

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 2nd March 2020
Subject:	Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit
Premises	Raven, Hodge Hill Road, Stechford, Birmingham, B34 6DR
Ward affected:	Bromford and Hodge Hill
Contact Officer:	Shaid Yasser, Senior Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

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 5 Category C Gaming Machines.

2. Recommendation:

The Sub Committee is requested to consider an application to operate a total of 5 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 16th January 2020.

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>5. Relevant background/chronology of key events:</p> <p>Star Pubs & Bars Limited submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 16th January 2020 for the Raven, Hodge Hill Road, Stechford, Birmingham, B34 6DR.</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 object 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. 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> <ul style="list-style-type: none"> 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.
<p>6. List of background documents:</p> <p>Application Form, Appendix 1 Birmingham City Council Licensing Enforcement confirmation, Appendix 2 Current Gaming Machine Permit, Appendix 3 Gaming Machine Categories, Appendix 4 Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <ul style="list-style-type: none"> a) Grant the application b) Refuse the application c) Grant the application in respect of; <ul style="list-style-type: none"> (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

**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	REGULATION 8 FORM LICENSING SECTION DATE RECEIVED 13 JAN 2020
SECTION A – What do you want to do?	
1. Please indicate what you would like to do	REF NO. <u>155</u> INITIALS <u>KCC/9 (129500)</u>
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)	<input type="checkbox"/>
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)	<input type="checkbox"/>
c) Apply for a new licensed premises gaming machine permit (if you choose this option then please complete sections B, D and E)	<input type="checkbox"/>
d) Apply to vary an existing licensed premises gaming machine permit (if you choose this option then please complete sections B, D and E)	<input checked="" type="checkbox"/>
e) Apply to transfer an existing licensed premises gaming machine permit (if you choose this option then please complete sections C, D and E)	<input type="checkbox"/>

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	0	0
Total	4	5

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.**

GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:
CONVERSION / NEW / VARIATION / TRANSFER
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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 Raven
8. Address of Premises Hodge Hill Road
Stechford
Birmingham
B34 6DR
9. Telephone number of Premises
10. Name of existing Premises Licence holder Star Pubs & Bars Limited
11. Address of Premises Licence holder 3-4 Broadway Park
South Gyle Broadway
Edinburgh
EH12 9JZ
12. Name, address, telephone and e-mail of agent
(e.g. solicitor) if submitted on behalf of the applicant
George Domleo
Flint Bishop LLP
St. Michael's Court
St. Michael's Lane
Derby, DE1 3HQ
13. Licensing Act 2003 Premises Licence Reference 1994/ 4

**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)

Section E – Fee and Signature(s)

I enclose a sum of (£100)



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.....14th January 2020.....

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

Print Name...Flint Bishop LLP – Solicitors for and on behalf of applicant.....

Official Use Only

Date of receipt:

Signature and name of staff who received:

Date of receipt of fee:

Signature and name of staff who received fee:

Application accepted / returned (please delete as appropriate)

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

Appendix 1 continued – applicants supporting documents

From: George Domleo
Sent: 13 February 2020 15:00
To: Bhapinder Nandhra
Cc: Licensing
Subject: RE: Licensing Premises Gaming Machine Permit Application RE: The Raven - Hodge Hill Road
Attachments: LPGMP Variation (5th AWP) - Submitted.pdf; Raven, Birmingham - Location of Gaming Machines.jpg; Raven, Birmingham - Responsible Gambling Week.jpg; Raven, Birmingham - No Under 18 Digital Display.jpg

Dear Bhapinder

Thanks for your email and apologies for the late reply.

I can confirm that our client wishes to proceed with the application.

