

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 7<sup>th</sup> December 2016</b>
<b>Subject:</b>	<b>Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>Hornet, 991 Alum Rock Road, Washwood Heath, Birmingham, B8 2LZ</b>
<b>Ward affected:</b>	<b>Washwood Heath</b>
<b>Contact Officer</b>	<b>David Kennedy, Principal Licensing Officer, 0121 303 9896, <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 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises. This application seeks to have permission to operate 6 Category C Gaming Machines.

**2. Recommendation:**

The Sub Committee is requested to consider an application to operate a total of 6 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 6<sup>th</sup> October 2016.

**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:**

JD Wetherspoons PLC submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 6<sup>th</sup> October 2016 for the Hornet, 991 Alum Rock Road, Washwood Heath, Birmingham, B8 2LZ.

The application, including supplementary information in support of the application, is attached at Appendix 1.

Birmingham City Council Licensing Enforcement visited the premises on 11<sup>th</sup> October 2016, and confirmed that they have no objections to application. Their report is attached at Appendix 2.

A copy of the current Gaming Machine Permit issued under the Gambling Act 2005, which permits 4 Category C machines, is attached at 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, Appendix 1  
Birmingham City Council Licensing Enforcement report, Appendix 2  
Current Gaming Machine Permit, Appendix 3  
Gaming Machine Categories, Appendix 4  
Site Location Plans, Appendix 5

## **7. Options available**

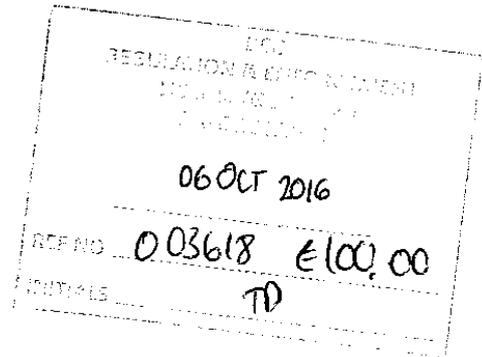
- a) Grant the application
- b) Refuse the application
- c) Grant the application in respect of;
  - (i) A smaller number of machines than is specified in the application
  - (ii) A different category of machines from that specified in the application, or
  - (iii) both

# Appendix 1

## APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION / TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT (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 – Applicant Details

1. Name of Applicant  
**JD Wetherspoon Plc**
2. Date of Birth or Company registration No. as applicable  
**1709784**
3. Address / registered office of applicant  
**Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL**
4. Telephone number (daytime) of applicant
5. E-mail address of applicant
6. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant  
.....

### SECTION B – Premises Details

1. Name of premises  
Hornet ...  
.....
2. Address of premises  
991 Alum Rock Road, Birmingham, B8 2LZ  
.....
3. Telephone number of premises  
.....
4. E-mail address of premises (where available)?  
.....
5. Licensing Act 2003 Premises Licence Number  
1319/2.....

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

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 of category C and / or D. *If you choose this option then please complete section F.*

b) Apply to the licensing authority for more than 2 gaming machines. *If you choose this option then please complete sections D and F.*

c) Apply to vary an existing permit. *If you choose this option then please complete sections D and F.*

d) Request that the licensing authority transfers an existing permit to yourself. *If you choose this option then please complete sections E and F.*

**SECTION D – Grant and variation requests**

1. How many gaming machines are you currently authorised to provide and 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
C	...5...	...6...
D	.....	.....
Total	.....	...6...

2. If you are authorised to provide more than 2 machines, 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 E – Transfer request**

1. Name of person requesting the transfer

JD Wetherspoon plc

.....

2. Please confirm that an application to transfer the relevant Premises Licence under the Licensing Act 2003 has been:

Requested

Granted

3. 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 F – Fee and Signature(s)**

**1. I enclose  
In all cases**

- the relevant fee

**2. I confirm that**

- the premises where the machines are proposed to be located are licensed to supply alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises (without the requirement that alcohol is served only with food).

- I am aware of and will abide by the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission.

- All staff will be trained as to the limits of any stakes and prizes and the requirements of the Act, Guidance and any appropriate codes of practice or conduct

**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 5/10/16 .....

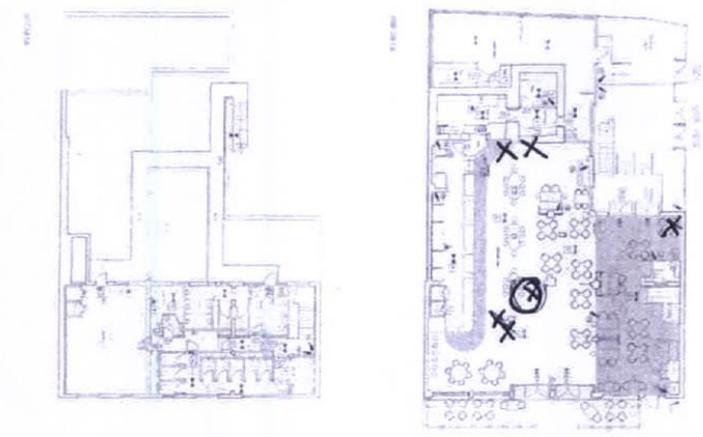
Signed by or on behalf of the applicant ....

