

**BIRMINGHAM CITY COUNCIL**  
**LICENSING SUB-COMMITTEE A**

**Monday 18 November 2024 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: LICENSING ACT 2003 - REPRESENTATIONS BACK AGAINST INTERIM STEPS IMPOSED - RE: NOX BAR (FORMERLY TMRW), THE ARCADIAN, 70 HURST STREET, BIRMINGHAM, B5 4TD- 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. Further representations made by the premises licence holder received on 14 November 2024
- B. Decision of the meeting held on the 6 November 2024
- 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 further representations back in respect of the interim steps imposed on the 6 November 2024 (See Appendix A). Copies of the interim steps decisions made by a previous Licensing Sub Committee held on 6 November 2024 following the application from West Midlands Police for an expedited review of the premises licence in respect of **Nox Bar (Formerly TMRW), The Arcadian, 70 Hurst Street, Birmingham, B5 4TD** are attached at Appendix B.

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 Appendices C & D respectively).

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.

# A

**From:** Duncan Craig <[dcraig@st-philips.com](mailto:dcraig@st-philips.com)>

**Sent:** 14 November 2024 15:08

**To:** Licensing <[licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)>

**Subject:** FW: Licensing Act 2003 - Section 53A Expedited Review RE: Nox Bar (Formerly trading as TMRW), Units E1 – E5, The Arcadian, 70 Hurst Street, Birmingham B5 4TD

Dear Licensing

I act for the licence holder for the above premises and I am hereby making representations under section 53B(6) of the Licensing Act 2003 ('the Act') against the interim step of suspension imposed by Birmingham City Council's Licensing Sub-Committee on 6<sup>th</sup> November 2024 under section 53B(3)(d) of the Act.

Please could you therefore arrange to hold an associated hearing within 48 hours (excluding the upcoming weekend) of this email.

I have copied West Midlands Police into his email.

Many thanks.

Kind regards,

Duncan Craig

Barrister

**DD:** +44 (0)121 246 2175 | **M:** 07544 987300 | **Email:** [dcraig@st-philips.com](mailto:dcraig@st-philips.com)

**St Philips Chambers**

**Birmingham** | 55 Temple Row, Birmingham, B2 5LS | **T:** 0121 246 0200

**Leeds** | St Paul's House, 29 Park Square, Leeds, LS1 2PQ | **T:** 0113 244 6691



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# A

**DUNCAN CRAIG**



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OFFICIAL

**BIRMINGHAM CITY COUNCIL****LICENSING SUB COMMITTEE - C****WEDNESDAY 6 NOVEMBER 2024****NOX BAR (FORMERLY TMRW), 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 UK.BM.Power Entertainment Limited in respect of Nox Bar (formerly TMRW), The Arcadian, 70 Hurst Street, Birmingham B5 4TD, this Sub-Committee determines:

- that the licence be suspended, and
- that Mr Manoochehr Esmaili 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 and/or serious disorder, 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 and/or serious disorder originated from a style of management which had been incapable of upholding the licensing objectives. The style of management was the responsibility of the company, as premises licence holder for the premises.

West Midlands Police attended the meeting. The designated premises supervisor also attended the meeting. He confirmed to the Chair that he had been given authority to represent the licence holder company. The Sub-Committee noted this.

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 an ongoing police investigation regarding an incident of serious crime and/or serious disorder. The Police asked for the proceedings to be conducted in private because if the evidence were to be heard in public it could prejudice the investigation. The designated premises supervisor confirmed that he did not object. The Sub-Committee therefore 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 and/or serious disorder which had originated at the

premises. The details were as per the documents in the Committee Report. The incident warranted the use of the s53A power, and the matter had been brought before the Sub-Committee for an Expedited Review hearing.

The Police had found numerous aspects of the management style to be unsatisfactory – ranging from the risk assessments, security arrangements, and the handling of the incident described in the Report. The Police informed the Sub-Committee that three persons had been stabbed, and there a large-scale disorder had broken out, including the use of bar furniture as weapons. The Police confirmed that as a result of what had been seen thus far, they had no confidence in the licence holder.

The Police advised the Sub-Committee that breaches of the licence conditions were suspected. It had been found that on the night in question the premises had been hosting a promoted event.

The Police view was that interim steps were required in order to deal with the causes of the serious crime/serious disorder. They described the incident as a “catastrophic failure”. It was the advice of the Police that a lack of management control had led to the incident, and that therefore the incident could happen again. It was 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 safety of the public was at risk.

