

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 05 JUNE 2023 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

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](#)) 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**

3 - 24

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 11 May 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To confirm and sign the Minutes of the meeting held on 15 May 2023 at 1000 hours.

To note the public part of the Minutes of the meeting held on 22 May 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

25 - 42

5 **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW OF BAR, 265 BROAD STREET, LADYWOOD, BIRMINGHAM, B1 2DS**

Report of the Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

PRIVATE AGENDA

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 11 May 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 22 May 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE
THURSDAY 11 MAY 2023**

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE
A HELD ON THURSDAY 11 MAY 2023 AT 1000 HOURS AS AN
ON-LINE MEETING.**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson and Mary Locke

ALSO PRESENT

David Kennedy – 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)

1/110523 **NOTICE OF RECORDING/WEBCAST**

The Chairman 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.

2/110523 **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.

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3/110523 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

Apologies were received from Councillor Morrall. Councillor Donaldson was the nominated substitute member.

4/110523 **O BAR, 265 BROAD STREET, LADYWOOD, BIRMINGHAM, B1 2DS - LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS**

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 expedited 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 asked the licence holders representative for their view concerning the police request. The consultant acting for the premises did not object to this course.

The Chair then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy, 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 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 City Leisure Entertainment Limited in respect of O Bar, 265 Broad Street, Ladywood, Birmingham B1 2DS, this Sub-Committee hereby determines:

1. That the conditions of the licence shall be modified by adopting all those conditions which were agreed between the premises licence holder and West Midlands Police in advance of the meeting
2. That the licence be suspended pending the implementation of these agreed conditions to the satisfaction of West Midlands Police

The conditions which were agreed between the premises licence holder and West Midlands Police in advance of the meeting are as follows:

- 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

Upon the implementation of these agreed conditions to the satisfaction of West Midlands Police, the suspension shall be lifted and the premises permitted to trade pending the review of the licence, such a review to be held within 28 days of receiving the Superintendent'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. The Police were represented at the meeting. A director of the licence holder company also attended the meeting, accompanied by the designated premises supervisor [DPS]. Those from the premises were represented by their consultant.

The Sub-Committee accepted the advice of the Police that the risks of further serious crime and/or serious disorder could be managed satisfactorily via the adoption of a suite of new conditions, which had been agreed between the parties in advance of the meeting. The Police did not have concerns about the style of management at the O Bar, or the management personnel working there; indeed, the Police remarked several times during the meeting that they had found those at the premises to be cooperative and keen to ensure the safety of all.

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 did not object to this course.

The meeting therefore went into private session and Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A(1)(b) of the Act, related to an allegation of serious crime and/or serious disorder which had happened at the premises in the early hours of Sunday 7th May 2023. The Police stated that they did not use the s53 power lightly; the Superintendent had signed the certificate to bring the matter before the Sub-Committee as it had been a very serious incident involving the use of a weapon(s).

The Police summarised the investigation thus far – exactly as detailed in the Report. The O Bar was located in the main nightlife district of the city. A double stabbing had happened at the O Bar. A criminal investigation was under way. The incident had been the subject of two crime reports for wounding, per s18 of the Offences Against the Person Act 1861. The Police reminded the Sub-Committee that such offences are serious crimes which on conviction attract a maximum sentence of life imprisonment. The weapon was thought to have been a knife, but no weapon(s) had been located.

CCTV from inside the premises was played to the Sub-Committee. Police bodycam footage (showing the aftermath of the incident, and the first aid attempts) was also played. It was the advice of the Police that interim steps were required in order to deal with the causes of the serious crime and/or serious disorder; to that end, discussions had been held between the Police and those from the O Bar.

The Police had been pleased to observe that the premises' management had been highly cooperative during these discussions. The Police remarked that usually in such matters, they would find that a licence holder hindered or obstructed discussions, which resulted in a disputed position; that was not the case here. In the instant matter, there was an agreed position. Those at the O Bar had engaged well with the criminal investigation, and also with the discussions regarding the modification of the licence. The DPS had been willing to accept the additional conditions, and was particularly keen to prioritise safety.

The Members noted that the proposals did not include the removal of the DPS. This was somewhat unusual for a very serious incident such as a double stabbing. In response to questions, the Police confirmed that they had confidence in the O Bar management, as the DPS had been in place for some time. The Police were satisfied that the events of the 7th May had been a one-off, and considered that the DPS had done all she could to engage with the Police during the discussions. The director of the licence holder company had also agreed to all the proposed conditions, and wanted the premises to be safe and well-managed.

Overall, the Police felt confident in the premises' ability to uphold the licensing objectives provided the new conditions were added to the licence. It was therefore the Police's recommendation that the premises licence should be suspended in order to allow sufficient time for the conditions to be implemented, but once this had been done, the premises could reopen and resume trading in advance of the summary review hearing.

The Sub-Committee then heard from the licence holder company, via its consultant. It appeared that on the night in question, some boisterous patrons had been removed by the premises' security staff, and in the course of the removal, the two wounding incidents had happened either outside the premises or on the way out. As soon as the incident had been noticed, the lights in the premises had been turned on, and first aid given to those involved. Nearby Police officers had also entered. The injured parties had been released from hospital, but those at the premises had not yet spoken to them.