In order to assist the committee in determining our application please find attached the following:-

- Plan showing the location of the gaming machines, including the proposed location of the 5th machine – 3 of the machines are clearly visible from the bar servery and whilst the other 2 machines are not clearly visible from the bar servery are all regularly monitored by staff members at regular intervals
- Responsible Gambling and Age Verification messages – all existing gaming machines and the proposed 5th machine are digital and display No Under 18 signs in start-up mode and periodically throughout game play

The following should also be of interest to the committee:-

- The existing LPGMP was issued on 13 January 2009 and permits 4 Category C or D machines
- The premises operates as a community local offering a quality selection of alcoholic and non-alcoholic drinks along with a substantial food offering
- With it being a family friendly premises the only restrictions on children access is that under 16s must be accompanied by an adult at all times and they are not permitted in the area immediately adjacent to the bar servery meaning the areas where the gaming machines are located
- The Premises Licence Holder, Star Pubs & Bars Limited, is a subsidiary of Heineken UK and have held the Premises Licence since August 2015. Heineken take their responsibilities under the Gambling Act 2005 very seriously
- Procedures are in place for staff members who are trained upon commencement of their employment at the premises to check the age of those playing the machines if they appear underage and to only accept identification which contains a photograph from which the individual can be identified, states the individual's date of birth, is valid and is legible and has no visible signs of tampering or reproduction. Staff are aware that should they have any concerns of the age of the individual playing the gaming machine to notify the DPS or manager on duty immediately
- We are not aware of any issues with the premises from trading with the existing 4 gaming machines so submit there is no evidence that the addition of a 5th gaming machine will undermine the licensing objectives

The above measures which are already in place demonstrate how the 3 licensing objectives are currently being promoted and how this will continue with the addition of a 5th machine. In response to the objection from your Licensing Enforcement Officer, I disagree that there is insufficient floor space to accommodate a 5th machine given the attached location of the machines shows there is adequate space. Furthermore, I am unsure as to which licensing objective the second part of the officer's objection falls under regarding the 4 machines not being used at the time of their visit.

Thank you again for your assistance in this matter and please let me know once a committee hearing is scheduled.

Kind regards

George

George Domleo
Associate
Licensing

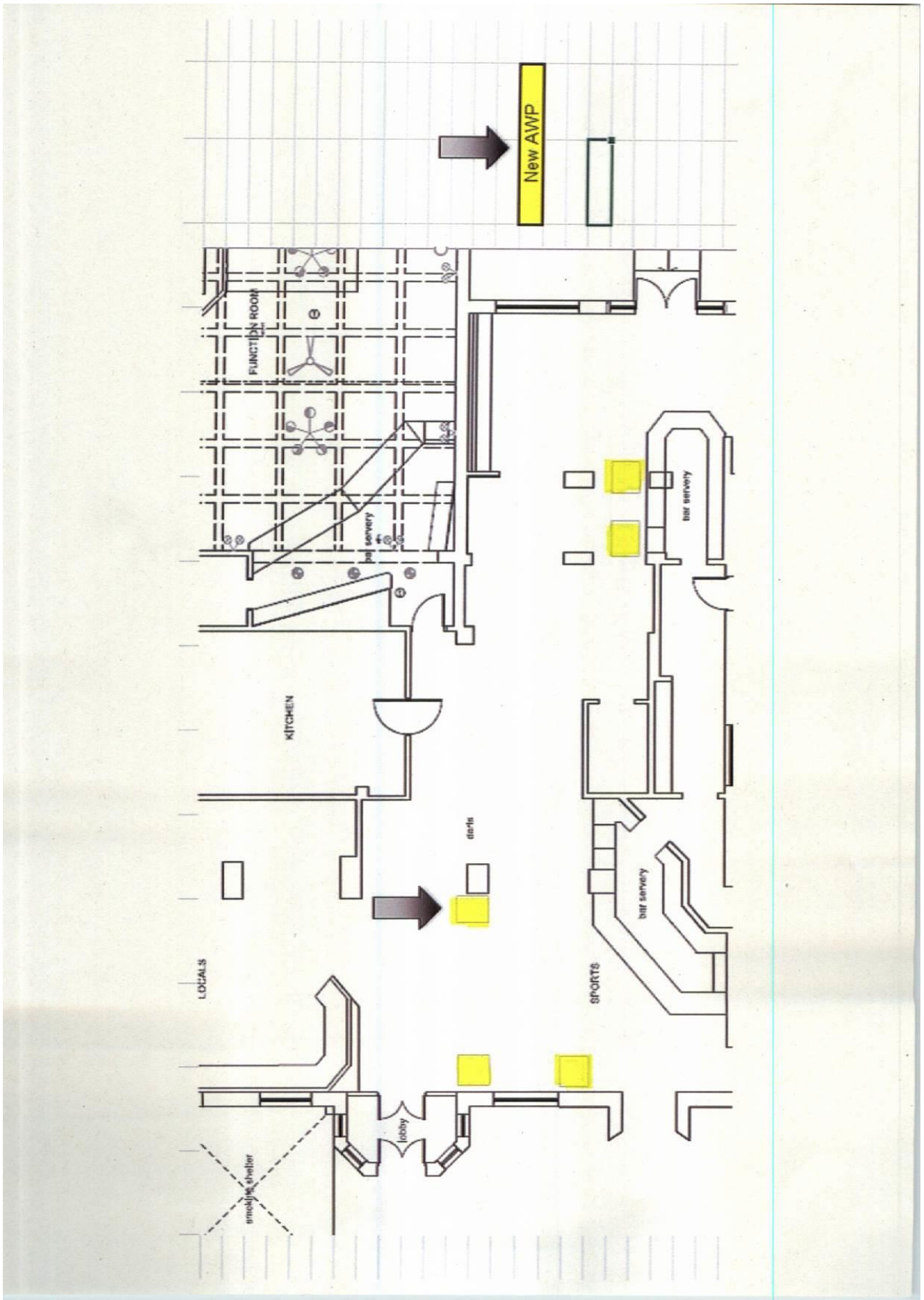
Flint Bishop LLP St. Michael's Court, St. Michael's Lane, Derby, DE1 3HQ

