		

Provision of Late Night Refreshment:		
Day	Start Time	End Time
Monday	23:00	04:00
Tuesday	23:00	04:00
Wednesday	23:00	04:00

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Thursday	23:00	04:00
Friday	23:00	04:00
Saturday	23:00	04:00
Sunday	23:00	04:00

Further Details:
Place:
Seasonal Variations: 12:00 - 02:30 Sundays preceding Bank Holiday (excl Easter Sunday) 12:00 - 15:00 Christmas Day 19:00 - 00:30 Christmas Day
Non-Standard Times:

Exhibition of a Film:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	09:00	04:00
Tuesday	09:00	04:00
Wednesday	09:00	04:00
Thursday	09:00	04:00
Friday	09:00	04:00
Saturday	09:00	04:00
Sunday	09:00	04:00

Further Details:
Place:
Seasonal Variations:
Non-Standard Times:

Indoor Sporting Event:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	09:00	04:00
Tuesday	09:00	04:00
Wednesday	09:00	04:00
Thursday	09:00	04:00
Friday	09:00	04:00
Saturday	09:00	04:00
Sunday	09:00	04:00

Further Details:
Place:
Seasonal Variations:
Non-Standard Times:

Performance of Live Music:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	04:00
Tuesday	11:00	04:00
Wednesday	11:00	04:00
Thursday	11:00	04:00
Friday	11:00	04:00
Saturday	11:00	04:00
Sunday	12:00	04:00

Further Details:
Place:
Seasonal Variations:
Non-Standard Times:

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Playing of Recorded Music:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	04:00
Tuesday	11:00	04:00
Wednesday	11:00	04:00
Thursday	11:00	04:00
Friday	11:00	04:00
Saturday	11:00	04:00
Sunday	12:00	04:00

Further Details:

Place:

Seasonal Variations:

Non-Standard Times:

Performance of Dance:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	04:00
Tuesday	11:00	04:00
Wednesday	11:00	04:00
Thursday	11:00	04:00
Friday	11:00	04:00
Saturday	11:00	04:00
Sunday	12:00	04:00

Further Details:

Place:

Seasonal Variations:

Non-Standard Times:

Anything of a similar description to that falling within Live Music, Recorded Music or Dance

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	04:00
Tuesday	11:00	04:00
Wednesday	11:00	04:00
Thursday	11:00	04:00
Friday	11:00	04:00
Saturday	11:00	04:00
Sunday	12:00	04:00

Further Details:

Place:

Seasonal Variations:

Non-Standard Times:

The opening hours of the premises

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:00
Tuesday	10:00	04:00
Wednesday	10:00	04:00
Thursday	10:00	04:00
Friday	10:00	04:00
Saturday	10:00	04:00
Sunday	10:00	04:00

Seasonal Variations:

Non-Standard Times:

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

For consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

DXR LTD
64 Great Hampton Street, Hockley , Birmingham , B18 6EL

Registered number of holder, for example company number, charity number (where applicable)

Company Number:14906644

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Rajvir Singh Bahia

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: CCDL/PLH/23/1477
Issuing Authority: Cannock District Council

Dated 30-09-2023

Shaid Yasser
Senior Licensing Officer
For Director of Regulation & 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: 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 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

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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 the Operating Schedule

The outside seating area will have a barrier and this area will be supervised by door staff when in use.

The capacity for those using the outside seating will be monitored by door staff, to ensure that the area always remains within a safe limit.

Maximum number of persons shall be limited to 270 or such numbers as may be agreed from time to time with local authority surveyor.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4 – Plans

The Plan of the premises with reference number 170654 which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please ring the Licensing Section on 0121 303 9896 to book an appointment.



