

# 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 25<sup>th</sup> September 2023</b>
<b>Subject:</b>	<b>Gambling Act 2005 Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>Harborne Stores, 109 High Street, Harborne, Birmingham, B17 9NP</b>
<b>Ward affected:</b>	<b>Harborne</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, Senior 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, at the premises.

### **2. Recommendation:**

The Sub-Committee is requested to consider the application to operate a total of 5 Category C Gaming Machines 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 17<sup>th</sup> July 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.

## **5. Relevant background/chronology of key events:**

Inspired Gaming (UK) Ltd on behalf of Stonegate Pub Company Ltd, submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 17<sup>th</sup> July 2023 for Harborne Stores, 109 High Street, Harborne, Birmingham, B17 9NP.

The application, including supporting documents, is attached at Appendix 1.

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.

The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 4 Category C machines. See attached Appendix 3.

Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.

Site Location Plans at Appendix 5.

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.

The licensing objectives are:

- a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- b. Ensuring that Gambling is conducted in a fair and open way
- c. Protecting Children and other vulnerable persons from being harmed or exploited by gambling.

## **6. List of background documents:**

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

## **7. Options available**

- a) Grant the application
- b) Refuse the application
- c) Grant the application in respect of;
  - (i) A smaller number of machines than is specified in the application
  - (ii) A different category of machines from that specified in the application, or
  - (iii) both

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).

Our Ref: 1545820

**GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:  
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.*

To: Birmingham City Council, P O Box 17013, Birmingham, B6 9ES

<p><b>SECTION A – What do you want to do?</b></p> <p>1. Please indicate what you would like to do</p> <p>a) Apply to <b>convert</b> an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit where you want more than 2 gaming machines (if you choose this option then please complete sections B, D and E) <input type="checkbox"/></p> <p>b) Apply for a <b>new</b> licensed premises gaming machine permit where you want more than 2 gaming machines (if you choose this option then please complete sections B, D and E) <input type="checkbox"/></p> <p>c) Apply to <b>vary</b> an existing licensed premises gaming machine permit (if you choose this option then please complete sections B, D and E) <input checked="" type="checkbox"/></p> <p>d) Apply to <b>transfer</b> an existing licensed premises gaming machine permit (if you choose this option then please complete sections C, D and E) <input type="checkbox"/></p>		<p>REGULATION &amp; ENFORCEMENT LICENSING DIVISION DATE RECEIVED 17 JUL 2023 REF NO. E100 Paid BAC'S</p>												
<p><b>SECTION B – Application for grant (includes <u>conversion</u>, <u>new</u> and <u>variation</u> applications)</b></p> <p>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)</p> <table border="1"> <thead> <tr> <th>Category machine</th> <th>Number currently authorised to provide</th> <th>Number wish to provide (new or variation)</th> </tr> </thead> <tbody> <tr> <td>C</td> <td>4</td> <td>5</td> </tr> <tr> <td>D</td> <td></td> <td></td> </tr> <tr> <td>Total:</td> <td>4</td> <td>5</td> </tr> </tbody> </table> <p>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.</p> <p align="right">Existing permit provided* <input type="checkbox"/></p> <p>(Reasons why existing permit cannot be provided)</p>		Category machine	Number currently authorised to provide	Number wish to provide (new or variation)	C	4	5	D			Total:	4	5	
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)												
C	4	5												
D														
Total:	4	5												

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

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**Section C – Application for permit transfer** (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)

4. Name of person requesting the transfer

.....

5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:

Requested ☐

Granted ☐

6. Please provide your existing permit, or provide reasons stating why it cannot be provided

Existing permit provided ☐

Reasons why existing permit cannot be provided

.....

**Section D – General Information**

7. NAME OF PREMISES: Harborne Stores

8. ADDRESS OF PREMISES: 109 High Street, Birmingham, B17 9NP

9. TELEPHONE NUMBER OF PREMISES: UNKNOWN

10. NAME OF EXISTING PREMISES LICENCE HOLDER: STONEGATES PUB CO

11. ADDRESS OF PREMISES LICENCE HOLDER: 3 MONKSPATH HALL ROAD,  
SOLIHULL, B90 4SJ

12. DAYTIME TELEPHONE NUMBER OF PREMISES LICENCE HOLDER:

13. E-MAIL ADDRESS OF PREMISES LICENCE HOLDER:

14. AGENT (E.G. SOLICITOR) IF SUBMITTED ON BEHALF OF THE APPLICANT:

Inspired Gaming (UK) Ltd, First Floor, 107 Station Street,  
Burton upon Trent, Staffordshire, DE14 1SZ

p

15. LICENSING ACT 2003 PREMISES LICENCE REFERENCE (I.E. NUMBER)

GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:  
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**Section E – Fee and Signature(s)**

*I enclose a cheque payable Birmingham City Council* ☒

***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... 17/07/2023 .....

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

.....  
Print Name... Roz Sage .....

