

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 3<sup>rd</sup> July 2023</b>
<b>Subject:</b>	<b>Gambling Act 2005 Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>The Billesley, Brook Lane, Kings Heath, Birmingham, B13 0AB</b>
<b>Ward affected:</b>	<b>Brandwood and Kings Heath</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

Officers have delegated authority to grant Permits in respect of up to 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises.

This application seeks to have permission to operate a total of 5 Category C Gaming Machines and 1 Category D Gaming Machine, at the premises.

### 2. Recommendation:

The Sub-Committee is requested to consider the application to operate a total of 5 Category C Gaming Machines and 1 Category D Gaming Machine, on an Alcohol Licensed premises.

### 3. Brief Summary of Report:

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 4<sup>th</sup> May 2023.

### 4. Compliance Issues:

#### 4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Principles and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Regal Gaming &amp; Leisure on behalf of Greene King Brewing &amp; Retailing Ltd submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 4<sup>th</sup> May 2023 for The Billesley, Brook Lane, Kings Heath, Birmingham, B13 0AB.</p> <p>The application, including supporting documents, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.</p> <p>The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 4 Category C machines and 1 Category D machine. See attached Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> <li>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>Ensuring that Gambling is conducted in a fair and open way</li> <li>Protecting Children and other vulnerable persons from being harmed or exploited by gambling.</li> </ol>
<p><b>6. List of background documents:</b></p> <p>Application Form and supporting documents, Appendix 1  Birmingham City Council Licensing Enforcement no objection confirmation, Appendix 2  Current Gaming Machine Permit, Appendix 3  Gaming Machine Categories, Appendix 4  Site Location Plans, Appendix 5</p>
<p><b>7. Options available</b></p> <ol style="list-style-type: none"> <li>Grant the application</li> <li>Refuse the application</li> <li>Grant the application in respect of; <ol style="list-style-type: none"> <li>A smaller number of machines than is specified in the application</li> <li>A different category of machines from that specified in the application, or</li> <li>both</li> </ol> </li> </ol> <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

*Please refer to guidance notes at the back of this form before completing*

To: Birmingham City Council  
Licensing Section  
PO Box 17013  
Birmingham  
B6 9ES

**SECTION A – What do you want to do?**

1. Please indicate what you would like to do

- a) **Notify** licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D  
(if you choose this option then please complete sections D and E) ☐
- b) Apply to **convert** an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines)  
(if you choose this option then please complete sections B, D and E) ☐
- c) Apply for a **new** licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☐
- d) Apply to **vary** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☒
- e) Apply to **transfer** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections C, D and E) ☐

**SECTION B – Application for grant (includes conversion, new and variation applications)**

2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)

Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C	4	5
D	1	1
<b>TOTAL</b>	<b>5</b>	<b>6</b>

3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.

Existing permit provided\*

(reasons why existing permit cannot be provided) .....

.....

.....

\*Please keep a copy of your existing permit on the premises to which it relates.

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<p><b>Section C – Application for permit <u>transfer</u></b> (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</p> <p>4. Name of person requesting the transfer</p> <p>.....</p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <p align="right">Requested <input type="checkbox"/></p> <p align="right">Granted <input type="checkbox"/></p> <p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p> <p align="right">Existing permit provided <input type="checkbox"/></p> <p align="right">Reasons why existing permit cannot be provided</p> <p>.....</p> <p>.....</p>	
<p><b>Section D – General Information</b></p> <p>7. Name of Premises <u>New Billesley</u></p> <p>8. Address of Premises <u>Brook Lane Kings Heath Birmingham B13 0AB</u></p> <p>.....</p> <p>9. Telephone number of Premises</p> <p>.....</p> <p>10. Name of existing Premises Licence holder</p> <p><u>Greene King Brewing &amp; Retailing Ltd</u></p> <p>.....</p> <p>11. Address of Premises Licence holder (if different from 8 above)</p> <p><u>Westgate Brewery Bury St Edmunds Suffolk IP33 1QT</u></p> <p>.....</p> <p>12. Telephone number (daytime) of Premises Licence holder</p> <p>.....</p> <p>13. E-mail address of Premises Licence holder (where available)</p> <p>.....</p> <p>14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant</p> <p><u>Regal Amusement Machine Sales Ltd (19 Regal Gaming And Leisure), 139 Brookfield Place, Waton Summit Centre, Barber Bridge, Preston, Lancashire, PR5 5DP</u></p> <p><u>.....</u></p> <p><u>.....</u></p> <p>15. Licensing Act 2003 Premises Licence Reference (i.e. number)</p> <p><u>3040</u></p>	

