



**BIRMINGHAM CITY COUNCIL**  
**LICENSING SUB-COMMITTEE A**  
**MONDAY 15 JANUARY 2024**

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That having reviewed the premises licence held under the Licensing Act 2003 by DXR Limited in respect of Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham B5 4TD, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines to modify conditions on the Premises licence in accordance with the agreement previously reached between the Premises Licence Holder and the Police and set out in a list of Proposed Conditions attached to this decision notice.

The Sub-Committee was satisfied having heard representations from the Police, the Premises Licence Holder through its counsel Miss Clover, and other interested parties, that the licensing objectives would be adequately promoted going forwards by the addition of the long list of new and amended conditions previously agreed and imposed at an interim steps hearing on 9<sup>th</sup> January 2024.

The Sub-Committee noted that the Premises had been closed for some time following the incident on 18<sup>th</sup> December 2023 allowing a suitable break in trading over the festive period. It was permitted to re-open when interim steps imposed on 19<sup>th</sup> December 2023 and maintained on 22<sup>nd</sup> December 2023 were lifted. These interim steps were suspension of the licence and the removal of Mr Bahia as Designated Premises Supervisor.

It was clear to the Sub-Committee that the premises had used the opportunity of closure to reflect and engaged appropriately with the Police during this period. The Premises also changed DPS with a Mr Bennet becoming the new DPS as a result of an application made to vary the DPS.

The Sub-Committee was content to accept the advice of the Police as their main source of advice on crime and disorder. The Police confirmed that the causes of the incident on 18<sup>th</sup> December 2023 had been considered, analysed, and taken into account in agreeing the new conditions. The Sub-Committee was satisfied that there had been appropriate efforts to work in partnership. The recommendation of the Police was that the new conditions be adopted and added to the licence.

The new conditions were individually and collectively scrutinised and considered appropriate, reasonable and proportionate to any continuing risk to the licensing objectives, in particular any repeat of the serious crime and disorder that led to the Expedited Review.

The interim steps previously imposed, namely the new conditions and removal of the DPS Mr Bahia are formally lifted and the new agreed conditions imposed on the licence.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the Police, and the premises licence holder and a solicitor for the landlords of the Arcadian, L&C Commercial Ltd.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.