

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Tuesday 10th October 2023
Subject:	Licensing Act 2003 Premises Licence – Variation
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:

To consider the relevant representations that have been made in respect of an application to vary the Premises Licence which initially sought to remove the following condition:

- 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.

The applicant has now amended the scope of the application by modifying this condition to the following:

- From 21.00hrs premises to operate an ID scanner. All customers who appear to be under 25 will be required to provide ID to satisfy the scanning requirement. In relation to these customers, no ID, or ID not accepted, then no entry."

For reasons of consistency the applicant also seeks to modify the following condition to Challenge 25:

- 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.

The applicant's modification is attached to this report as an Appendix.

2. Recommendation:

To consider the representations that have been made and to determine the application, 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:

Variation application received on 18th August 2023 in respect of O Bar, 265 Broad Street, Ladywood, Birmingham, B1 2DS.

Representations have been received from West Midland Police, as a responsible authority and from other persons.

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:
<p>City Leisure Entertainment Limited applied on 18th August 2023 to vary the Premises Licence for O Bar, 265 Broad Street, Ladywood, Birmingham, B1 2DS.</p> <p>A representation has been received from West Midlands Police, as a responsible authority, which is attached at Appendix 1.</p> <p>A representation has been received from other persons, which is attached at Appendix 2.</p> <p>The application is attached at Appendix 3.</p> <p>The modification to the application is attached at Appendix 4.</p> <p>The current Premises Licence is attached at Appendix 5.</p> <p>Site Location Plans at Appendix 6.</p> <p>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 is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> 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:
<p>Copies of the representations as detailed in Appendices 1 & 2.</p> <p>Application Form, Appendix 3.</p> <p>Modification to the application, Appendix 4.</p> <p>Current Premises Licence, Appendix 5.</p> <p>Site Location Plans, Appendix 6.</p>
7. Options available
<p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

From: bw licensing
Sent: 21 August 2023 09:42
To: Licensing
Cc:
Subject: Variation - O Bar REF 1410909

Good Morning Licensing,

West Midlands Police object to this application, under the prevention of crime and disorder licensing objective.

The condition which the premises are looking to remove is a licensing committee imposed condition (05.06.23) after an expedited review following 2 section 18 woundings in the premises, whereby a weapon was used.

The condition was agreed with West Midlands Police by the premises and their licensing representative and was presented to the committee as such, at the full hearing. The premises obviously did not appeal the decision made by the committee.

West Midlands Police believe that the removal of this condition will undermine the prevention of crime and disorder licensing objective

I have copied the applicant's representative into this email.

Regards

Chris Jones 55410

Central Licensing Team West Midlands Police

Representations by WestSide Business Improvement District, in respect of variation application, O'Bar 264, Broad Street, Birmingham, B1 2DS

The Equality Act 2010 – An Introduction

The Equality Act 2010 is a legal requirement which protects individuals from discrimination and identifies age as one of its nine protected characteristics.

Under this legislation it is illegal for any individual, business, organisation or public body to discriminate or disadvantage anyone based on their age. It would be unlawful to do so and could be subject to legal action.

Discrimination or unfair treatment, whether direct or indirect, falls within the requirements of the Equality Act 2010.

Background

It is our view that age discrimination has occurred as a result of a decision made by Birmingham City Council and West Midlands Police and that this decision specifically disadvantages people based on their age.

Not only does this decision contradict the Equality Act 2010, we believe it also goes against Birmingham City Council's and West Midlands Police's equality strategies.

Birmingham City Council: Birmingham City Council has an Equalities Strategy entitled - Everyone's Battle Everyone's Business – Together We Will Tackle Inequalities.

In this strategy, Birmingham City Council's states that it will:

"Review the use, quality and impact of Equality Impact Assessments to improve council policy and practice."

In relation to its equalities commitment, it further states that it will:

"Understand the diverse range of views and perspectives of citizens and ensure solutions are based on the widest available evidence. We will take an intersectional approach to understand how people experience inequality according to their social class, age, gender, ethnicity, disability and sexual orientation. This means looking at the multiple disadvantages faced by different groups of people and using the latest data and research to underpin policy development and service design."