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**Section E – Fee and Signature(s)**

I enclose a sum of (£ 100.00)\* (cheques should be made payable to paid by BACS ☐

*I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)*

Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

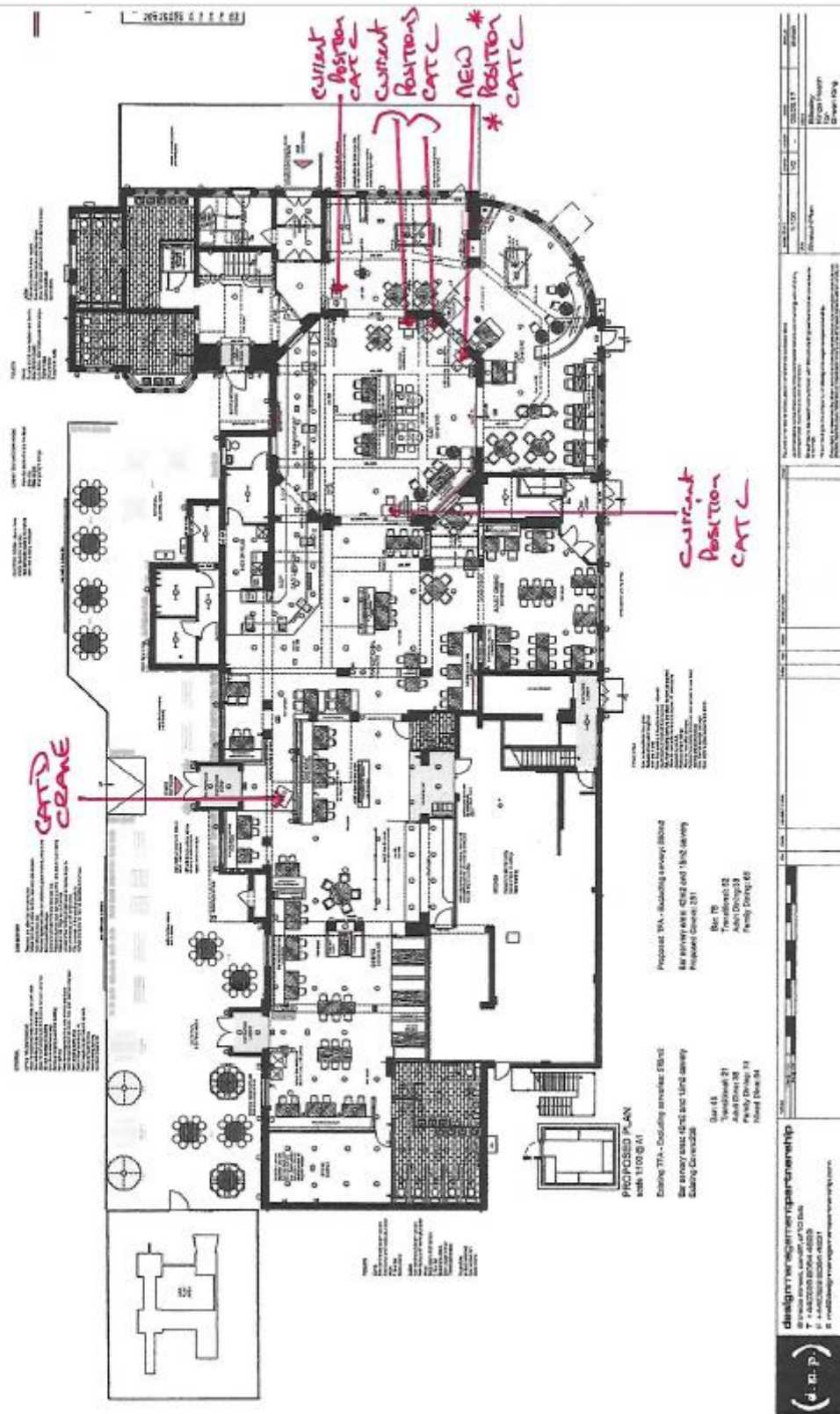
Dated 2nd May 2023 .....

