

# 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: TMRW bar trading as NOX bar, Unit E1-E5 The Arcadian B5 4TD**

**Premise Licence Number: 1684**

**Premise Licence Holder: UK.BM.POWER ENTERTAINMENT LTD LIMITED**

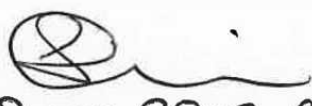
**Designated Premise Supervisor: Mr Manoochehr Esmaili**

**I am a Superintendent in West Midlands Police.**

I am giving this certificate because I am of the opinion that the summary review procedure is necessary to ensure the licensing objectives are promoted expeditiously. Given the seriousness of the trigger incident on 2/11/2024 which was a wounding with intent to inflict GBH, whereby within the premises a large scale disorder has taken place amongst patrons. This disorder has resulted in 3 persons being stabbed. In my opinion immediate steps are required that can best be achieved through the summary review procedures. Other steps available under the Licensing Act 2003, including a standard review application, cannot lead to the imposition of immediately effective steps to promote the licensing objectives and so these are inadequate. I view this application as a proportionate and necessary response to the serious incident at the venue.

In coming to my opinion I have had regard to the facts of the incident and current investigation, the track record of the premises, the terms of section 53A of the Licensing Act 2003 and Chapter 12 ("Summary Reviews") of the Guidance issued under section 182 of the Licensing Act 2003 (December 2022 revision).

Signed

  
Supt 9919 Choleman



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 *9919 SALLIE CUNNINGHAM*  
 (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: TMRW bar trading as NOX bar

Postal address of premises, (or if none or not known, ordinance survey map reference or description): **UNIT E1-E5 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):

**UK.BM.POWER ENTERTAINMENT LTD LIMITED**

Number of premise licence (if known):  
 1684

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)

NOX bar is a licensed premises situated at **UNIT E1-E5 THE ARCADIAN, 70 HURST STREET B5 4TD** The premises license holder is UK.BM.POWER ENTERTAINMENT Ltd and the designated premises supervisor is Mr Manoochehr Esmaili.

The premises is licensed to sell alcohol for consumption on the premises between the hours of 1000 and 0300 on weekdays, then between 1000 and 0400 weekend.

At approximately 0200 hours Saturday 2<sup>nd</sup> November 2024 the premises were open and conducting licensable activity.

At this time an incident occurred whereby a large scale disorder happened within the premises. As a result of this disorder 3 persons were stabbed.

The offender(s) are still to be identified.

West Midlands Police have serious concerns for the promotion of the licensing objectives at this premises. Weapons have been taken into the premises and used during a large scale disorder as well as the bars furniture being used as weapons.

Wounding with intent contrary to section 18 of The Offences Against The Person Act 1861 which is a serious crime by virtue of the maximum sentence on conviction being life imprisonment.

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: 05/11/2024

Rank/Capacity: Superintendent 9919 CTURCHILL

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](mailto: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.