

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE Monday 5 June 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 5 JUNE 2023 AT 1000 HOURS AS AN ON- LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Adam Higgs and Mary Locke

ALSO PRESENT

Bhupinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Ed Brown – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/050623 **NOTICE OF RECORDING/WEBCAST**

The Chair advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/050623 **DECLARATION 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.

3/050623 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

No Apologies

4/05/0623 **MINUTES**

That the public section of the Minutes of the meeting held on 11 May 2023 at 1000 hours were noted and the minutes as a whole were confirmed and signed by the Chair.

The Minutes of the meeting held on 15 May 2023 at 1000 hours were circulated, and confirmed and signed by the Chair.

That the public section of the Minutes of the meeting held on 22 May 2023 at 1000 were noted and the minutes as a whole were confirmed and signed by the Chair.

5/050623 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW O BAR, 265 BROAD STREET, LADYWOOD, BIRMINGHAM, B1 2DS**

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

Christopher Jones, West Midlands Police, requested that the review be heard in private session as it was the subject of an ongoing Police investigation, and it was intended that CCTV footage be shown which may prejudice the investigation if shown in public.

The Chair then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra, to outline the report.

EXCLUSION OF THE PUBLIC

RESOLVED:-

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

The public were readmitted into the meeting.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by City Leisure Entertainment Limited in respect of O Bar, 265 Broad Street, Ladywood, Birmingham B1 2DS, following an application for an expedited review made on behalf of a Superintendent of West Midlands Police, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that

1. The interim step of suspension of the licence, which had been lifted to permit trading from Saturday 13th May 2023 onwards, be formally confirmed as lifted
2. The conditions of the Licence be modified by the adoption of those conditions agreed between the premises licence holder and West Midlands Police which were imposed as interim steps [as detailed below]
3. The interim step of the modification of the licence by way of conditions agreed between the premises licence holder and West Midlands Police [as detailed below], shall be maintained pending the determination of any Appeal

The conditions of the Licence shall be modified as agreed between the premises and West Midlands Police in advance of the Interim Steps meeting, namely:

- From 21.00hrs all customers/artists/DJs to be searched on entry. This search to include metal detection. No search means no entry
- From 21.00hrs premises to operate an ID scanner. All customers will be required to provide ID to satisfy the scanning requirement. No ID or ID not accepted then no entry
- All staff will be trained in (crime) scene management. This training will be documented and signed by the trainer and trainee. These training records to be made immediately available to any of the responsible authorities on request
- The premises security risk assessment for deployment and numbers will be made available to any of the responsible authorities immediately on request
- All door staff to wear either a hi- visibility coat, jacket or tabard
- The premises to ensure that door staff will wear body cams. There will be a minimum of 50% of door staff on duty who wear a body cam. These cameras will record throughout the tour of duty with images &

audio, be downloadable and be made available to West Midlands Police on request. Images will be kept for a minimum of 31 days

- Door staff to sign on and off duty. Each entry will include their full SIA licence number. This documentation to be made immediately available to any of the responsible authorities on request and kept on the premises for a minimum of 2 months
- Premises to keep a profile of all door staff to include a copy of their SIA licence, photographic ID (or if photographic is not available then a copy of a utility bill, no older than 3 months.) These profiles to be kept on the premises for a minimum of 2 months after the last shift
- The premises will have a staff member on duty that is first aid trained
- The premises will have a bleed kit available on site
- Premises to risk assess the smoking area to minimise the risk of illicit items passed in by persons outside the venue. This risk assessment to be made available to any of the responsible authorities on request
- CCTV will be updated to the recommendation of West Midlands Police Central Licensing Team

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 to view the CCTV evidence in public could prejudice an ongoing criminal investigation. The Police therefore asked for the Sub-Committee to go into private session for the meeting. The consultant acting for the premises endorsed this course.

The meeting therefore went into private session and Members were shown the CCTV footage of the incident which had given rise to the application for an expedited Review of the licence. The Sub-Committee then heard the submissions of West Midlands Police, who confirmed that they had been advising the licence holder since the last meeting, had been to the venue to conduct inspections, and were satisfied with all aspects of the premises' implementation of the requirements. The premises had reopened and had been trading since Saturday 13th May 2023, without problems. The Police noted that the period in question had included four weekends and one Bank Holiday.

The Police view was that adopting the interim step conditions onto the licence (permanently) would ensure a robust regime, such that the licensing objectives could be upheld. The Police also observed that the management team was satisfactory, noting that the premises had volunteered its Incident Report and extra CCTV footage. Since the reopening, there had been no issues noted by the local teams policing the night-time economy area of Birmingham.

All in all, the Police were confident that those at the O Bar would ensure safe trading, and felt that it was unlikely that there would be any further serious crime or disorder incidents. The Police had found the premises to be "very proactive" in their plan to learn from the incident and to promote the licensing objectives in future. The Police recommendation

was therefore that the Sub-Committee should simply adopt all of the conditions imposed at the interim steps hearing onto the licence permanently.

The premises confirmed via its agent that all of the required measures had been put in place without delay. The resumption of the operation from 13th May onwards had been satisfactory in all aspects, and trading had been smooth. The premises had been cooperating with the Police fully, and intended to continue to do so. The designated premises supervisor in particular was keen to ensure that everything was safe for staff and patrons alike.

The agent confirmed that the designated premises supervisor was a very capable and experienced person who had carefully implemented all the conditions; he remarked that the events of the 7th May 2023 had been a one-off incident which had simply been unfortunate. The premises would remain vigilant and was confident that it could trade safely. The designated premises supervisor, who also attended the meeting, then addressed the Sub-Committee personally, to confirm that she had made sure that all the staff understood what was required.

The Sub-Committee considered the modification of the conditions proposed by the Police to be reasonable, proportionate and targeted to address the concerns which had been raised by the Police in the certificate - in particular the likelihood of serious crime and/or serious disorder. The Sub-Committee was pleased to hear that safe trading had resumed at the venue, and considered that the management of the O Bar could be trusted to ensure the promotion of the licensing objectives.

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 by the Home Office under s182 of the Act, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, and the submissions made by the premises via its agent, and by West Midlands Police, at the hearing.

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, save for the maintenance of the interim step conditions, 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 determined.

