

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

**Thursday 11 May 2023 at 1000  
hours as an On-Line Meeting,  
Microsoft Teams**

**A G E N D A**

**1     NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite, please click this link, <https://birmingham.public-i.tv/core/portal/home> and that members of the press/public may record and take photographs except where there are confidential or exempt items.

**2     DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

**3     APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**Attached**

**4     RE: 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**

N.B. Application scheduled to be heard at 1000 hours.

Documents submitted:

- A.     Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003

- B. Application for Review of Licence
- C. Copy of Premises Licence
- D. Location maps

West Midlands Police have applied for an expedited review of the premises licence in respect of **O Bar, 265 Broad Street, Ladywood, Birmingham, B1 2DS.**

The application has been made under Section 53A of the Licensing Act 2003 (as amended) and has been accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises have been associated with serious crime and disorder. (See A and B above)

In accordance with the regulations, the licensing authority has given the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate.

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review. The Premises Licence is included at item C.

The interim steps that must be considered at the hearing are:

- Modification of the conditions of the premises licence;
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence;
- Suspension of the licence

## **5 OTHER URGENT BUSINESS**

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

# **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

**B**

## 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 7<sup>th</sup> 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): 0121 626 6099

E-mail - [bw\\_licensing@westmidlands.police.uk](mailto:bw_licensing@westmidlands.police.uk)

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more:or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2621 / 8

**Part 1 - Premises details:**

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

**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
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**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On and Off Supplies

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**Part 2**

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

<b>Registered number of holder for example company number or charity number (where applicable)</b> 12321467
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Ruxandra Niculescu	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 7950	<b>Issuing Authority</b> 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

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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.

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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.

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**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**

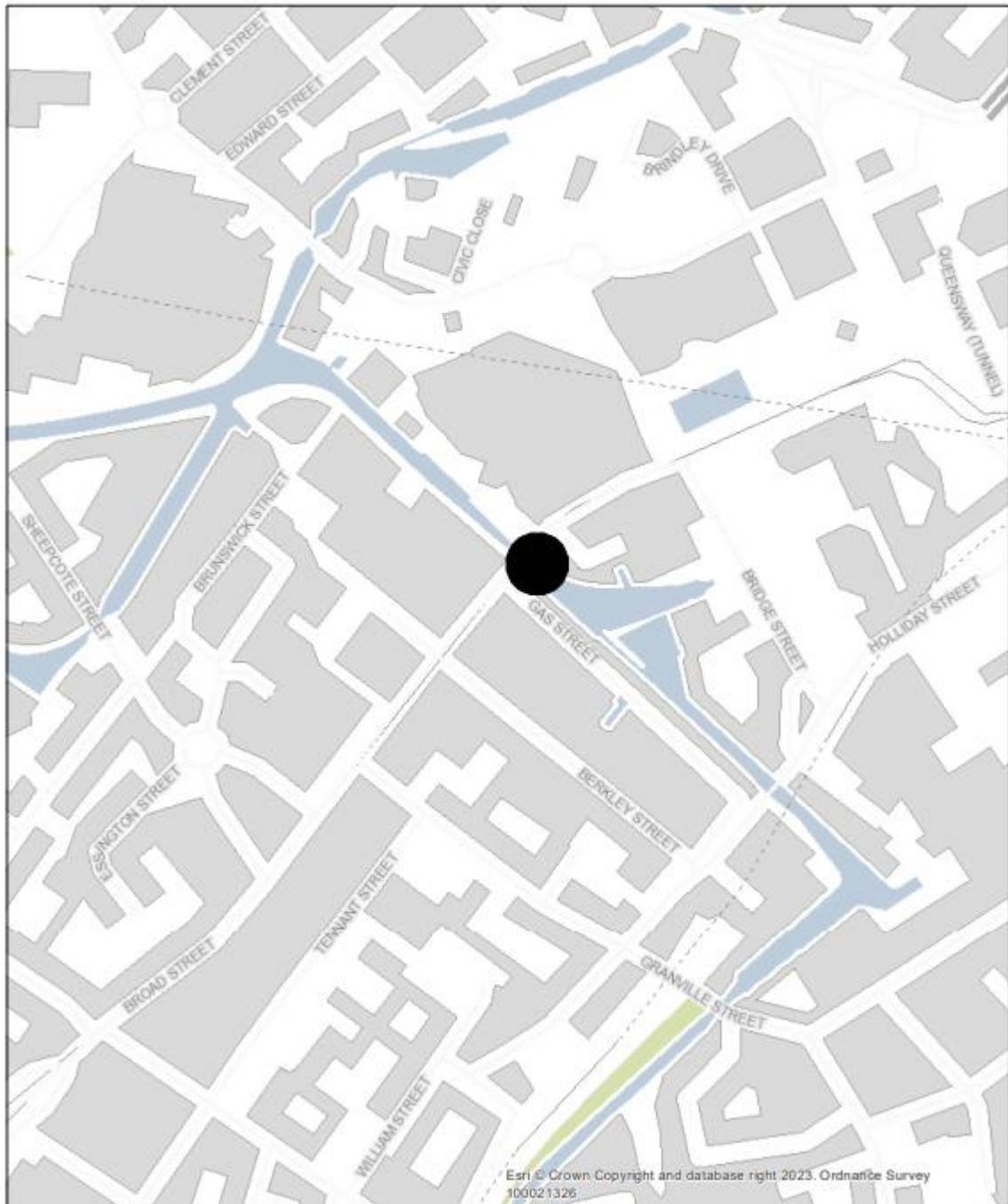
N/A

**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.



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