The Police advised that the correct course was to suspend the licence and to remove the designated premises supervisor, for the reasons given in the Superintendent’s certificate and application. This was in the interests of assisting with the ongoing investigation, and would also guard against the risks of further serious crime and/or serious disorder, pending the full Summary Review hearing in 28 days’ time.

The licence holder company, via the designated premises supervisor who had confirmed that he had been authorised to represent the licence holder, then addressed the Sub-Committee to accept that there had been an incident, as described by the Police. Mr Esmaili described the trading arrangements.

The Principal Licensing Officer observed that there had been no notification of any change of trading name. He asked Mr Esmaili if he was representing UK.BM.Power Entertainment Limited; Mr Esmaili confirmed that he was. The Principal Licensing Officer remarked that in a licence transfer, a company chose to take on the licence and all of the conditions on it. The Sub-Committee noted this.

Mr Esmaili stated that he had been at the premises on the night in question, and stated that the premises “always cared about patrons”. The Sub-Committee asked about the promoted event; Mr Esmaili’s answers were not altogether clear. He answered their questions about what had happened during the event.

The Police made closing submissions and asked the Sub-Committee to note that the event had been promoted and had been a ticketed event advertised on the premises’ website at the time. The Police considered that there had been multiple failings by the management at the premises and the Police had no confidence in the personnel or their ability to uphold the licensing objectives.

In response to this, Mr Esmaili reiterated that he was keen to prevent a recurrence of the incident, and proposed new security measures. However, the Police asked the Sub-Committee to note that nothing had been put forward formally, and the proposals

were not detailed or properly set out. The Police advised that a hiatus was required to properly investigate the incident and to examine the current conditions of licence (which were suspected to have been breached).

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 and/or serious disorder. However, the starting point was that the Members were not confident that the company understood its responsibilities as licence holder, and moreover were not at all satisfied that there was proper management control of the premises.

The Sub Committee determined that the causes of the serious crime and/or serious disorder appeared to originate from deficient security measures and inadequate internal procedures at the premises, because violence and large-scale disorder had broken out. The Sub-Committee was not persuaded that the premises was being operated to a satisfactory standard, and was not prepared to take any risks whatsoever regarding the potential for further serious crime. It was abundantly clear that the operation was not being run in accordance with the licensing objectives. Any instance of violence or outbreak of disorder in licensed premises was extremely serious.

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. 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.

It was therefore necessary and reasonable to impose interim steps to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder, and to promote the prevention of crime and disorder objective in the Act. The Sub-Committee was mindful that the Guidance issued by the Secretary of State deemed the Police to be the experts in dealing with crime and disorder. The Police had advised the Sub-Committee that the wholly inadequate style of management described in the Committee Report was a significant risk to the upholding of the crime prevention objective.

In reaching its decision, the Members considered the representations made by Mr Esmaili, who represented the licence holder company, but were not satisfied that any proposals were made which properly addressed or remedied the issues identified by the Police.

The Sub-Committee considered the other 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. The Police had given a firm recommendation.

The Members, having had regard to the representations of the parties, considered that it was suspension of the licence which was necessary to address the totality of issues brought to their attention by the Police. Furthermore, the Sub-Committee agreed with the Police that a hiatus would be of benefit - in order that the breaches of the existing conditions, and the new proposals, could be examined before the full Summary Review hearing.



The correct way forward was therefore to suspend the licence pending the full Summary Review hearing, and to remove the designated premises supervisor. The Sub-Committee considered suspension to be entirely the proper course given what had been described in the certificate and application, 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. Moreover, it was a course which had been endorsed by the Police. The Members had heard nothing from Mr Esmaili which had persuaded them that he was a suitable person to continue in such a responsible role.

The Members considered that Mr Esmaili had fallen far short of the standards expected of any designated premises supervisor, and that the style of operation described in the Superintendent's certificate and application was a very significant risk to the upholding of the licensing objectives in Birmingham. The designated premises supervisor was therefore removed pending 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 the designated premises supervisor who confirmed that he was authorised to represent the licence holder company.

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.

**C**

# 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 Chubb

# D



## 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 CHTURCHILL

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.