The consultant confirmed that both the director of the licence holder company and the DPS were happy to agree to all the proposed conditions, and would not ask for the suspension to be lifted until all measures were properly put in place and endorsed by the Police. The priority was ensuring that admission at the front door was secure; accordingly, an ID scanner and bodycam equipment had been ordered. The consultant agreed with the Police that it had been a one-off incident; he considered that another DPS would not have made any difference. He noted that the premises' staff dealt with ejections well.

The Sub-Committee then heard from the DPS directly. She confirmed that the premises did operate a search policy at the door, and said that she had felt that the arrangements were sufficient as there had never been any incident with a knife. However, all at the premises had seen that more measures were needed, and she was keen to put these in place as per the Police recommendations.

Having heard all of the evidence, the Members were confident that the course proposed by the Police was satisfactory and would ensure that the risk of any further serious crime and/or serious disorder was removed. In particular, the Members were reassured that the DPS understood her responsibilities and could be trusted to take proper management control of the premises in implementing the new measures.

Whilst deliberating, the Sub-Committee agreed with the Police that it would be possible for the premises to resume trading as soon as everything required by the new conditions was implemented. Both parties had anticipated that this could be done in advance of the full summary review hearing; the Sub-Committee felt that this inspired confidence that the premises would handle the implementation smoothly.

Whilst any incident where a weapon(s) had found its way into licensed premises was very serious, the Sub-Committee agreed with both parties that this was perhaps a one-off incident, and that the correct course was that which had been recommended by the Police. The Sub-Committee therefore resolved to modify the conditions and impose the suspension. This was both necessary and reasonable to address the immediate problems with the premises, namely the potential for further serious crime and/or serious disorder. It was not necessary to consider other steps such as the removal of the designated premises supervisor, as this individual and her management style were satisfactory to the Police.

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 premises via its consultant.

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.

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

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE A
15 MAY 2023**

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON MONDAY 15 MAY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Julien Pritchard.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

1/150523 **NOTICE OF RECORDING/WEBCAST**

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2/150523 **DECLARATION OF INTERESTS**

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/150523

Apologies were submitted on behalf of Councillor Simon Morrall and Councillor Julien Pritchard was the nominated substitute Member.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – NEW PARKLANDS SUITE, PARK ROAD, SOHO, BIRMINGHAM, B18 5HE.

On Behalf of the Applicant

Russell George – Representing the applicant
Mr Chana – Applicant

On Behalf of Those Making Representations

No one attended on behalf of those making representations.

* * *

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

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the chair invited Russell George to outline his case on behalf of the Applicant and he made the following points: -

- a) He shared his screen and showed the Committee a map of the premises and outlined where the premises is in relation to where the person who made representations is located. He is not an immediate neighbour.
- b) The residential properties were quite a distance away separated by a railway track.
- c) The premises has been trading for 20 years, but this is a new application for a new owner and the application is pretty much the same as the previous licence.
- d) They had no knowledge of complaints and no responsible authorities had made any objections.
- e) It is primarily a banqueting suite operating at weekends, some events such as funerals may take place in the week, but not often.
- f) The objection seems to be in relation to one event and related to car parking issues.

- g) They will be making patrons aware of local car parks.
- h) They can't see this application impacting the businesses in the area due to the trading hours.

Members were invited to ask questions and Russell George gave the following responses: -

- a) Deliveries and refuse collection will be done between 10am-4pm.
- b) Big funerals/wakes wont be happening often, maybe a few times a year.
- c) For bigger events they would have more controls, car park marshals.
- d) The premises had a 2 door exit system to ensure no noise breakout.

The Chair invited the parties to make a closing submission and Russell George, on behalf of the applicant made the following closing statements: -

- The objection refers to one event where someones drive was blocked by a parked car. They would ensure that issues were dealt with by keeping phones on and resolving any issues that arise.

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

4/150523

RESOLVED:-

That the application by NPBS (WM) Limited for a premises licence in respect of New Parklands Suite, Park Road, Soho, Birmingham B18 5HE, be granted together with the conditions which were agreed between the applicant company and West Midlands Police in advance of the meeting, namely:

- For externally promoted events, the licence holder will provide West Midlands Police licensing with a minimum of 28 days' notice, unless otherwise agreed by West Midlands Police, to include details of the event. This will be supported by a risk assessment including security deployment plan which will be made available to West Midlands Police on request
- If the premises wish to operate after 02:00 hours, then the licence holder needs to provide a minimum of 7 days' notice to West Midlands Police Licensing

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of

the licence issued.

The applicant company was represented at the meeting by its agent and by the operations manager of the business. The agent addressed the Sub-Committee and showed an aerial map of the area, with the New Parklands Suite building on Park Road in the centre of the map. Also shown was the building occupied by a business which had made representations against the grant of the licence; the Sub-Committee noted that the other premises was not an immediate neighbour.

The agent pointed out that the nearest residential properties were to the south of Park Road, and located on the other side of a railway track. He observed that the nearest residents were therefore quite a distance away, and separated from the premises by a railway track.

Whilst the instant application was for the grant of a new licence, the premises had been trading for 20 years with the same operating style as proposed by the applicant company. The new owners had submitted a new licence application which emulated the previous arrangements. The agent also confirmed that to the applicant's knowledge there had never been any objections in the past, or any complaints about the operation under the previous owners. Moreover, there had been no objections from any of the responsible authorities, several of which had visited the premises. West Midlands Police were satisfied that the application was suitable with the addition of two agreed conditions.