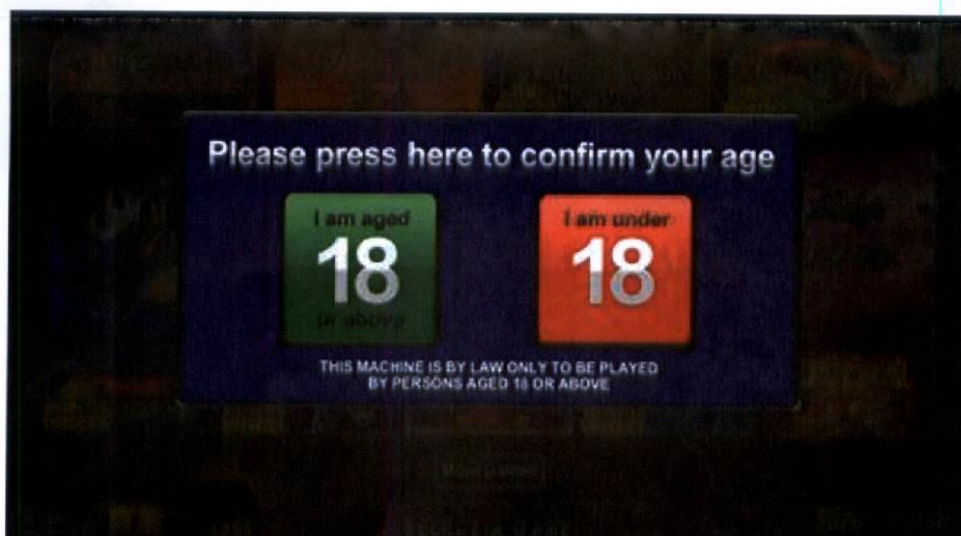
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From: Dot Finegan
Sent: 28 January 2020 13:18
To: Arvinder Layal
Subject: The Raven - Hodge Hill Road

Arvi

I can confirm on 23/1/20 @ 21.20 hours I carried out an inspection at the aforementioned premises in respect of the variation application to increase cat C machines from 4 to 5. The inspection was conducted in company with the manager Julie Neal and Officer Sharon Watts.

I am objecting to this application as there is insufficient floor space to accommodate a 5th machine and the machines already in situ were not being used at the time of the inspection even though the premises were quite busy.