Licensing Act 2003
Premises Licence

<b>Premises Licence Number</b>	1684
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**Part 1 – Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>  TMRW, The Arcadian, 70, Hurst Street, Birmingham, B5 4TD
<b>Telephone Number</b>  N/A

<b>Where the licence is time limited the dates</b>  N/A
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<b>Licensable activities authorised by the licence</b>  Sale of Alcohol by Retail Provision of Late Night Refreshment Exhibition of a Film Indoor Sporting Events Performance of Live Music Performance of Dance
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**Times the licence authorises the carrying out of licensable activities**

<b><u>Sale of Alcohol by retail:</u></b>		
<b><u>Day</u></b>	<b><u>Start Time</u></b>	<b><u>End Time</u></b>
Monday	10:00	03:00
Tuesday	10:00	03:00
Wednesday	10:00	03:00
Thursday	10:00	03:00
Friday	10:00	04:00
Saturday	10:00	04:00
Sunday	10:00	03:00

**Place:** For consumption on and off the premises

**Seasonal Variations:** A further additional hour into the morning every New Years Day, St Davids Day, Easter Sunday and Easter Monday and every May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday.

A further additional 2 hours into the morning every St Patrick's Day, Halloween, Christmas Eve, Boxing Day, 27th, 28th, and 30th December and every Sunday prior to each May Bank Holiday, Spring/Whitsun Bank holiday and August Bank Holiday. In the event of a transmission of any recognised international sporting event which falls outside the current opening hours on the premises license to permit the premises opening one hour before the start of the event and closing one hour after the event ended.

Details of the activity to be notified to the police 21 days beforehand. The event will not proceed if the police serve, 7 days prior to the event, written notification upon the designated premises supervisor. The event will not proceed after the 7 day period if the police have intelligence that disorder is likely to occur and they notify the designated premises supervisor.

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On the commencement of British Summer Time, a further additional hour to the standard and non standard times

New Years Eve: From end of standard hours to commencement of standard hours New Years Day

### **Non-Standard Times:**

### **Provision of Late Night Refreshment:**

<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	23:00	03:00
Tuesday	23:00	03:00
Wednesday	23:00	03:00
Thursday	23:00	03:00
Friday	23:00	04:00
Saturday	23:00	04:00
Sunday	23:00	03:00

### **Further Details:**

#### **Place:**

**Seasonal Variations:** A further additional hour into the morning every New Years Day, St Davids Day, Easter Sunday and Easter Monday and every May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday.

A further additional 2 hours into the morning every St Patrick's Day, Halloween, Christmas Eve, Boxing Day, 27th,28th,and 30th December and every Sunday prior to each May Bank Holiday, Spring/Whitsun Bank holiday and August Bank Holiday. In the event of a transmission of any recognised international sporting event which falls outside the current opening hours on the premises license to permit the premises opening one hour before the start of the event and closing one hour after the event ended.

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On the commencement of British Summer Time, a further additional hour to the standard and non standard times

New Years Eve: From end of standard hours to commencement of standard hours New Years Day

### **Non-Standard Times:**

### **Exhibition of a Film:**

<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	10:00	03:00
Tuesday	10:00	03:00
Wednesday	10:00	03:00
Thursday	10:00	03:00
Friday	10:00	04:00
Saturday	10:00	04:00
Sunday	10:00	03:00

### **Further Details:**

#### **Place:**

**Seasonal Variations:** A further additional hour into the morning every New Years Day, St Davids Day, Easter Sunday and Easter Monday and every May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday.

A further additional 2 hours into the morning every St Patrick's Day, Halloween, Christmas Eve, Boxing Day, 27th,28th,and 30th December and every Sunday prior to each May Bank Holiday, Spring/Whitsun Bank holiday and August Bank Holiday. In the event of a transmission of any recognised international

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sporting event which falls outside the current opening hours on the premises license to permit the premises opening one hour before the start of the event and closing one hour after the event ended.

Details of the activity to be notified to the police 21 days beforehand. The event will not proceed if the police serve, 7 days prior to the event, written notification upon the designated premises supervisor. The event will not proceed after the 7 day period if the police have intelligence that disorder is likely to occur and they notify the designated premises supervisor.

On the commencement of British Summer Time, a further additional hour to the standard and non standard times

New Years Eve: From end of standard hours to commencement of standard hours New Years Day

### **Non-Standard Times:**

### **Indoor Sporting Event:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	03:00
Tuesday	10:00	03:00
Wednesday	10:00	03:00
Thursday	10:00	03:00
Friday	10:00	04:00
Saturday	10:00	04:00
Sunday	10:00	03:00

### **Further Details:**

**Seasonal Variations:** A further additional hour into the morning every New Years Day, St Davids Day, Easter Sunday and Easter Monday and every May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday.