Turning to the representations which had been received, which were in the Committee Report, the agent repeated that whilst a nearby business had objected, there had been no complaints from the immediate neighbours. He outlined the proposed operating hours (as shown in the Committee Report) and explained that the new Parklands Suite premises was a banqueting venue that would operate mostly at weekends. There would also be the occasional weekday event, such as funeral wakes.

Parking and traffic issues had been raised as part of the objection, but the Sub-Committee was aware that these issues were not strictly relevant to the determination of the application. Moreover, the agent remarked that the photographs of vehicles parked in the vicinity, which had been submitted by those making representations, appeared to relate to one event - if in fact it was the case that the vehicles shown in the photographs related to patrons of the New Parklands Suite.

The applicant company viewed the objection to be "quite strange", said the agent, as none of the immediate neighbours had complained. The agent noted that in any event there were no parking restrictions in the area, such as double yellow lines or red parking restrictions. Regardless of this, the applicant company had taken on board the comments which had been made in the objection, and intended to draft customer contracts to make patrons aware of parking nearby.

Finally, the agent reiterated that there were no local residents nearby to have any concerns about noise nuisance, or even concerns about parking issues. Furthermore, whilst the objector was a business, the applicant company did not see that its style of operation would have any detrimental impact on others, because the applicant's trading hours were outside the trading hours of other businesses in the area. Deliveries and waste collections would be scheduled during normal daytime hours, namely between 10:00 and 16:00.

In summing up, the agent confirmed that it was a straightforward application which emulated the previous owner's style of operation at the site, which had given rise to no objections or complaints at all.

Members asked how often events would be hosted on weekdays, and/or after midnight, both of which might potentially contribute to the effect on the promotion of the licensing objectives. The agent replied that from talking to people who had worked at the venue, large-scale funeral wakes were held around once a year; in the event of hosting that type of large function, the company would have more controls in place, such as employing car parking marshals.

As for the operating times, it was not anticipated that many events would last beyond 01.00 or 02.00, but as the neighbourhood was an industrial area, there was no risk of disturbance for residents. The agent reiterated that there had never been any complaints in the past from local residents.

The Chairman noted the point made in the objection letter about noise levels during the early hours of the morning, from patrons leaving the premises. The agent confirmed that the building design incorporated an air lock system at the exit, such that patrons coming out would go through two separate sets of double doors. The company made sure that both double doors were not open at the same time, and therefore any noise during the event would be isolated in an air lock system. In addition, patrons leaving would be advised by security staff to leave quietly, but as the agent had already explained, the area was industrial and there were no immediate residential neighbours.

Those making representations did not attend the meeting, but the Sub-Committee read their submission carefully. The agent remarked that the photographs attached to the objection were perhaps from a past event where vehicles had blocked the entrance, but the applicant company intended to address that by keeping its telephone lines open to people and informing local residents if a large-scale event was planned.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore

looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives.

Members carefully considered the written representations made by a local business, but did not find that there was an overwhelming evidential and causal link between the issues raised and the effect on the licensing objectives. The Members also noted that the local business was not represented at the meeting, and therefore the Members did not have the opportunity to ask questions.

When deliberating, the Members agreed with the remarks of the company's agent, namely that the application could safely be granted as requested. The application had been straightforward, with no objection from West Midlands Police once the two extra conditions had been agreed, or from any of the other responsible authorities.

The applicant company had put forward an operating schedule which properly addressed the promotion of the licensing objectives. Moreover, the site was not near to residential properties, and in any event a railway line was a feature of the area; the Members considered that a railway line would itself create a certain amount of noise.

Members considered that the applicant company had drafted a satisfactory operating schedule, and therefore concluded that by granting this application, the four licensing objectives contained in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and noted that both the applicant company and the operating schedule were suitable. All in all, the application inspired confidence. The application was therefore granted with the additional conditions agreed between the applicant company and the Police in advance of the meeting.

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 Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received and the submissions made at the hearing by the applicant company via its agent.

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.

**GAMBLING ACT 2005 – LICENSED PREMISES GAMING MACHINE PERMIT –
BOTTLE OF SACK, 2 BIRMINGHAM ROAD, SUTTON COLDFIELD,
BIRMINGHAM, B72 1QG**

This was a non-invite application.

* * *

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

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

The Members had no questions.

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

5/150523

RESOLVED:-

That the application by JD Wetherspoon PLC, for the variation of a Licensed Premises Gaming Machine Permit in respect of Bottle of Sack, 2 Birmingham Road, Sutton Coldfield, Birmingham B72 1QG, be granted.

The Sub-Committee deliberated the application put forward by the applicant company. The Sub-Committee considered the likely impact of the application, and concluded that by granting this application, the three licensing objectives contained in the Act will be properly promoted.

The application was to operate a total of five Category C Gaming Machines within an alcohol licensed premises. Licensing Enforcement had confirmed that they had not found any issues after carrying out a site visit. The Sub-Committee therefore granted the variation as requested.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under section 25 of the Gambling Act 2005 by the Commission, the application for a Licensed Premises Gaming Machine Permit, and the written representations received.

The meeting ended at 1019 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A 22 MAY 2023

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON MONDAY 22 MAY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Julien Pritchard.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

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2/220523 **DECLARATION OF INTERESTS**

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/220523 Apologies were submitted on behalf of Councillor Simon Morrall and Councillor Julien Pritchard was the nominated substitute Member.