At 6.7.1 in Birmingham City Council's Statement of Licensing Policy it states the following:

"The council is committed to: seeking to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; advancing equality of opportunity between people who share a protected characteristic and those who do not; and, fostering good relations between people who share a protected characteristic and those who do not."

With regard to the above we believe that no Equalities Impact Assessment has taken place, nor due regard of the decision's impact on protected groups as defined by the Equality Act 2010.

A Flawed Decision Based on Association with Younger People

Page 11 of Everyone's Battle Everyone's Business, Birmingham City Council acknowledges Birmingham's young population. The strategy states:

"According to the annual Birmingham Economic Review (2020), Birmingham is "one of the youngest major cities in Europe". In 2019, under 25's accounted for 37.5% (428,590) of Birmingham's total population. In addition, ONS mid-2019 population estimates state that the median age is 32.6 years, while the average for England and Wales is 40.2.

We believe that this general knowledge has been influential in an assumption of the "type" of person that attends O'Bar and that no regard has been taken in respect of older, more mature patrons that regularly attend O'Bar.

As such, we feel the decision made by Birmingham City Council in association with West Midlands Police is based on inaccurate profiling and out of date stereotyping and that this has indirectly discriminated against older, more mature patrons of O'Bar. We believe that this has assumption has been made through association - that all patrons of O'Bar are young people. However, this is not the case.

Discrimination, Unfair Treatment and Disadvantage Faced by Older Patrons

It is illegal for a public authority, which includes both Birmingham City Council and West Midlands Police, to discriminate against anyone with a protected characteristic. This includes:

- refusing to provide someone with a service or to stop providing them with a service.
- giving someone a service on worse terms or of worse quality - for example, making you wait longer.
- causing someone harm or disadvantage when providing them with a service - the Equality Act calls this a detriment.

Discrimination based on an association with someone, or a group of individuals is defined in the Equality Act 2010 and is illegal.

We believe that older patrons are being disadvantaged by the barrier placed on them by being asked to show their personal ID when entering O'Bar.

Older patrons are therefore being subjected to unwarranted, unnecessary and unfair treatment – as a result of their association with younger people.

We believe that older patron's access to a service i.e., access to O'Bar, is on worse terms or of worse quality following this decision. This is illegal according to the Equality Act 2010. This is because:

- Older patrons who use O'Bar were historically never asked to provide proof of who they are on entry to this venue. Nor was this policy historically applied to venues more widely. This decision

has therefore disadvantaged this group as they are being asked to wait longer in queues in order to gain access to the venue. In accordance with the Equality Act 2010 we believe they are subject to a detriment.

- Additionally, proof of ID is usually associated with providing proof of age. Older, more mature people in the United Kingdom are never asked to prove their age and therefore do not routinely carry ID with them. Patrons of O'Bar are therefore routinely being turned away from O'Bar as they do not meet this new requirement. We would add that in order to require older people to provide ID as a matter of course, would require new government legislation and this decision would not be up to the local council.

On page 17 of Everyone's Battle Everyone's Business under the heading Five Equality Objectives - Embedding Equalities in Everything We do, Birmingham City Council states:

"As a public body, the City Council has a legal duty under the Public Sector Equality Duty Equality Act 2010.....to ensure individuals and groups of people identifying with one or more of the nine protected characteristics as defined by law are given protection from discrimination."

"Under the Public Sector Equality Duty, the council must, in exercising our functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

It further states:

"The duty ensures the council considers its decisions to advance equality, inclusion and diversity by removing or minimising disadvantages experienced by people because of their protected characteristics.

We do not believe that Birmingham City Council or West Midlands Police is fully exercising their duties under the Public Sector Equality Duty Equality Act 2010.

Additionally, on Page 11, there are 5 pillars of commitment relation to all protected characteristics, of which age is one. Birmingham City Council states that it will:

"Understand our diverse communities and embed that understanding in how we shape policy and practice across the Council."

On page 22 of the same strategy Birmingham City Council makes a commitment to "Actively listen to the voices of lived experience" by stating that:

"Those who are affected by inequalities should be at the heart of designing solutions – they should be around the decision-making table, reflecting the fact that we can only change the structure of society by changing who designs it'."

West Midlands Police has an equality strategy entitled Fairness & Belonging 2021/25 - Our Force Strategy for Diversity & Inclusion.