Dot Finegan
Licensing Enforcement Officer
Birmingham City Council Licensing Enforcement
Address: Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES
Website: www.birmingham.gov.uk/licensing Twitter: @BCCLicensing

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

BIRMINGHAM CITY COUNCIL

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: 77 / 5

This licensed premises gaming machine permit authorises:

Star Pubs & Bars Limited

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

Raven, Hodge Hill Road, Stechford, Birmingham, B34 6DR

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:

22/10/2015

This permit is issued by:

Birmingham City Council

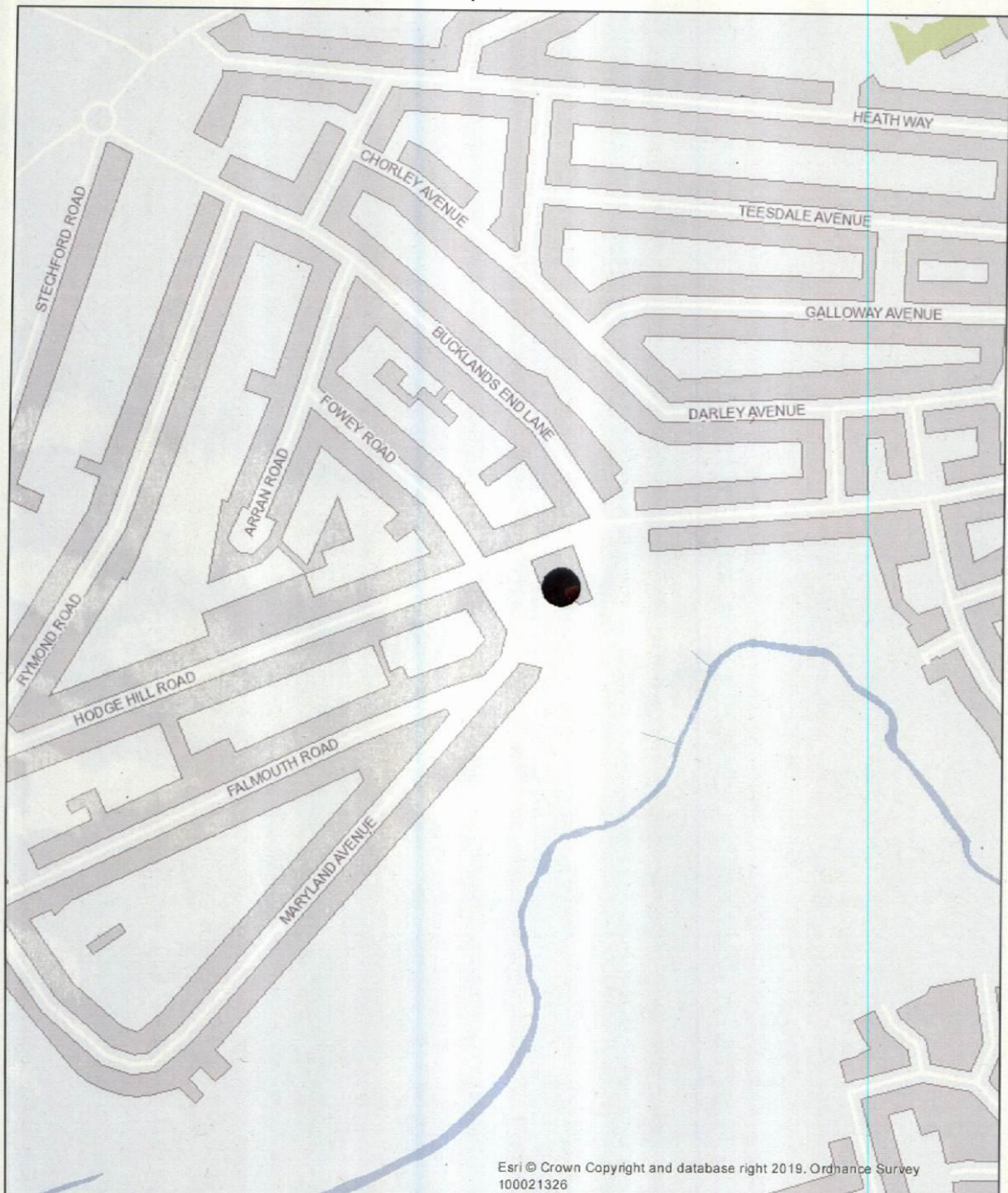
**Licensing Section, Crystal Court, Aston Cross Business Village,
50 Rocky Lane, Aston, Birmingham, B6 5RQ**