MINUTES

4/220523 The Committee noted the Public section of the Minutes of the meeting held on 24 April 2023 at 1000 hours and the Minutes as a whole were confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – BISHOP VESEY’S GRAMMAR SCHOOL, LICHFIELD ROAD, SUTTON COLDFIELD, B74 2NH

On Behalf of the Applicant

Mr Swindells – Bishop Vesey’s Grammar School

On Behalf of Those Making Representations

No one attended on behalf of those making representations.

* * *

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

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the chair invited Mr Swindells to outline his case on behalf of the Applicant and he made the following points: -

- a) The school had held TENs successfully since 2016. These events were including refreshments and alcohol.
- b) Since 2014 the numbers of students has increased especially with the addition of a 6th form. Furthermore, there are 192 students in each year group.
- c) The capacity as a venue to hold single date events is no longer viable.
- d) Therefore, they anticipated holding events over 2-3 days to ensure all students/parents had an opportunity to attend.

Licensing Sub-Committee A – 22 May 2023

- e) Parents will come to watch their children perform and usually have a glass of wine or a beer.
- f) They are conscious of neighbours and residents and try hard to mitigate traffic issues. They communicate with parents and explain that parking is not available on site.
- g) The events will be ticketed and neighbours would be notified of any events.
- h) They would not be an entertainment venue open to the public. This is purely for stakeholders to attend events.
- i) They will continue to work with local residents and write to them on a termly basis as they already do.
- j) They have never had any issues with nuisance behaviour or complaints.
- k) The school has a very good reputation and they would not want to tarnish that.

Members were invited to ask questions and Mr Swindells gave the following responses: -

- a) Residents have Mr Swindells direct contact number.
- b) The site is generally open until 10pm as they have sport activities.
- c) People may make some noise closing car doors and leaving but they work closely with facility users to limit all noise when entering and leaving.
- d) They have had one event which would have had significant noise, a concert, but residents actually participated in that.
- e) They have never had any complaints.
- f) There would use the Quad for licensable activity but only for outside events and it would be very rare.
- g) The licensable area is outlined on the map.

The Chair invited the parties to make a closing submission and Russell George, on behalf of the applicant made the following closing statements: -

- That they were hoping to get a licence and would comply with all licensing objectives.
- Hopefully the licence is granted so they can continue with school events in the same vein as they had previously.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-

Licensing Sub-Committee A – 22 May 2023

Committee was announced in public, then a full written decision was sent to all parties as follows;

5/220523 **RESOLVED:-**

That the application by Bishop Vesey's Grammar School for a premises licence in respect of Bishop Vesey's Grammar School, Lichfield Road, Sutton Coldfield B74 2NH, be granted as requested. Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The applicant school was represented at the meeting by its Finance and Operations Director, who addressed the Sub-Committee. Since 2016, the school had been holding occasional events successfully, using temporary event notices. In recent years, the number of children at the school had increased; there were now 192 in each year group. As a result of this, the school's capacity as a venue for single-date events, such as concerts, was no longer viable. Whilst the school had previously held a Summer concert or Christmas concert on one night, it now had to hold that event over two nights, or occasionally three, in order to allow all parents the opportunity to see their children performing in the concerts.

The purpose of the instant application for a premises licence was therefore in order to continue to offer school events in the style which had previously been held using temporary event notices. The director confirmed that a similar operating style to that seen at the temporary events would apply to all the licensable activities conducted by the school under a premises licence, including the sale of alcohol by retail.

The licence if granted would also cover a number of other events at the school such as soloist concerts, plays and sporting events. During the interval in such events, the school would serve alcohol, which the director said would "generally consist of a glass of wine or a bottle of beer for parents if they wish to buy it, and obviously soft drinks are available as well".

The school was very conscious of its neighbours and local residents, and had tried hard to cooperate in terms of traffic issues. The director described Boswell Road as a single road with parking restrictions. The school tried to mitigate against parking problems as much as possible through communication with parents. All of the school events which were held in the evening were ticketed events, which limited and reduced capacity; moreover, when distributing the tickets, the school made clear that parking was not available on site.

The school was keen to try to alleviate the concerns of local residents, and the director confirmed that it did not see itself as "a regular

entertainment venue”. The permissions under the premises licence would only be offered to those involved in or connected with the school, such as parents and alumni, who would be attending events at the school. The school would not be opened up to the general public, and in any event all the evening events would be ticketed.

The school intended to continue to work with the local residents. It wrote to local residents on a termly basis to notify them of events and when they would be happening. The director confirmed that the school would give residents the assurance that it would “continue to manage wherever possible, and mitigate wherever possible, so that there is no inconvenience for local residents”.

The director observed that the timings of the events were quite broad, and explained that this was because the school did not know the nights on which it would be holding a particular concert, but it would usually be a weeknight. Occasionally events were held on a Saturday, and very rarely on a Sunday, but the timings which had been put forward in the application covered all eventualities. The majority of events, especially school concerts, would finish by 21:30 hours - especially during the week, as the children would have to be back at school the next day.

The school did have a number of other events that potentially could cause increased traffic. However, these were not licensed events. The director acknowledged that neighbours were sometimes “a bit upset” by these, but this was perhaps simply due to living in close proximity to the school. He repeated that the school did its best to mitigate against problems that might develop, and always communicated with anyone attending those events. Even the Sixth Form open evening was a ticketed event, and the school made it clear by communication that people should not come down Boswell Road in their cars and attempt to park.