Signed (by or on behalf of Licensing Act 2003 Premises Licence holder).....

Print Name. Erica Hamilton .....

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £50. If you wish to have more than 2 gaming machines then the fee payable is £150 for new applications and £100 for Section 34 (Gaming Act 1968) holders.





**From:** Karen Runnalls (She/Her)  
**Sent:** 31 May 2023 08:34  
**To:** Erica Hamilton; Julie Griffiths  
**Cc:** Lee Murden  
**Subject:** FW: New Billesley, Brook Lane, Birmingham, West Midlands, B13 0AB (36263)

Hi Julie

Please see below.

**The team are aware of the and actively enforce the 3 licensing objectives of the gambling act, of Preventing Gambling from being a source of crime or disorder, ensuring that gambling is conducted in a fair and open way and to protect children and other vulnerable persons from being harmed or exploited by gambling. This is achieved by the following methods**

**The New Billesley is a large pub and restaurant split between family dining and sports viewing in two well defined and regularly policed areas**

**All machines are sited in an over 18s only Area, as will the additional**

**Machines are all in view of the bar and supervised by floor and bar staff, and are covered by CCTV.**

**Our gaming machines display a 'no under18's' message and we enforce a 'challenge 25' on gambling as with alcohol**

**Our gaming Machines also display information on where to acquire help if you or someone you know has a problem with gambling**

**Greene King use Serve Legal to regularly check our premises comply with the act by performing gambling age verification as tests suggested by the Gambling Commission in their Codes of Practice**

**Greene King PLC, ensure that all staff receive training upon commencement of employment and updated as necessary.**

**Karen Runnalls (She/Her)**  
Gaming and Entertainment Manager  
Greene King | Sunrise House | Ninth Avenue| Burton upon Trent| Staffordshire | DE14 3JZ

**From:** Janice Morrison  
**Sent:** 18 May 2023 20:32  
**To:** licensing  
**Subject:** Gambling Act 2005 : New Billesley Hotel, Brook Lane, Moseley, B13 0AB

Hi Arvi,

I have visited the **New Billesley Hotel**, Brook Lane and have no objection to the variation application to increase the number of CAT C machines from four to five.

CAT C machine to be sited in view of the bar; no ATM on the premises and procedures in place to prevent underage gambling.

Kind regards,

Janice Morrison  
Licensing Enforcement Officer

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General Licensing Regulation & Enforcement



This form is prescribed by regulation 4 of the Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007

**Licensed Premises Gaming Machine Permit**

No: 222 / 5

This licensed premises gaming machine permit authorises:

Greene King Brewing and Retailing Limited

to make gaming machines, of the category and number specified below, available for use on the following premises