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On the commencement of British Summer Time, a further additional hour to the standard and non standard times

New Years Eve: From end of standard hours to commencement of standard hours New Years Day

### **Non-Standard Times:**

### **Performance of Live Music:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	03:00
Tuesday	10:00	03:00
Wednesday	10:00	03:00
Thursday	10:00	03:00
Friday	10:00	04:00
Saturday	10:00	04:00
Sunday	10:00	03:00

### **Further Details:**

#### **Place:**

**Seasonal Variations:** A further additional hour into the morning every New Years Day, St Davids Day, Easter Sunday and Easter Monday and every May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday.



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On the commencement of British Summer Time, a further additional hour to the standard and non standard times

New Years Eve: From end of standard hours to commencement of standard hours New Years Day

### Non-Standard Times:

### Performance of Dance:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	03:00
Tuesday	10:00	03:00
Wednesday	10:00	03:00
Thursday	10:00	03:00
Friday	10:00	04:00
Saturday	10:00	04:00
Sunday	10:00	03:00

### Further Details:

#### Place:

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On the commencement of British Summer Time, a further additional hour to the standard and non standard times

New Years Eve: From end of standard hours to commencement of standard hours New Years Day

### Non-Standard Times:

### The opening hours of the premises

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	07:00	03:30
Tuesday	07:00	03:30
Wednesday	07:00	03:30
Thursday	07:00	03:30
Friday	07:00	04:30
Saturday	07:00	04:30

**BIRMINGHAM CITY COUNCIL**

Sunday

07:00

03:30

**Seasonal Variations:** A further additional hour into the morning every New Years Day, St Davids Day, Easter Sunday and Easter Monday and every May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday.

A further additional 2 hours into the morning every St Patrick's Day, Halloween, Christmas Eve, Boxing Day, 27th, 28th, and 30th December and every Sunday prior to each May Bank Holiday, Spring/Whitsun Bank holiday and August Bank Holiday. In the event of a transmission of any recognised international sporting event which falls outside the current opening hours on the premises license to permit the premises opening one hour before the start of the event and closing one hour after the event ended.

Details of the activity to be notified to the police 21 days beforehand. The event will not proceed if the police serve, 7 days prior to the event, written notification upon the designated premises supervisor. The event will not proceed after the 7 day period if the police have intelligence that disorder is likely to occur and they notify the designated premises supervisor.

On the commencement of British Summer Time, a further additional hour to the standard and non standard times

New Years Eve: From end of standard hours to commencement of standard hours New Years Day

**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

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**Part 2**

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

UK.BM.POWER ENTERTAINMENT LIMITED  
8 Mallow Drive, Bromsgrove, B61 0UP

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

Company Number: 15853547

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

Mr Manoochehr Esmaili

**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:** 10441  
**Issuing Authority:** Birmingham City Council

Dated 09-09-2024

Mr. 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: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

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

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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**

Regulated entertainment is permitted to take place inside the premises only.

The Licence Holder will ensure that staff are trained in the standards required by the relevant legislation and as required by company policy.

The voluntary closure policy for the operation of these premises is 30 minutes after the approved closure time for the supply of alcohol.

No adult entertainment is permitted at the premises.

The premises must retain, in a secure location, door supervisors Profiles, which will contain proof of identity (other than the SIA badge), and a utility bill which must be dated within six months. These must be available for inspection by the Police or Local authority at any time. If any door supervisors leave the premises, the profile will be retained by the premises for at least 3 months, following their departure before returning the profile to the door company.

The premises recognise the need for door security and as such will use door supervisors registered with the SIA.

The Licence Holder will ensure that text and/or radio pagers, where already used will continue to be used on the premises during the hours of operation.

The pub manager is required to actively participate in and support the local Pubwatch scheme (where active).

West Midlands Police to have a power of veto after 3am, if the venue wishes to go past 3am for any licensable activity. This power of veto is only to be used if any of the 4 licensing objectives have been, or are likely to be breached. If power of veto is used, full written explanation is to be given to the DPS prior to the original event.

Premises to provide a full month in advance a list to Birmingham Central Police Station Licensing Dept of upcoming events, to include times and promotions.

Venue to provide 28 days notice for new events or new promoters who wish to conduct a promotion at the premises. Premises also to provide a full risk assessment with the notification. West Midlands Police to have a power of veto over such an event following receipt of specific intelligence.

Door supervisors working outside the venue will wear fluorescent coats/tabards. These supervisors will be used to monitor and control any queues. At closing time the door supervisors will patrol outside, to ensure that the patrons disperse in a calm manner. Door Supervisors to wear high visibility arm bands or waistcoats inside the premises.