The director confirmed that the school had never had any event where there had been any nuisance behaviour. The school was careful to manage all events appropriately; its standing as a successful state Grammar School in Birmingham meant that it had a reputation to uphold, and it wanted to continue to offer safe events which upheld the licensing objectives. The director assured the Sub-Committee that he, as the designated premises supervisor, would ensure that all the licensing objectives were observed for every single event held at the school.

Members asked about the potential for noise nuisance emanating from the school during the events. The director confirmed that residents had been given his direct communication details and could contact him in the event of any problem. The school was generally open during the week until 22:00 hours, as it was open for “lettings” - sporting activities in the sports hall and also on the astroturf. Occasionally when people were getting in and out of cars there would be some noise, and

similarly when cars were driving up the road to and from the lettings. However, the school worked closely with the facility users to make sure that they tried to limit the amount of noise created when leaving and approaching the site.

The director confirmed that the school had never known there to be significant noise as a result of an event, and furthermore observed that “we don't have noisy events”. The Sub-Committee agreed that school concerts, plays and sports were very unlikely to create noise at a level sufficient to create public nuisance and/or disturb local residents. The director added that once when an outdoor concert was held, local residents had themselves participated in the event and listened to the performance. There had been no significant noise issues as a result of any event. Nothing had ever been reported to the director and, in any event, residents had been given a direct communication line to the director.

Members asked about the use of the outdoor spaces for licensable activities. The director confirmed that the areas were detailed on the application and the plans. There were three inside areas - the main school hall, the old school hall (in the older part of the school) and also the dining hall. There was an outside area in the quad which was open onto Litchfield Road.

The quad would not be used as frequently as the other areas, and it would just be for serving outside refreshments as part of an event. The director gave the examples of a concert or a sports presentation dinner, where service of refreshments might take place in the quad, away from the presentation in the main school hall.

The cricket pavilion was also included, to allow the school to serve refreshments at sporting events, but the pavilion and the sports field would probably not be used in the evening. Sporting events would only take place during the day, probably at weekends; the director gave the example of cricket fixtures on a Saturday or Sunday. These would include the alumni cricket team that would play the school's first XI.

Regarding the pavilion, it would be very rare that refreshments would be served there, because those particular events were held once or twice a year. However, as it had been something that the school had previously covered via a temporary event notice, it had also been included in the instant application, to remove the need for temporary event notices entirely.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk of an undermining of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact undermine the licensing objectives.

No representations had been received from any of the responsible authorities. Members carefully considered the representations made by a local resident, but did not find that there was an overwhelming evidential and causal link between the issues raised and the effect on the licensing objectives. The Members found the representations to be rather speculative. There was a comment from the local resident that the school was “not an entertainment venue”, but the style of operation described in the application and by the director (school concerts, plays and sports, which parents would attend to watch their children performing) was not of the kind that one would find at a public entertainment venue.

The Members felt that the resident had not taken into account the school’s history of successful operation under temporary event notices. Other comments relating to parking issues were not relevant to the Sub-Committee. The concerns about the potential for late-night noise had been adequately covered by the director, and furthermore the Members noted that he had given his direct telephone number to those who required it. The Plans submitted with the application had detailed the outside area for licensable activities, and the style of events held at a school were not likely to undermine the promotion of the licensing objectives.

The Members agreed with the remarks of the director in his closing submissions, namely that the school had used temporary event notices successfully and had been doing so since 2016, and would operate under the licence “with the appropriate amount of due diligence” ensure that the events, which would be the same style as had been held previously, would uphold the licensing objectives.

The Sub-Committee determined that the application could safely be granted as requested. The application had been uncontroversial, with no objection from West Midlands Police or any of the other responsible authorities. The speculative nature of the representations made by the local resident were not persuasive, given the successful operation since 2016 under temporary event notices.

The Sub-Committee considered that the school had put forward an operating schedule which addressed the promotion of the licensing objectives. The director was a responsible person who had held temporary events with no issues; he would be the designated premises supervisor. All in all, the application inspired confidence.

Members considered that the school had drafted a satisfactory operating schedule, and therefore concluded that by granting this application the four licensing objectives contained in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and that the operating schedule was suitable. The application was therefore granted as requested.

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 Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received and the submissions made at the hearing by the school via its Finance and Operations Director.

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.

EXCLUSION OF THE PUBLIC

6/220523

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.

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation and Enforcement
Date of Meeting:	Monday 5th June 2023
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	O Bar, 265 Broad Street, Ladywood, Birmingham, B1 2DS
Ward affected:	Ladywood
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 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 9th May 2023 in respect of O Bar, 265 Broad Street, Ladywood, Birmingham, B1 2DS.

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 9th May 2023, Superintendent Hurst, 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 City Leisure Entertainment Limited in respect of O Bar, 265 Broad Street, Ladywood, Birmingham, B1 2DS.

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 A met on 11th May 2023 to consider whether to take any interim steps. The Sub-Committee resolved that the conditions of the licence be modified and that the licence be suspended pending the implementation of those conditions. A copy of the decision is attached at Appendix 2.

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 24th May 2023.

