

Firstly, may I apologise that I have not been able to secure a suitable legal representative for this Interim hearing given such a short notice.

I had been waiting to speak with Ms Jane Sarginson from St Philips Chamber, and I was informed on 15/01/2024 at 16:30, that Ms Jane Sarginson has now been appointed by BCC instead.

I am not legally trained, however I will do my best to represent the Landlord; Mao Wah Ltd for this interim hearing.

It is not necessary to suspend the Landlord; Mao Wah Ltd's Premises License 1952 HNDRX for the purpose of:

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

The Freeholder/ Landlord

1. Mao Wah Ltd has no history for Premises License violations.
2. Mao Wah Ltd
 - Company number: 04671374
 - Incorporated on: 19 February 2003
 - Nature of Business: 68209 - Other letting and operating of own or leased real estate
 - Director: Kin Bong Lam
 - Persons with Significant Control: Kin Bong Lam
3. Mao Wah Ltd has been in civil litigations with the tenant; Amari 1 Ltd since 2017:-
 - Winding up of the tenant; Amari 1 Ltd's company, with a winding up petition to the High Court - to stop the company trading
 - forfeiture of the Lease with peaceful re-entry
 - Interpretation and rectification of the Lease.
4. Mao Wah Ltd's Premises License 1952 HNDRX is not for King VN Premises as it is on the WMP certificate and application.
5. Mao Wah Ltd's Premises License 1952 HNDRX was not used to trade at King VN club at 89 Holloway Head, Birmingham B1 1QP on or around the date of the incident on 06/01/2024
6. The Premises License 1952 was transferred from the tenant back to the landlord on 27/08/2019
7. Mao Wah Ltd has been the Premises License holder of 1952 since August 2019
8. Mao Wah Ltd made attempts to contact the DPS Parmjit Singh since Nov 2019
9. Mao Wah had made attempts to stop, the second additional Premises License applied by the Director of the tenant's company being granted by BCC on 28/09/2021
10. Mao Wah Ltd made attempts to remove the DPS Parmjit Singh on 11/01/2024 to ensure no one can authorise the sale of alcohol with its Premises License.
11. Mao Wah Ltd did not vary the Premises License with a new DPS as it would defeat the object.
12. BCC refused Mao Wah Ltd's request to remove the DPS Parmjit Singh on 12/01/2024

The Leaseholder/ Tenant

13. Amari 1 Ltd

- Company number 07779292
- Incorporated on: 19 September 2011
- Nature of Business: 93290 - Other amusement and recreation activities not elsewhere classified
- Director: Le Hoai Nam
- Persons with Significant Control: Le Hoai Nam

Holloway Club Ltd

- Company number: 12123360
- Incorporated on: 26 July 2019
- Nature of Business: 56301 - Licensed clubs
- Director: Le Hoai Nam
- Persons with Significant Control: Le Hoai Nam and Miss Thi Van

14. The tenant; Amari 1 Ltd/ Holloway Club Ltd applied for a second additional Premises License to trade as King VN Club at the premises on 02/08/2021, the tenants' own Premises License 5426 to trade as King VN Club was issued by the BCC on 12/10/2021.
15. The tenant; Amari 1 Ltd/ Holloway Club Ltd was not trading the King VN club with the Landlord's Premises License 1952 HNDRX on or around the date of the incident on 06/01/2024. The King VN Club was trading under the tenant's own Premises License 5426 on or around the date of the incident on 06/01/2024.
16. The "lack of management", "criminal investigation", "the wholly inadequate style of management", "significant risk to the upholding of the crime prevention objective", "significant quantities of illegal drugs discovered", "illegal drugs in Birmingham", "potential serious crime", "style of management", "serious crime", "drugs found", "cash found" "further serious crime" was the responsibility of The tenant; Amari 1 Ltd/ Holloway Club Ltd and not the Landlord's.
17. Under the Premises License 5426 King VN - Annex 3, 3a) "The license holder shall not carry on any licensable activities from the premises concurrently with Birmingham City Council premises License Number 1952"
18. The DPS of Premises License 5426 King VN is Miss Thi Van; the wife of Le Hoai Nam; and not Parmjit Singh.
19. On the night of the incident 06/01/2024, "both the premises license holder and DPS (of Premises License 5426 Holloway Head King VN) were on site during the execution of the warrant. (Mr Hoai Nam Li and Miss Thi Hong Quyen Van)

The Lease

20. 21 years registered lease dated from 23/02/2012; which is registered at Land Registry
21. There is still a 21 years lease in place; Mao Wah Ltd cannot simply just gain access to the premises even if we decided to, let alone to trade on the premises. Therefore, no public and business trading can take place at the premises with the Premises License 1952.
22. There is a 21 years lease in place, Mao Wah Ltd cannot simply just "let it to someone else", at least not until we have forfeited the lease from the tenant through the courts legal system, which will take months, which will be after the final hearing. Therefore, no public and business trading can take place at the premises with the Premises License 1952.
23. Should the tenant proven to be in breach of the lease, ie use the property for any illegal purpose or in a manner that would cause loss or inconvenience to the landlord. Then the

landlord; Mao Wah Ltd can start the process for forfeiture and gain peaceful entry into the building. Therefore, no public and business trading can take place at the premises with the Premises License 1952.

A new Tenant

24. Once, the landlord; Mao Wah Ltd is able to forfeit the lease and gain peaceful entry back into the property. And only till then, the landlord can make good of the property and authorise an Estate Agent to market and promote the property to the potential tenants.
25. Once, the landlord; Mao Wah Ltd have received interests from the potential tenants. Negotiation and vetting of the potential tenants will need to be carried out.
26. Once the landlord; Mao Wah Ltd have secured a chosen tenant, then a Head of Terms will need to be signed by all parties, and solicitors for both parties are appointed.
27. The legal process of a commercial conveyance transaction such as this type of property, will start by establishing the legal tenant details, the guarantor details, obtaining credit reports, obtaining reference letters, drafting of the new lease and negotiations, deposit and guarantor deeds, then finally completion and hand over of the property. This will usually take between 3-6 months.
28. The above process will cost the Landlord around £30,000 - £200,000 and takes probably 12-18 months or even longer. It will all depend on the court and the current state of the building.

The full decision notice for Expedite Review of Mao Wah Ltd Premises License 1952 HNDRX

29. The suggestions and recommendations presented by WMP during the Interim Meeting were:
 - Remove the DPS Parmjit Singh
 - A suspension of license is not necessarily
 - License would remain in place but trading would not be permitted without Police approval

In my opinion, the Police's suggestions and recommendations is clear and just. A contrary to the Sub-Committee's remarks "nebulous" "vague" "inadequate" on the Decision Notice. I believe the WMP had clearly understood the Landlord and Tenant are independent and are unfortunately linked by the 21 years lease.

The Options available for determining application for review of a premises license:-

- To modify the conditions of the licence – this includes altering or omitting any existing condition or adding any new conditions
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

Finally, In light of the further detailed explanation and supportive documents provided above. I would sincerely like to ask for the Licensing Sub-committee members to consider the original decision to suspend our Premises License to be withdrawn, and to accept the Police's recommendation and suggestions as per our last interim meeting.

Thank you for your time and considerations.