The Licence Holder will ensure that there will be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.

CCTV to be fit for purpose and to be maintained in working order at all times when the premises are open for licensable activity. Images shall be kept and made available for a minimum of 28 days, either by hard drive system or tape system. Recordings shall be made available to an authorised officer or a Police Officer (subject to Data Protection Act 1998).

The Licence Holder must where necessary implement reasonable steps to recognise the rights of local residents and encourage customers to leave the premises quietly.

The manager is required to liaise with local neighbours as part of their duties and resolve any reasonable concerns.

The Licence Holder will extend existing policies to cover the increase in hours of operation.

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The Licence Holder will ensure internal health and safety due diligence and incident reporting system will continue to operate during the additional times.

Persons under 18 are permitted on the premises up until 20:00 hours.

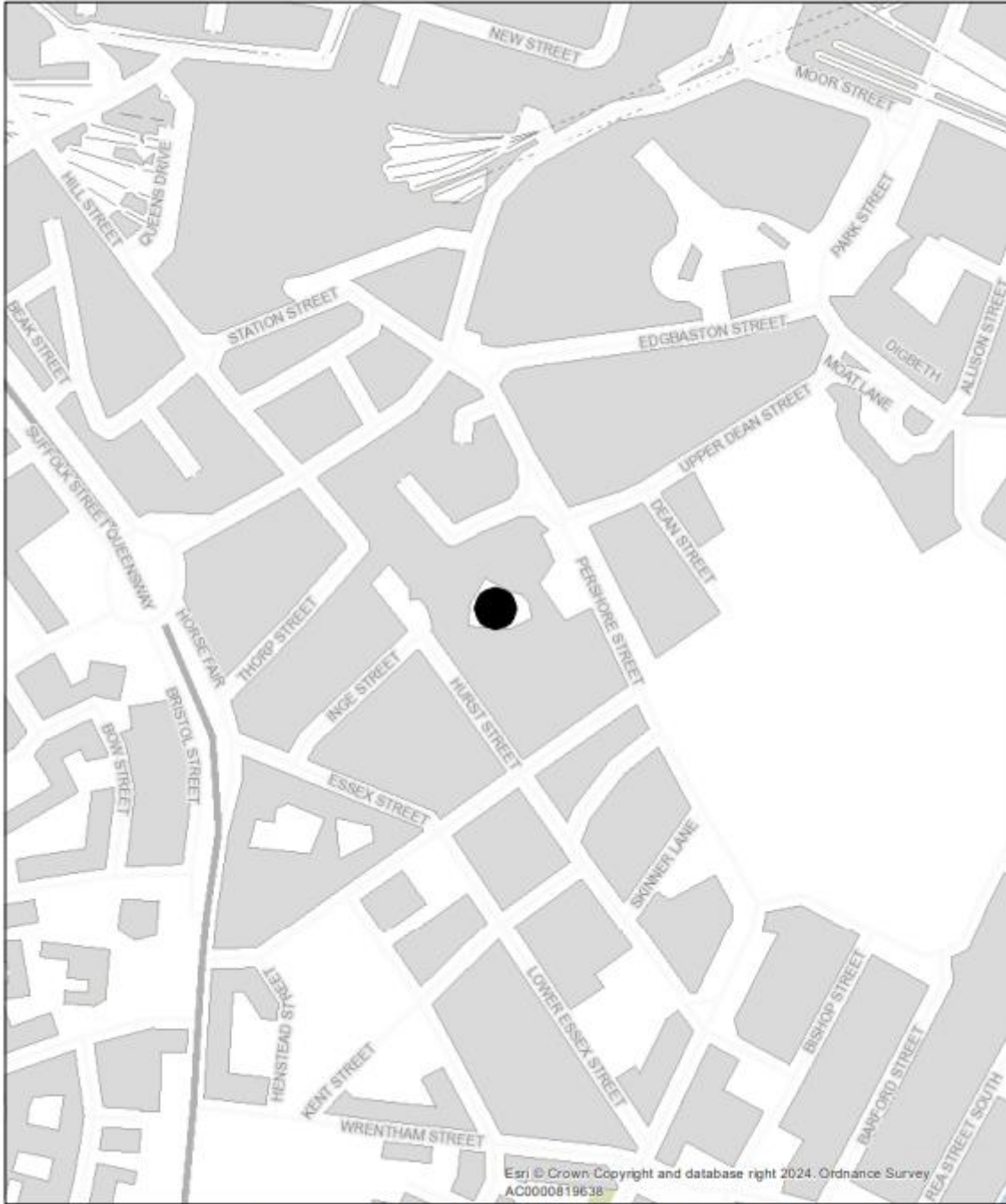
**Annex 3 – Conditions attached after a hearing by the Licensing Authority**