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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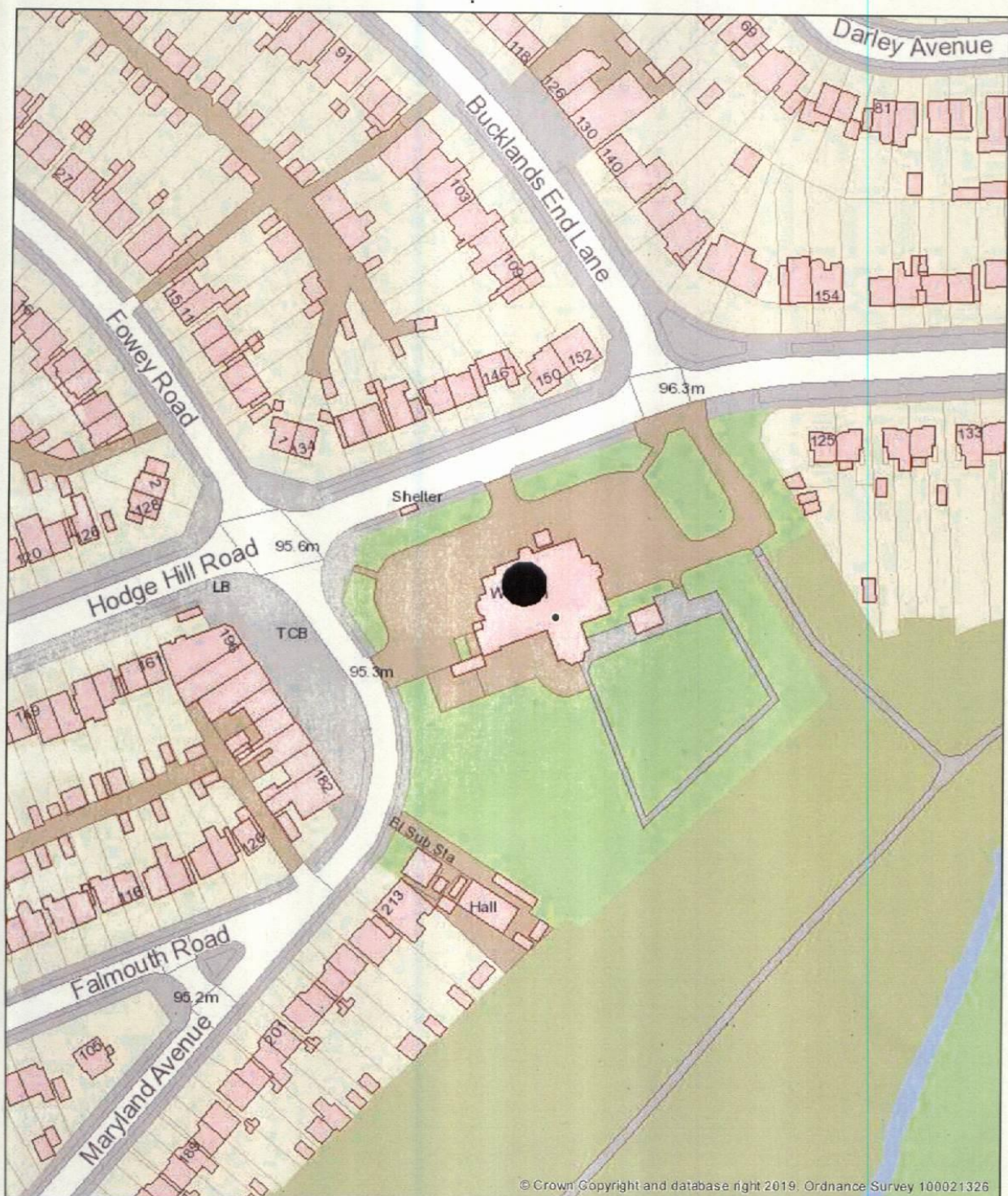
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