A copy of the current Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

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 11th May 2023, Appendix 2
Current Premises Licence, Appendix 3
Site location plans, Appendix 4

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 11th May 2023.

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 both serious crime and serious disorder.

Premises: O Bar

Address: 265 Broad Street, Birmingham City Centre B1 2DS

Premise Licence Number: 2621

Premise Licence Holder: City Leisure Entertainment Limited

Designated Premise Supervisor: Ruxandra Niculescu

I am a Chief-Superintendent / 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 7th May 2023, whereby a disorder inside the premises resulted in 2 victims being stabbed, one multiple times and the other once. 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 :

Dated: 09/05/23



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 ALISON HURST (0135)

(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: O Bar

Postal address of premises,(or if none or not known, ordinance survey map reference or description):

265 Broad Street

Post Town: **Birmingham**

Post Code (if known): **B1 2DS**

2. Premises Licence details:

Name of premise licence holder (if known):

City Leisure Entertainment Limited

Number of premise licence (if known):

2621

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)



4. Details of association of the above premises with serious crime, serious disorder or both:
(Please read guidance note 2)

The premises is a venue situated within the night time economy area of Birmingham City Centre on Broad Street.

On Sunday 7th May 2023 at approximately 02.00hrs there was a disorder inside the premises which resulted in 2 members of security staff receiving stabs wounds.
This has been crimed as two S.18 woundings.

One of the security staff was stabbed several times and the other once.

The offender was identified and arrested by police officers who were at the scene.

Whilst waiting for an ambulance to arrive, police officers gave first aid to the victims and had to apply tourniquets to stem the heavy blood loss suffered by the victim with the multiple stab wounds.

West Midlands Police have concerns with how this incident has taken place in the premises and what control measures the premises had in place at the time.

There are also concerns, from attending officers of how the scene was managed by the venue management and staff.

This is a live on-going criminal investigation, although a small amount of CCTV (which was supplied by the premises) has been viewed by licensing officers which has raised concerns regarding security deployment at the premises.

Signature of applicant: 

Date: 09/05/23

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:



BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE - A

THURSDAY 11 MAY 2023

O BAR, 265 BROAD STREET, LADYWOOD, BIRMINGHAM B1 2DS

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 City Leisure Entertainment Limited in respect of O Bar, 265 Broad Street, Ladywood, Birmingham B1 2DS, this Sub-Committee hereby determines:

1. That the conditions of the licence shall be modified by adopting all those conditions which were agreed between the premises licence holder and West Midlands Police in advance of the meeting
2. That the licence be suspended pending the implementation of these agreed conditions to the satisfaction of West Midlands Police

The conditions which were agreed between the premises licence holder and West Midlands Police in advance of the meeting are as follows:

- 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

Upon the implementation of these agreed conditions to the satisfaction of West Midlands Police, the suspension shall be lifted and the premises permitted to trade pending the review of the licence, such a review to be held within 28 days of receiving the Superintendent'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. The Police were represented at the meeting. A director of the licence holder company also attended the meeting, accompanied by the designated premises supervisor [DPS]. Those from the premises were represented by their consultant.

The Sub-Committee accepted the advice of the Police that the risks of further serious crime and/or serious disorder could be managed satisfactorily via the adoption of a suite of new conditions, which had been agreed between the parties in advance of the meeting. The Police did not have concerns about the style of management at the O Bar, or the management personnel working there; indeed, the Police remarked several times during the meeting that they had found those at the premises to be cooperative and keen to ensure the safety of all.

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 did not object to this course.

The meeting therefore went into private session and Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A(1)(b) of the Act, related to an allegation of serious crime and/or serious disorder which had happened at the premises in the early hours of Sunday 7th May 2023. The Police stated that they did not use the s53 power lightly; the Superintendent had signed the certificate to bring the matter before the Sub-Committee as it had been a very serious incident involving the use of a weapon(s).

The Police summarised the investigation thus far – exactly as detailed in the Report. The O Bar was located in the main nightlife district of the city. A double stabbing had happened at the O Bar. A criminal investigation was under way. The incident had been the subject of two crime reports for wounding, per s18 of the Offences Against the Person Act 1861. The Police reminded the Sub-Committee that such offences are serious crimes which on conviction attract a maximum sentence of life imprisonment. The weapon was thought to have been a knife, but no weapon(s) had been located.

CCTV from inside the premises was played to the Sub-Committee. Police bodycam footage (showing the aftermath of the incident, and the first aid attempts) was also played. It was the advice of the Police that interim steps were required in order to

deal with the causes of the serious crime and/or serious disorder; to that end, discussions had been held between the Police and those from the O Bar.

The Police had been pleased to observe that the premises' management had been highly cooperative during these discussions. The Police remarked that usually in such matters, they would find that a licence holder hindered or obstructed discussions, which resulted in a disputed position; that was not the case here. In the instant matter, there was an agreed position. Those at the O Bar had engaged well with the criminal investigation, and also with the discussions regarding the modification of the licence. The DPS had been willing to accept the additional conditions, and was particularly keen to prioritise safety.

The Members noted that the proposals did not include the removal of the DPS. This was somewhat unusual for a very serious incident such as a double stabbing. In response to questions, the Police confirmed that they had confidence in the O Bar management, as the DPS had been in place for some time. The Police were satisfied that the events of the 7th May had been a one-off, and considered that the DPS had done all she could to engage with the Police during the discussions. The director of the licence holder company had also agreed to all the proposed conditions, and wanted the premises to be safe and well-managed.