Although this document does not single out age inequality it does make a public commitment towards addressing discriminatory practice in the Police. Under the section, "Work with our Partners to 'Understand' and 'Tackle' Disparities, West Midlands Police states:

"We will work with our partners internally and externally to understand and tackle disparities to improve service delivery."

In relation to "Understanding our communities," they state:

"We will better understand the identities, needs and history of our communities through better collection and analysis of data and information across core strands of diversity."

With regard to "Engagement & good relations" they state:

"We will develop effective engagement strategies that enable interaction with all communities, fostering strong relationships that build trust and confidence. We will ensure our values and code of ethics are embedded in all our interactions."

"Develop an inclusive citizen engagement model to ensure that the city's diverse communities are fully represented, including those that often struggle to get a hearing. This will enable us to work with communities to properly understand the different experiences of inequalities and together, decide the immediate and longer-term measures needed to address them."

With regard to increasing public confidence, they state:

"We will increase public confidence by being fair, proportionate, transparent and accountable."

They also make a commitment to improve joint working with partners stating:

"We will improve 'our' methods to capture diversity data to enhance joint service delivery."

"We will undertake routine Equality Assessments to 'identify' and 'tackle' the causes of disparities."

"We will work with our partners to 'identify' and 'tackle' the causes of disparities to enhance service delivery."

In their Equality, Diversity and Human Rights Objectives they further state that they will "engage with "a variety of reference groups and community partners."

Additionally, through good levels of public engagement they state:

"We will enrich our community profiles to gain a better understanding of the demographics of the communities we serve."

It is our opinion that West Midlands Police have not undertaken the actions stated in their own public strategies as indicated above and as such:

- Has failed to demonstrate an understanding of the patron profile of O'Bar, or made sufficient efforts to do so.
- Have undertaken no community engagement exercise or made efforts to do so.
- Have not carried out an Equalities Impact Assessment to gauge the impact of their decision.

However, we feel there is still scope, opportunity and sufficient time for them to do so by engaging positively with and responding to the findings of Westside BID.

Our Recommendation

It is our view that Westside BID is in the right position in which to share the views and experiences of older patrons of O'Bar who feel they have been disadvantaged by Birmingham City Council and West Midlands Police's decision, which is primarily aimed at anti-social and criminal behaviour associated with younger people, and age verification.

We feel Westside BID should therefore be involved in the design of a solution with Birmingham City Council and West Midlands Police in accordance with their public equality strategies as detailed in this report.

We also ask that the impact of their decision is reviewed to consider its financial impact on O'Bar during the current economic crisis and how this may affect them in the immediate and long term.

We therefore urge the Licensing Sub-Committee of Birmingham City Council to review their previous determination with a view to removing the disadvantages caused as a result of their decision which negatively impacts on older patrons of O'Bar.

WestSide BID

15/09/2023



Birmingham
Application to vary a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

DCC/OBAR/VAR/23

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Abdul

* Family name

Muhit

* E-mail

Main telephone number

Include country code.

Other telephone number

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

12321467

Business name

City Leisure Entertainment Limited

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

27,250

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VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐ Yes

☒ No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Removal of a single condition from the premises licence.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐ Yes

☒ No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...	See guidance on regulated entertainment
<p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 7 of 18	
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 8 of 18	
PROVISION OF LIVE MUSIC	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide live music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 9 of 18	
PROVISION OF RECORDED MUSIC	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide recorded music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 10 of 18	
PROVISION OF PERFORMANCES OF DANCE	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 11 of 18	
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 12 of 18	
PROVISION OF LATE NIGHT REFRESHMENT	

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

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

- ☐ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Not to hand

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

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b) The prevention of crime and disorder

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c) Public safety

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d) The prevention of public nuisance

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e) The protection of children from harm

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

From: Duncan Craig
Sent: 04 September 2023 21:41
To: Licensing
Cc: bw licensing ;
Subject: RE: Police Rep to Variation - O Bar REF 1410909

Dear Licensing

As you know, I am instructed to represent the above licence holder in relation to the extant variation application.

The original application was to remove the single condition relating to the ID scanner. There was always a possibility that this variation would be subject to amendment once I had the opportunity to discuss this application with my client face to face, which I could not do prior to going on annual leave late last month, shortly after the application was submitted.

