

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation and Enforcement
Date of Meeting:	Monday 15th January 2024
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham, B5 4TD
Ward affected:	Bordesley and Highgate
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 application and representation received and to determine this matter, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

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 18th December 2023 in respect of Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham, B5 4TD.

A representation has been received from other persons.

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 18th December 2023, Superintendent Twyford, 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 DXR Limited in respect of Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham, B5 4TD.

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

Within 48 hours (excluding non-working days) 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 B met on 19th December 2023 to consider whether to take any interim steps and resolved that the licence be suspended, and that Rajvir Bahia be removed as the Designated Premises Supervisor (DPS), pending the 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 15:51hours on 20th December 2023. See Appendix 3.

As a result of this representation, Licensing Sub-Committee C met on 22nd December 2023 and having heard from representatives of the licence holder and West Midlands Police, resolved that the interim steps imposed on 19th December 2023 be maintained until the determination of the Review hearing. A copy of the decision is attached at Appendix 4.

The Premises Licence Holder was notified of the interim steps taken by the Licensing Authority and subsequently made a further representation at 15:04hours on 5th January 2024. See Appendix 5.

As a result of this representation, Licensing Sub-Committee A met on 9th January 2024 and having heard from representatives of the licence holder and West Midlands Police, resolved that the interim steps imposed on the 19th December 2023 were no longer necessary. The Sub-Committee resolved that the suspension be lifted, that the removal of Mr Rajvir Singh Bahia as Designated Premises Supervisor be lifted and that the conditions of the premises licence be replaced with those agreed between the premises licence holder and West Midlands Police. The Sub-Committee also noted that a variation application had been submitted nominating a Mr Bennett to become the new Designated Premises Supervisor with immediate effect. A copy of the decision is attached at Appendix 6.

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 5th January 2024.

A representation has been received from other persons, which is attached at Appendix 7.

A copy of the current Premises Licence is attached at Appendix 8.

Site location plans are attached at Appendix 9.

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 19th December 2023, Appendix 2
Representations back against Interim Steps decision of 19th December 2023, Appendix 3
Sub-Committee Interim Steps Meeting decision of 22nd December 2023, Appendix 4
Further Representations back against Interim Steps decision of 22nd December 2023, Appendix 5
Sub-Committee Interim Steps Meeting decision of 9th January 2024, Appendix 6
Copy of the representation from other persons, Appendix 7
Current Premises Licence, Appendix 8
Site location plans, Appendix 9

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 imposed on the 19th December 2023, maintained on 22nd December 2023 and modified on 9th January 2024.



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.

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



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.

From: Carl Moore

Sent: 20 December 2023 15:51

To: Licensing; Bhapinder Nandhra

Cc: Jake Brooke; Sarah Clover; Raj Bahia

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. ()

I will also be present () and also the applicant Mr Raj Bahia ()

Look forward to hearing from you.

Regards

Carl



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - C

22 DECEMBER 2023

PORTRAIT BAR, THE ARCADIAN, 70 HURST STREET, BIRMINGHAM B5 4TD

That, having considered the representations made under section 53B of the Licensing Act 2003 on behalf of DXR Limited, the premises licence holder of Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham B5 4TD, in respect of the interim steps imposed on the 19 December 2023, this Sub-Committee hereby determines that, in order to address the risk of further serious crime:

- the licence will remain suspended, and
- the decision to remove Mr Bahia as designated premises supervisor will be maintained pending the 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 maintaining the two interim steps, which were originally imposed at the meeting of 19th December 2023, are due to the concerns which were expressed by West Midlands Police during the meeting.

The licence holder company was represented by counsel at the meeting. Mr Bahia (director of the company) also attended the meeting, together with the company's licensing consultant. West Midlands Police also attended. Five minutes before the start of the meeting, those representing the premises submitted proposed conditions. The Sub-Committee considered these carefully.

Counsel addressed the Sub-Committee to explain that the premises was dealing with an isolated incident in unique circumstances. The premises was not able to simply await the full Review hearing in 28 days' time, as this would mean losing the festive period trade, which was vital to the business, to its owners, and to its employees. Counsel reminded the Sub-Committee that the purpose of the imposition of interim steps was to deal with serious crime, and not to punish a licence holder or business. The action taken "should be remedial, not punitive". The Sub-Committee accepted this.

Counsel asked the Sub-Committee to note that in the case of the Portrait Bar, the Police were not seeking permanent revocation of the licence, and remarked that this implied that the premises would reopen at some point. It had become apparent to the licence holder during discussions with Police that the Police wished to tighten protocols and address the lack of conditions on the licence, which was one of the old-style converted Justices' Licences.