Overall, the Police felt confident in the premises' ability to uphold the licensing objectives provided the new conditions were added to the licence. It was therefore the Police's recommendation that the premises licence should be suspended in order to allow sufficient time for the conditions to be implemented, but once this had been done, the premises could reopen and resume trading in advance of the summary review hearing.

The Sub-Committee then heard from the licence holder company, via its consultant. It appeared that on the night in question, some boisterous patrons had been removed by the premises' security staff, and in the course of the removal, the two wounding incidents had happened either outside the premises or on the way out. As soon as the incident had been noticed, the lights in the premises had been turned on, and first aid given to those involved. Nearby Police officers had also entered. The injured parties had been released from hospital, but those at the premises had not yet spoken to them.

The consultant confirmed that both the director of the licence holder company and the DPS were happy to agree to all the proposed conditions, and would not ask for the suspension to be lifted until all measures were properly put in place and endorsed by the Police. The priority was ensuring that admission at the front door was secure; accordingly, an ID scanner and bodycam equipment had been ordered. The consultant agreed with the Police that it had been a one-off incident; he considered that another DPS would not have made any difference. He noted that the premises' staff dealt with ejections well.

The Sub-Committee then heard from the DPS directly. She confirmed that the premises did operate a search policy at the door, and said that she had felt that the arrangements were sufficient as there had never been any incident with a knife. However, all at the premises had seen that more measures were needed, and she was keen to put these in place as per the Police recommendations.

Having heard all of the evidence, the Members were confident that the course proposed by the Police was satisfactory and would ensure that the risk of any further serious crime and/or serious disorder was removed. In particular, the

Members were reassured that the DPS understood her responsibilities and could be trusted to take proper management control of the premises in implementing the new measures.

Whilst deliberating, the Sub-Committee agreed with the Police that it would be possible for the premises to resume trading as soon as everything required by the new conditions was implemented. Both parties had anticipated that this could be done in advance of the full summary review hearing; the Sub-Committee felt that this inspired confidence that the premises would handle the implementation smoothly.

Whilst any incident where a weapon(s) had found its way into licensed premises was very serious, the Sub-Committee agreed with both parties that this was perhaps a one-off incident, and that the correct course was that which had been recommended by the Police. The Sub-Committee therefore resolved to modify the conditions and impose the suspension. This was both necessary and reasonable to address the immediate problems with the premises, namely the potential for further serious crime and/or serious disorder. It was not necessary to consider other steps such as the removal of the designated premises supervisor, as this individual and her management style were satisfactory to the Police.

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 premises via its consultant.

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.

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

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

2621 / 8

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description O Bar 265 Broad Street	
Post town: Birmingham	Post Code: B1 2DS
Telephone Number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence	
E	Live music
F	Recorded music
G	Performances of dance
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities				
Monday - Sunday	10:00	-	04:00	M3
	10:00	-	04:30	E ,F ,G
	23:00	-	04:30	L

The opening hours of the premises			
Monday - Sunday	10:00	-	04:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence City Leisure Entertainment Limited C/O Rus & Co 1192 Stratford Road Hall Green	
Post town: Birmingham	Post Code: B28 8AB
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 12321467

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Ruxandra Niculescu	
Post town:	Post Code:
Telephone Number: N/A	

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 7950	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 06/04/2020

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and 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 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.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

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

No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children are permitted on the premises.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

Sale of alcohol will cease 30 minutes prior to the closure of the premises.

No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

No customers will be allowed to leave the premises carrying open bottles or glasses.

SIA registered door staff shall be employed at the premises at a ratio of door staff to customers which the Designated Premises Supervisor considers to be sufficient following a risk assessment. The risk assessment will be provided to the police prior to operation, and for the Police to assess the security level.

A register of all door staff on duty on each day of trading will be retained at the premises and will be available for inspection by the police or the licensing authority. This register will contain a daily signing in sheet, and also profiles proof of address and identity. If the proof of address is a utility bill it must be dated within the last 6 months.

CCTV shall be maintained of good quality recording at the premises and will be operational throughout any period when the premises are open to the public. CCTV will be fitted to the specification and approval of the Police.

The CCTV recordings will be kept at the premises for a minimum of 31 days and be available for inspection to the police on request. CCTV tapes will be stored in a secure location (if used).

Persons who appear to be under the age of 21 should be required to provide proof of age by way of passport, photo driving licence or PASS accredited proof of age scheme.

An incident book will be retained at the premises and available for inspection by the police and the licensing authority. The incident book will be used to detail any incidents in the premises.

The DPS will put in place a drugs and lost property policy applicable to the premises which can be inspected by the police on request. This must be to the approval of the Police (Licensing Dept).

The premises will liaise with the Licensing Department at Steelhouse Lane Police Station, if they intend to put on a high risk event (high risk is defined as an event which is designed solely for a specific audience type attracted by what the premises is providing).

The Designated Premises Supervisor will be required to be an active member of the Local Pub Watch Scheme (where active).

The premises will have a refusals book, where they will document persons refused entry to the premises due to being under age.

If the premises show any recognised national or international sporting event then the premises will adhere to any advice given to venues by West Midlands Police.

Where the premises are required to use plastic glasses, for any reason then they must be government stamped.