I had that meeting on site last week, following which I am instructed to instead modify the material condition (rather than remove it altogether) to the following:

“From 21.00hrs premises to operate an ID scanner. All customers who appear to be under 25 will be required to provide ID to satisfy the scanning requirement. In relation to these customers, no ID, or ID not accepted, then no entry.”

This proposed modified condition is more onerous to the licence holder than the proposed removal of the existing 1 condition- and so such an amendment to the application is permissible at this stage.

For reasons of consistency, I am also instructed to amend the current challenge 21 condition (that applies at all times) to challenge 25. Again, this is more onerous to the licence holder than the current condition

. West Midlands Police (copied) were made aware of this possible amendment to the application at the outset, but I am aware it will not change their position in relation to this variation application.

Many thanks.

Kind regards,

Duncan Craig
Barrister

Licensing Act 2003Premises Licence

Premises Licence Number	2621
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description O Bar, 265 Broad Street, Birmingham, B1 2DS
Telephone Number Not Specified

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Sale of Alcohol by Retail Provision of Late Night Refreshment Performance of Live Music Playing of Recorded Music Performance of Dance
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Times the licence authorises the carrying out of licensable activities

<u>Sale of Alcohol by retail:</u>		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:00
Tuesday	10:00	04:00
Wednesday	10:00	04:00
Thursday	10:00	04:00
Friday	10:00	04:00
Saturday	10:00	04:00
Sunday	10:00	04:00
Place:		
Seasonal Variations:		
Non-Standard Times:		

<u>Provision of Late Night Refreshment:</u>		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	23:00	04:30
Tuesday	23:00	04:30
Wednesday	23:00	04:30
Thursday	23:00	04:30
Friday	23:00	04:30
Saturday	23:00	04:30
Sunday	23:00	04:30
Further Details:		
Place:		
Seasonal Variations:		
Non-Standard Times:		

Performance of Live Music:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:30
Tuesday	10:00	04:30
Wednesday	10:00	04:30
Thursday	10:00	04:30
Friday	10:00	04:30
Saturday	10:00	04:30
Sunday	10:00	04:30

Further Details:**Place:****Seasonal Variations:****Non-Standard Times:****Playing of Recorded Music:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:30
Tuesday	10:00	04:30
Wednesday	10:00	04:30
Thursday	10:00	04:30
Friday	10:00	04:30
Saturday	10:00	04:30
Sunday	10:00	04:30

Further Details:**Place:****Seasonal Variations:****Non-Standard Times:****Performance of Dance:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:30
Tuesday	10:00	04:30
Wednesday	10:00	04:30
Thursday	10:00	04:30
Friday	10:00	04:30
Saturday	10:00	04:30
Sunday	10:00	04:30

Further Details:**Place:****Seasonal Variations:****Non-Standard Times:****The opening hours of the premises**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:30
Tuesday	10:00	04:30
Wednesday	10:00	04:30
Thursday	10:00	04:30
Friday	10:00	04:30
Saturday	10:00	04:30
Sunday	10:00	04:30
Seasonal Variations:		
Non-Standard Times:		

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

For consumption on and off the premises

Part 2

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

City Leisure Entertainment Limited
1192 Stratford Road, Birmingham, B28 8AB

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

Company Number:12321467

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

Miss Ruxandra Niculescu

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

Shaid Yasser
Senior Licensing Officer
For Director of Regulation & Enforcement

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures - (i) beer or cider: 1/2 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 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 the Operating Schedule

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.

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

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

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

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.

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.

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.

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).

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.

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.

The premises will liaise with the Licensing Department at Central 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 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).

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.

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.

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.

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

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

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.

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.

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.

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

Under 18's events will only go ahead on the approval of the Licensing Department at Birmingham Central (Licensing Team)

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.

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

Following an expedited Review, Licensing Sub Committee A resolved on Monday 5th June 2023 to modify the conditions of the licence to add the following conditions:

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

Annex 4 – Plans

The plan of the premises with reference number 85324 which is retained from the public register kept by Birmingham City Council available free of charge for inspection . Please contact: Licensing PO BOX 17831 Birmingham B2 2HJ or email Licensing@birmingham.gov.uk