The licence holder believed that suitable protections and procedures were capable of being implemented with immediate effect – as per the document submitted by the licence holder shortly before the meeting began. Counsel observed that there was therefore no justification for keeping the premises closed to protect the public. There was no history or pattern of unsatisfactory operation at the premises.

On the night in question, the premises had known in advance what event they were going to put on – an afterparty for an event which had begun at separate premises in Digbeth. The Portrait Bar had made preparations, and had deployed staff and security accordingly. However, during the

event at the other premises, there had been an incident/incidents, and the Police had attended at that other premises.

Thereafter, the Police had gone to The Arcadian, but this was not communicated to those at the Portrait Bar. Counsel observed that this was regrettable, because if there had been partnership working with the Police, the Portrait Bar would have been able to act differently. Regarding the firearm, the premises suspected that there had been a direct breach of the search protocol, by a member of staff who had perhaps gone rogue.

The Police had previously approached the Portrait Bar management to ask if they premises would voluntarily agree to adopting a set of modern conditions onto the licence. Portrait Bar had agreed to do this. Counsel remarked that the Portrait Bar had in fact begun to adopt the proposed conditions (in the document submitted shortly before the meeting began); they were the conditions which had been agreed with the Police.

The only matters that had not already been implemented were those that had technical impediments - such as the ID scanner, which required the installation of fibre broadband first; that had not yet been completed. It was a work in progress, and not a resistance by the premises, said counsel. The Decision Notice of 19th December had stated that the Sub-Committee hoped that the premises would work with the police; counsel assured the Sub-Committee that that had been ongoing this week.

In addition to the suite of conditions proposed by the premises, a suitable and experienced person had been identified to take over the role of designated premises supervisor from Mr Bahia.

All in all, the premises was confident that it could resume trading without any risk of further serious crime. Counsel asked the Sub-Committee to note that it was very important to the business to have the ability to trade as usual across the Christmas and New Year period, for economic reasons. The Sub-Committee noted this.

The Sub-Committee then heard from West Midlands Police, who reminded the Sub-Committee that the incident had been a very serious matter in which two persons had been injured after a firearm was discharged inside the Portrait Bar.

At the previous meeting, on 19th December, the premises had stated that its three-point search regime was very robust, and the Police had disputed this during the meeting. Furthermore, in the instant meeting, the Police were unamused to hear that, after watching the CCTV in relation to the incident, the premises now considered that a member of staff had perhaps gone rogue in admitting persons who should not have been allowed to enter. The Police observed that this was a change of position by the premises regarding what had happened. The Sub-Committee noted this.

Three comments were made in relation to the search regime by the Police. The first was that the search regime was being overruled, via what appeared to be either a VIP list or a procedure in which people were being allowed in without being searched at all. Secondly, female attendees at the premises on that day were not being personally searched - only their bags were being searched.

Thirdly, the door was not a "sterile site", in that there were people being searched who could then approach the barrier, which was a 3 foot high barrier, and lean over it and engage with people outside, including having physical contact. The Police were concerned that certain things could be passed from outside to inside the premises, and vice versa, across the barrier.

Therefore, no matter how robust the search regime might have been, it did not matter, in the eyes of the Police. The door to the premises was not a "sterile site", as items could get in and out easily across the barrier. The Police reminded the Sub-Committee that on the night in question a firearm had found its way into the premises. The Sub-Committee noted that there was something of a question mark over the efficacy of the search procedure.

The Police explained that the issue was that, at present, the Police were not altogether sure what the problem at the Portrait Bar was, in order to be able to remedy it. Counsel had remarked that

those at the premises were not sure at this stage what exactly had happened; the Police shared this view. The proposed conditions had not been seen by the Police as they were submitted very close to the start of the meeting.

The Chair of the Sub-Committee asked whether some additional time to consider the conditions would assist the Police. However, the Police declined this offer, as they considered that there was not adequate time to properly consider the conditions, as the problem with the premises had not yet been identified.

The Police advised that the overriding principle was to ensure public safety – accordingly, without knowing what had happened during the incident, the Police were unable to approve the proposed conditions. The Police were also not aware of the person who the premises had proposed should take on the designated premises supervisor role.

The Police advised that the correct course was for the premises and the Police to hold a meeting, analyse what had happened, and then devise a remedy. This was what the Police had meant when they said at the previous meeting on the 19th December that they would be “working with” those from the Portrait Bar. The Sub-Committee noted this.