The Billesley , Brook Lane, Kings Heath, Birmingham , B13 0AB

Number of Category C Gaming Machines authorised by this permit: 4

Number of Category D Gaming Machines authorised by this permit: 1

Date on which this permit takes effect or is renewed:  
02/12/2013

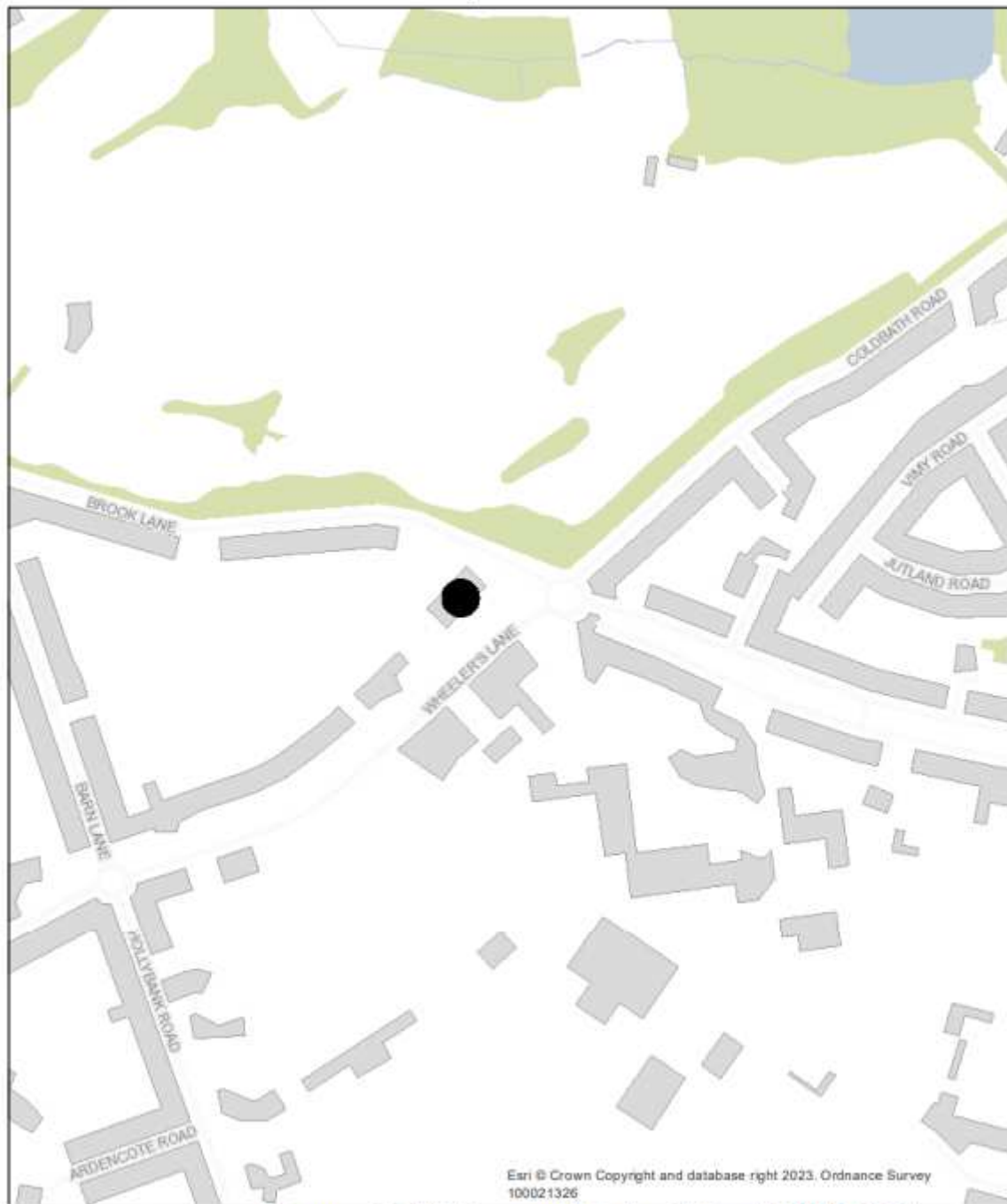
This permit is issued by:

**Birmingham City Council**  
Licensing Section, Crystal Court, Aston Cross Business Village,  
50 Rocky Lane, Aston, Birmingham, B6 5RQ

**Gaming Machines (Fruit Machine, Slot Machine) Categories****Summary of gaming machine categories and entitlements**

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

\* With option of max £20,000 linked progressive jackpot on premises basis only



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