\* If you wish to have more than 2 gaming machines then please check the fee payable.

**Official Use Only**

Date of receipt: .....

Name of staff member who received application form: .....

Date of receipt of fee: .....

Name of staff member who received fee: .....

Application accepted / returned (please delete as appropriate).....

Date of premises licence (Licensing Act 2003) transfer (if applicable):

**GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:  
CONVERSION / NEW / VARIATION / TRANSFER**

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

**Guidance notes:**

1. This form is to be used for the **conversion of an existing Section 34** gaming machine permit under the Gaming Act 1968, or for a **new application, variation or transfer** of a alcohol licensed premises gaming machine permit under the Gambling Act 2005.
2. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.
3. The gaming machines must be located on these licensed premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. There is no statutory limit to the number of machines, which may be applied for although the licensing authority has some discretion in this regard.
6. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable within 30 days of the date of issue of the permit and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50 (to be confirmed). There are no annual fees payable for 2 machines or less.
7. Two types of gaming machines may be located in alcohol licensed premises. These are:
  - Category C: Maximum stake = 50p / Maximum prize = £100
  - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. **All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005.** The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at:  
<http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of the code of practice please contact the Gambling Commission.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.

## **Stonegate Group**

### **Gaming Machines Policy**

This policy is intended to inform and guide Designated Premises Supervisors in relation to the use of Amusements with Prizes Gaming Machines within Stonegate Group premises.

All gaming machines at our premises must be operated under the principles of the Gambling Commission Code of Practice 'Section C - Gaming machines in clubs and premises with an alcohol licence'.

Compliance with the Code of Practice is the responsibility of the Designated Premises Supervisor (DPS)

#### **The Law**

It is an offence for any person to invite, cause or permit an under 18 year old to play on Category C gaming machines or to gamble other than on a category D gaming machine. If prosecuted this offence carries a fine of up to £5,000 or up to 51 weeks imprisonment

#### **Key Control Measures for All Sites:**

1. Machines must be positioned in clear line of sight of the bar
2. No person under the age of 18 is permitted to play Category C gaming machines
3. 'Challenge 25' - any person appearing to be under the age of 25 should be challenged to provide valid ID in line with the Craft Union Underage Sales and Age Verification Policy.  
Valid ID is classed as
  - a) Valid Passport
  - b) Photographic Driving Licence
  - c) Accredited Proof of Age Scheme card bearing the PASS holographic logo
4. Vigilance - During hours of operation all staff should monitor the gaming machines and report to the DPS any of the following
  - a) Persons attempting to use the gaming machines appearing to be under the age of 25
  - b) Suspicious behaviour or loitering in the immediate vicinity to the gaming machine by persons who appear to be under the age of 25
5. Appropriate and proportionate signage must be displayed next to all Category C gaming machines to notify that persons must be over the age of 18 in order to play.
6. All gaming machines must be checked to ensure that relevant 'Gambling Awareness' (i.e. GamCare) stickers are present on machines.
7. Any refusal of use of Gaming Machines must be recorded in the premises incident log
8. Any customer complaints are in the first instance to be raised to the DPS, however should a customer wish to make a more formal complaint then this can be raised to [StonegateEnquires@stonegategroup.co.uk](mailto:StonegateEnquires@stonegategroup.co.uk)







**From:** Lisa Woodward  
**Sent:** 25 July 2023 15:50  
**To:** Licensing  
**Subject:** Harborne Stores, 109 - 111 High Street, Harborne, Birmingham, B17 9NP

Afternoon all,

Hi Arvi,

Inspection carried out at the above premises, no issues identified, no objections to additional machine.

Kind regards

Lisa

Lisa Woodward | Licensing Enforcement Officer | General Licensing I Regulation & Enforcement I City  
Operations Directorate

**Licensing - Regulation & Enforcement Division - City Operations Directorate**  
**Postal Address: Licensing, PO Box 17831, Birmingham, B2 2HJ.**

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:** 510 / 3

This licensed premises gaming machine permit authorises:

Stonegate Pub Company Limited

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

Harborne Stores, 109 High Street, Harborne, Birmingham, B17 9NP

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

Number of Category D Gaming Machines authorised by this permit: **0**

Date on which this permit takes effect or is renewed:

23/06/2016

This permit is issued by:

**Birmingham City Council**

**Licensing Section, P.O. Box 17013, Birmingham, B6 9ES**

**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