The Police considered that the correct way forward was to maintain both of the interim steps pending the full Review hearing.

In summing up, counsel stated that it was not correct that the problem was not known; all persons at the premises were aware that a firearm had entered, and the purpose of making representations was to show that this could be fixed via conditions. Many of the conditions were those which had been suggested by the Police. A period of a month would identify nothing further beyond what was already known. The proposed new designated premises supervisor was experienced and performing the role elsewhere.

All in all, the premises was confident that it could trade without risk of further serious crime, and asked that the Sub-Committee adopt the conditions in order that the premises could reopen.

Having heard all of the evidence, the Members were mindful that the Police had found the proposal entirely unsatisfactory and had explicitly said that they did not approve the draft conditions. The comment from the Police about how the correct course was to “hold a meeting, analyse what had happened, and then devise a remedy” was persuasive.

The incident had been a very serious crime in which a weapon had been fired, injuring persons inside the premises. Whilst the Members had a great deal of sympathy with the premises’ desire to trade for the festive period, and found this view to be quite understandable, public safety was the first priority. The decision to suspend the licence on the 19th December had not been taken lightly, but had been wholly necessary, to prevent risk of further serious crime.

The Sub-Committee agreed with the Police that at this stage it was not possible to adopt the proposed conditions so that trade could resume. The Members felt that they were not prepared to take any risks regarding the potential for further serious crime, pending the full Review hearing. The Members noted in particular that the Police had expressed doubts and concerns over the workings of the door policy/searching. The Sub-Committee accepted the Police’s advice that the search procedure was not adequate or acceptable.

The Members agreed with the Police that “working with” the premises would require discussions, and thereafter decisions, on the suitable course of action; instead, the premises had unilaterally proposed its own conditions. This did not inspire confidence. Counsel had assured the Sub-Committee that many of the proposed conditions had been suggested by the Police in the past; regardless of this, the correct course was for the premises to cooperate with the Police, and to take the course guided by the Police. The Sub-Committee was mindful that the Police had not approved the proposed conditions.

The Sub-Committee was therefore not satisfied that the interim steps could be lifted, as it was not accepted that the licence holder company could operate in a manner capable of preventing further

serious crime. The Police were the experts in crime and disorder, and the Sub-Committee accepted the Police's advice.

The correct way forward was therefore to maintain both of the interim steps pending the full Review hearing, as recommended by the Police. The Sub-Committee found the Police recommendation to be entirely the proper course. Trading in the extremely busy festive period could of course bring additional pressures which could affect safe operation, and the Sub-Committee was not prepared to risk any further serious crime incident. Public safety was, as always, of paramount importance.

In reaching this decision, the Sub-Committee has given due consideration to the application made under s53B by the licence holder, the certificate issued earlier 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 counsel and the licensing consultant for the licence holder company, and by West Midlands Police.

All parties are advised that the premises licence holder may make further 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.

From: Carl Moore
Sent: 05 January 2024 15:04
To: Bhapinder Nandhra; Licensing
Cc: Sarah Clover; Raj Bahia; Jake Brooke
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 have attached conditions which have been agreed with West Midlands Police as disclosure

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

My client will be represented at the hearing by:

Sarah Clover from Kings Chambers.

Carl Moore, Licensing Consultant from C.N.A Risk Management

Mobile No:

Raj Bahia Director of DXR LTD, the Premises License Holder mobile No:

Look forward to hearing from you.

Regards

Carl

Carl Moore
Director
C.N.A. Risk Management Ltd



BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE A
TUESDAY 9 JANUARY 2024

PORTRAIT BAR, THE ARCADIAN, 70 HURST STREET, BIRMINGHAM B5 4TD

That, having considered the representations made on behalf of DXR Limited, the premises licence holder of Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham B5 4TD, in respect of the interim steps imposed on the 19th December 2023 and maintained on the 22nd December 2023, this Sub-Committee hereby determines that the interim steps are modified as follows:

- The interim step of suspension is lifted
- The interim step of removal of Mr Rajvir Singh Bahia as designated premises supervisor is lifted
- All those conditions agreed between West Midlands Police and the licence holder in advance of the meeting are adopted as interim steps pending the forthcoming full Summary Review hearing. Those agreed conditions are as follows:

CRIME & DISORDER

DOOR SUPERVISORS

1. The premises will deploy door staff when trading. Door staff will sign on and off duty.
2. The premise shall maintain staff profiles for all door staff working at the premises, and for any door staff that have worked on the premises in the last three months.
3. The door staff profile will consist of identification for the member of staff which shall include the following: a) A copy of his/her SIA Badge. b) Passport or driving licence.
If the proof of identification is anything other than the photo driving licence, then the member of staff will need proof of address, which must be a utility bill and to be dated within the last three months.
4. Door staff will sign on and off duty. The signing in & out sheets and profiles will be kept on the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request.
5. The numbers of door staff will be risk assessed by the premises. This risk assessment will be made available to any of the responsible authorities immediately on request.
6. Door supervisors stationed outside the frontage of the premises will wear high visibility jackets/coats and will have their SIA badge held in a clear arm sleeve holder. Door supervisors inside the premises will wear hi visibility waist coats, again with the SIA badge positioned in a clear arm sleeve holder in visible view to the public.
7. Door staff will remain on duty until all the customers have dispersed and this will form part of the premises dispersal plan.
8. The following areas will be covered by a Door Supervisor wearing a Body Cam. The search area covering the knife arch and ID scanner. The area inside the premises. If there is an incident in the premises, then management will ensure that one of the door supervisors with a body cam attends

the incident.

SEARCH POLICY

9. When a security team is deployed at the premises, they are under the control and supervision of a manager from the premises.

10. The premises will operate a search policy which will be made available to responsible authorities upon request.

11. From 9pm, Friday & Saturday, to also include all bank holidays and the days immediately preceding and any other day when a medium/high event risk assessment is required, the search will be conducted in a sterile area at the front of the premises. Each person entering the premises will be subject to a full body search, metal detection search in the form of a knife arch with metal wand detection as support as required.

12. Any person who has gone outside the premises and then wishes to re-enter, they will be subject to the same search regime as when they initially entered.

DRUGS POLICY

13. The premises has an absolute "zero tolerance" in relation to Misuse of Drugs. This fact will be emphasised by signage at premises and within any promotional literature.

14. The premises will operate a drugs policy which will be made available to any of the responsible authorities on request.

DISPERSAL

15. The premises will operate a dispersal policy which will be made available to any of the responsible authorities on request.

ID SCAN

16. From 9pm, Friday & Saturday and any other day when a medium/high event risk assessment is required, the licence holder shall maintain and operate an ID Scan to all persons entering the premises. This will include all bank holidays and the days immediately preceding.

17. The premises is to adopt and display a clear notice to the effect that there is a strict policy of NO ID, NO ENTRY.

INCIDENT BOOK

18. The premise must operate an incident book and record all incidents that occur inside and immediately outside the premises. Incident book can be inspected at any time upon request.

The incident book to be available for inspection by any regulatory body.

EVENTS

19. The premises will take details of persons booking the venue including the name, address telephone number of the person making the booking. Details are to be confirmed by photographic ID or in exceptional circumstances a utility bill no older than 3months old. Booking details are to be kept on the premises for a minimum of 28 days after the event and made available to West Midlands Police on request. A deposit is to be taken for all bookings. Additionally, the persons booking will be informed that it is subject to agreement to the deployment of door staff and the entry/ search policies of the venue.

20. Venue to provide 28 days' notice or less if agreed with WMP, for new events or new promoters to include co-promoters, who wishes to conduct a promotion at the premises. Premises also to provide a full risk assessment with the notification.

21. The condition of notification for events to the Police 28 days from the event is for events deemed to be Medium/High risk.

22. When the premises wish to hold an event as above, all recommendations made by the risk assessment to become conditions of the licence for that event.

23. The premises will supply to West Midlands Police Licensing Unit a standard operating risk assessment for internal events deemed as low risk.

24. The Premises has a last entry time of 01:30hrs.

CCTV

25. CCTV that is approved by West Midlands police and able to capture images particularly outside under conditions of low lighting will be fitted in the premises.

26. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request.

27. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.

28. The CCTV will be checked each day to ensure that it is working prior to licensable activity taking place. The date, time, identity of the checker and the result of the check will be recorded in the premises incident log.

CHILDREN

29. A challenge 25 policy will be operated at the premises.

30. Notices informing customers of the policy will be displayed within the premises.

31. Staff shall be trained on this policy and will be regularly reminded and trained to enforce the challenge 25 policy.

32. A refusals log will be maintained at the premises. The log will be made immediately available to members of the responsible authorities on request.

33. All staff will receive training regarding the Licensing Act 2003 and the premises operating conditions. Staff will also receive training regarding the premises vulnerability policy.

All training will be documented and signed by both the trainer and trainee.