N/A

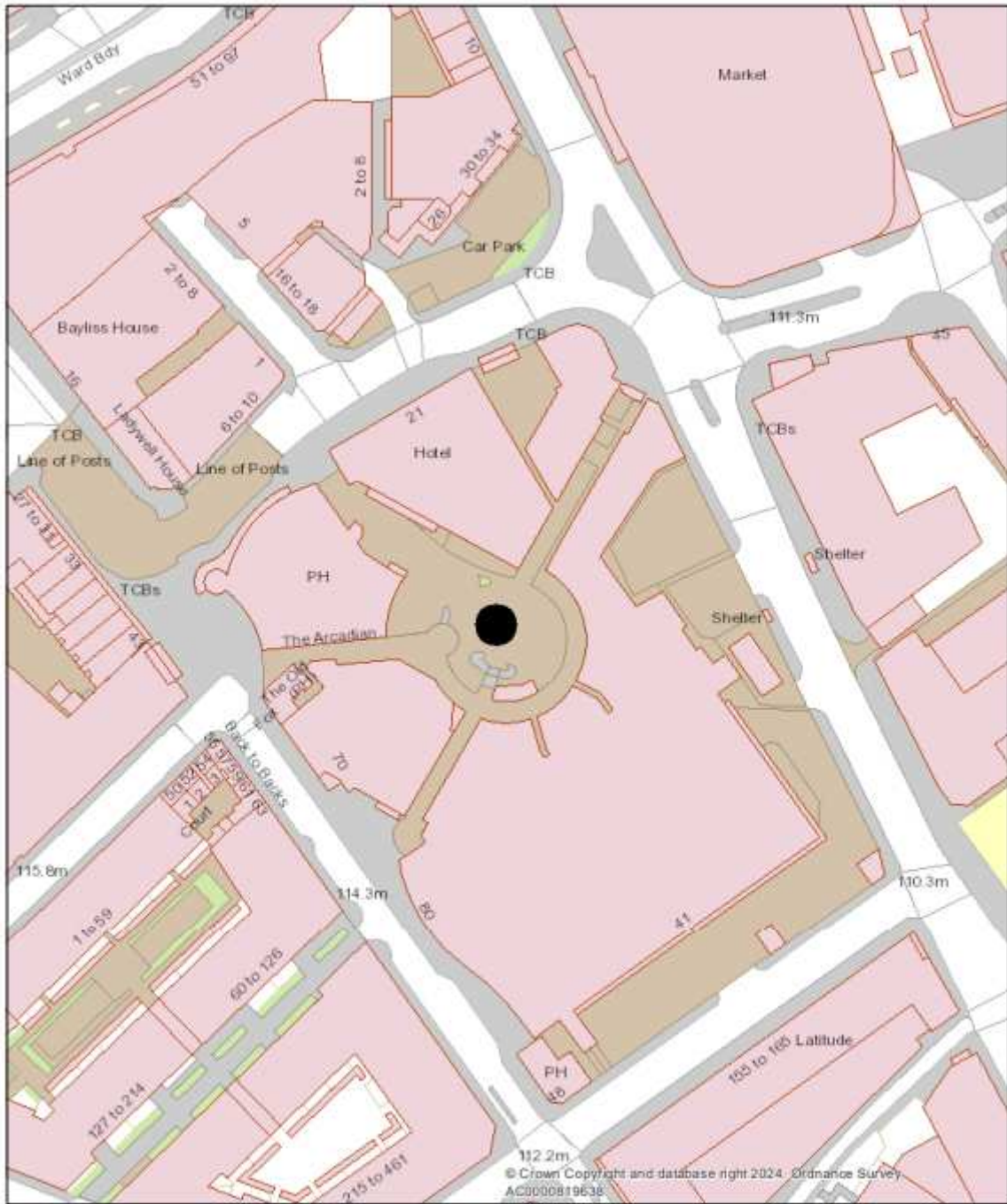


**Annex 4 – Plans**

The plan of the premises with reference number 187257 which is retained from the public register kept by Birmingham City Council available free of charge for inspection . Please contact: Licensing PO BOX 17831 Birmingham B2 2HJ or email [Licensing@birmingham.gov.uk](mailto:Licensing@birmingham.gov.uk)



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