During major sporting events, the premises management shall follow the advice provided by West Midlands Police, and use polycarbonate glasses when advised to do so for such events.

Door supervisors, when employed outside the premises shall wear high visibility tabards or jackets. When door supervisors are working inside the premises, they shall wear high visibility armbands.

An SIA registered door supervisor shall be employed at all times when the downstairs (O Below) is in use.

2c) Conditions consistent with, and to promote, public safety

All staff at the premises will receive training in relation to licensing law, health and safety and fire safety issues. A record of this training will be retained at the premises for inspection by the police and the licensing authority on request.

The premises will have a member of staff who is a qualified first aider on the premises at all times that it is open to the public.

A risk assessment shall be carried out in conjunction with West Midlands Fire Authority to determine safe capacity levels for the premises. Such levels will be displayed within the premises.

2d) Conditions consistent with, and to promote the prevention of public nuisance

No enforceable conditions identified from operating schedule.

2e) Conditions consistent with, and to promote the protection of children from harm

Children will not be permitted on the premises after 8pm Sunday – Thursday and 7pm Friday – Saturday, unless the event has a specific under 18 event, or the children are with an adult and they are sitting down for a plated meal.

Under 18's events will only go ahead on the approval of the Licensing Department at Steelhouse Lane Police Station.

Children are not allowed at the bar or to be served alcohol or have alcohol bought for them.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

N/A

3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 – Plans

The plan of the premises with reference number **115257-2621/8** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.

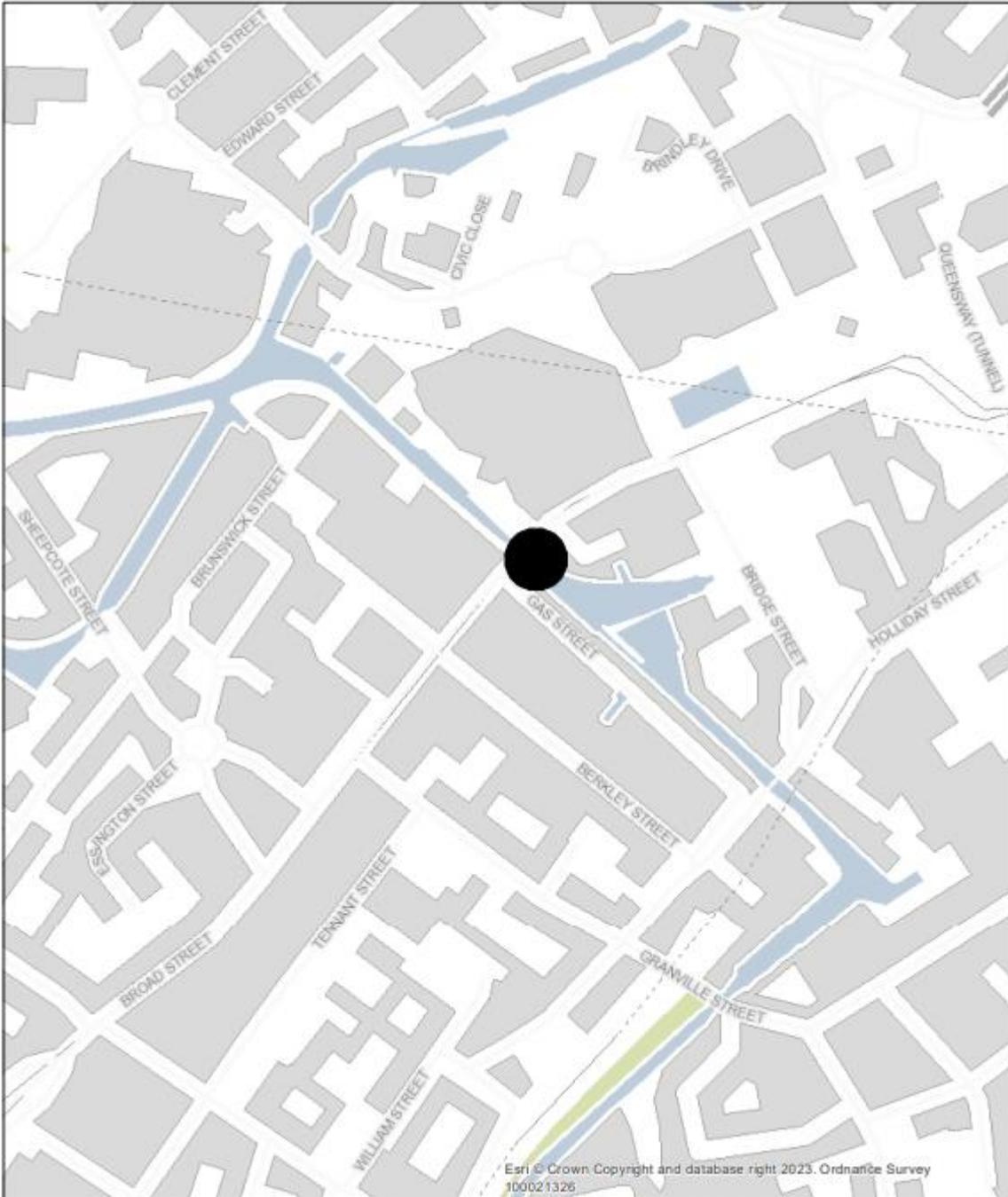


Figure 1: Map of the area around the proposed site location.