34. No staff will work at the premises until this training has been completed and the required refresher training have been completed. Refresher training should take place as a minimum once a year. Training records to be made available to any of the responsible authorities on request.

35. The premises will operate a vulnerability policy which will be made available to any of the responsible authorities on request. As part of this policy the premises will have a safe space for vulnerable people.

FIRST AID

36. When the premises is trading at least one of the members of staff on duty will be first aid trained and they will take the lead in any medical incidents or where the incident is vulnerability.

37. The licence holder will have available for use a working bleed kit whenever licensable activities are carried on from the premises.

TRAINING

38. All training records for all staff, regarding drunkenness and the protection from harm for children to be maintained, and to be available to any Responsible Authority.

39. All staff will receive initial & refresher training regarding the four Licensing Objectives and the premises operating condition, this is to include Crime Scene Preservation training.

All training will be documented and signed by both the trainer and trainee.

The Sub-Committee noted that a Variation application regarding the designated premises supervisor had been submitted, nominating a Mr Bennett to become the designated premises supervisor with immediate effect.

The Sub-Committee carefully considered the further representations made by counsel for the premises licence holder. She reminded the Members that after the original Expedited Review meeting, there had been a further Sub-Committee meeting before Christmas (22nd December 2023), to see if the conditions being proposed could be agreed. The purpose of the attempt had been to try to preserve the Christmas and New Year trade. However, the Police had not been ready to approve the conditions at that stage, although work had been ongoing.

Counsel confirmed that since then, partnership working between the consultant to the licence holder and the Police had continued, and the parties had reached a position where the conditions and the comprehensive action plan (both of which were in the Committee Report) were agreed, which would be sufficient to enable the premises to reopen. Counsel reminded the Sub-Committee that it had been the Police position throughout that there was no particular intention to seek permanent revocation of the licence.

Counsel drew the attention of the Members to the valuable partnership working that been carried out by the consultant to the licence holder and the Police which had ensured that a suitable way forward had been reached. The Sub-Committee noted this.

The Sub-Committee then heard from West Midlands Police, who confirmed that they had worked with the premises to identify the issues that led to the incident. Thereafter, measures had been put in place. These had been designed to ensure that the licensing objectives could be promoted, and so that the risk of any further serious crime incident would not occur again.

The new measures included the complete overhaul of the premises' procedure for booking events, and the search regime at the premises. Accordingly, the Police were satisfied that the suite of conditions was suitable to replace the interim steps currently in place. The Police recommended the new measures as "a proportionate and effective response to the issues that were identified", and asked that the Sub-Committee adopt them pending the final Summary Review hearing.

When deliberating, the Sub Committee gave consideration as to whether there had been a material change in circumstances since the Sub-Committee made its original determination, and gave consideration as to whether to withdraw or modify the interim steps imposed.

The Members concluded that the risks of any further serious crime incident had been satisfactorily addressed by the licence holder and Police, who had worked together in recent weeks to devise a proper way forward, such that the premises could resume trading without risk of a further serious crime incident.

The Sub-Committee therefore lifted the interim steps which had been imposed on 19th December, and adopted the agreed conditions, pending the full Summary Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office, the certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, the application for review, the documents submitted and the submissions made at the meeting.

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

From: Piers Warne
Sent: 04 January 2024 15:07
To: Licensing
Cc: Matthew May ; Ewen Macgregor
Subject: Portrait Bar The Arcadian, 70 Hurst Street, B5 4TD Review Representation
Importance: High

Dear Officers

We act for L&C Commercial Limited, the Landlords of Portrait, The Arcadian, 70 Hurst Street, B5 4TD ('the premises'),.

We are submitting a representation in relation to the Summary Review of the premises licence brought by West Midlands Police Licensing Team ('WMP') and dated 18 December 2023.

The representation relates to the licensing objectives of:

- Prevention of Crime and Disorder,
- Prevention of Public Nuisance,
- Public Safety, and
- Protection of Children from harm

As landlords of the Arcadian, our client has a vested interest in ensuring that all premises promote the licensing objectives and manage their premises accordingly. Our client will assess any evidence provided by WMP in conjunction with evidence from our client's own sources, taking into account their working relationship with WMP in general, prior to any further submission.

Kindly acknowledge receipt of this representation and confirm acceptance of it.

Yours sincerely

Piers Warne
Legal Director

Licensing Act 2003**Premises Licence**

Premises Licence Number	222
--------------------------------	-----

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

<u>Sale of Alcohol by retail:</u>		
<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	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:		

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

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: CCDC/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 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.