Name (please print).....JENNIE OPELL.....

\* 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 £100 by an existing operator or £150 in all other cases.

To Vary the Permit £100  
To Transfer the Permit £25

Appendix 1 continued – Supporting Information submitted by applicant



⊗ New Machine

## **Licensed Premises Gaming Machines** **JD Wetherspoon Policy and Procedure Overview**

We understand when considering this application that the Licensing Authority will consider the 3 objectives of the Gambling Act 2005 and therefore have set out below the policies and procedures JD Wetherspoon undertakes in its pubs to promote this objectives. In addition the Gambling Commission's "Gaming Machine Permits Code of Practice is complied with.

### **1. Protecting children and other vulnerable people from being harmed or exploited by gambling;**

To ensure that no persons under the age of 18 are permitted to play on our gaming machines, we abide by a Challenge 21 policy in all of our premises. Under this policy, all of our employees are trained to ask any customer who appears to be under the age of 21 years to provide valid proof of age that they are over the age of 18. When in use, Door Supervisors are also fully briefed on our policy and what is expected of them in the implementation of the same.

J D Wetherspoon has adopted the industry standards and the recommendations of the Gambling Commission and recognises only the following forms of identification as valid forms of proof of age:

- National passport
- Photographic Drivers' Licence
- United Kingdom 'PASS' accredited age identification card with photograph.

In certain circumstances, other forms of ID are accepted at the discretion of the manager on duty such as international ID cards or military ID cards.

We apply this policy to all age restricted activities on our premises.

All employees receive induction training on our Challenge 21 policy when they commence employment with the Company and then receive regular refresher training. All employees complete video training, quizzes and sign a letter to confirm that they have had this training and understand their responsibilities. All training records are retained on personnel files and these files are regularly reviewed by the pub management team and members of our Retail Audit department to ensure that the training system is being satisfactorily completed.

Staff compliance with our Challenge 21 policy is tested by a number of means:

1. Management review of a 'refusals log' which records when and how often bar staff are recording when a sale has been refused.
2. Independent mystery visitors who are aged 18 and 19 years are sent into our pubs to test compliance with our Challenge 21 policy.

Our Challenge 21 policy is also actively promoted within the premises using self-adhesive signs at every entrance, staff wearing 'It's my job to ask' badges and posters throughout the premises.

All front of house staff are aware of their responsibility for preventing underage gambling.

All machines are situated in a place where their use can be supervised.

**2. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime; and**

The power to all gaming machines is turned off after the pub has closed to ensure potential thieves are not attracted by the lights in the pub.

JD Wetherspoon pubs also have two types of alarm systems, the panic alarm and intruder alarm, which cover the majority of the pub including the customer area where gaming machines are located.

The monitored intruder alarm covers the main entry points when the pub is closed. It is mainly activated by a forced entry into the pub triggering the door contacts or motion detectors. This pub is internally described as having a 'level 1 response' to its alarm system, meaning police response. This is an automated system which feeds through to Secom central station, our alarm consultants, who notify the police and the registered key holders of the pub.

JD Wetherspoon prides itself on provide safe, well run premises for all people to enjoy themselves in. Over our estate of 780 pubs we spend considerable time and resources ensuring they are all well equipped with adequate and appropriate CCTV coverage.

**3. Ensuring that gambling is conducted in a fair and open way.**

All of our AWP machines are located in well supervised areas fully open to the public at large and are provided by reputable companies.

**JD Wetherspoon PLC  
September 2010**

## Appendix 2

### Christina McCullough

---

**From:** Christina McCullough  
**Sent:** 14 October 2016 13:02  
**To:** Shaïd Yasser  
**Subject:** Hornet, 991 Alum Rock Road, B8 2LZ - Variation Gambling Act  
**Attachments:** HORNET PLACEMENT 1.jpg; hornet 1.jpg; hornet 2.jpg; hornet 3.jpg  
**Categories:** Egress Switch: Unprotected

Further to the recent application to increase the Category C machines at the premises from 5 to 6.

I visited the premises and discussed the matter with the Manager. All of the machines are currently in a position that can be easily viewed from the bar. Two areas were identified as being suitable for the placement of another machine, one of the areas was covered by CCTV and both were easily visible from the bar. I was advised that staff are trained on the aspects of responsible gambling. I am advised that Wetherspoons have policies in place with regards to the safety of children on the premises.

I have attached some photographs of the current location of the machines and one of the proposed areas where the additional machine could be located, if granted.

With the above in mind I do not have any objections to the variation.

Should you require any further information please do not hesitate to contact me.

Christina McCullough  
Licensing Enforcement Officer

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

[www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing)

Twitter: @BCCLicensing

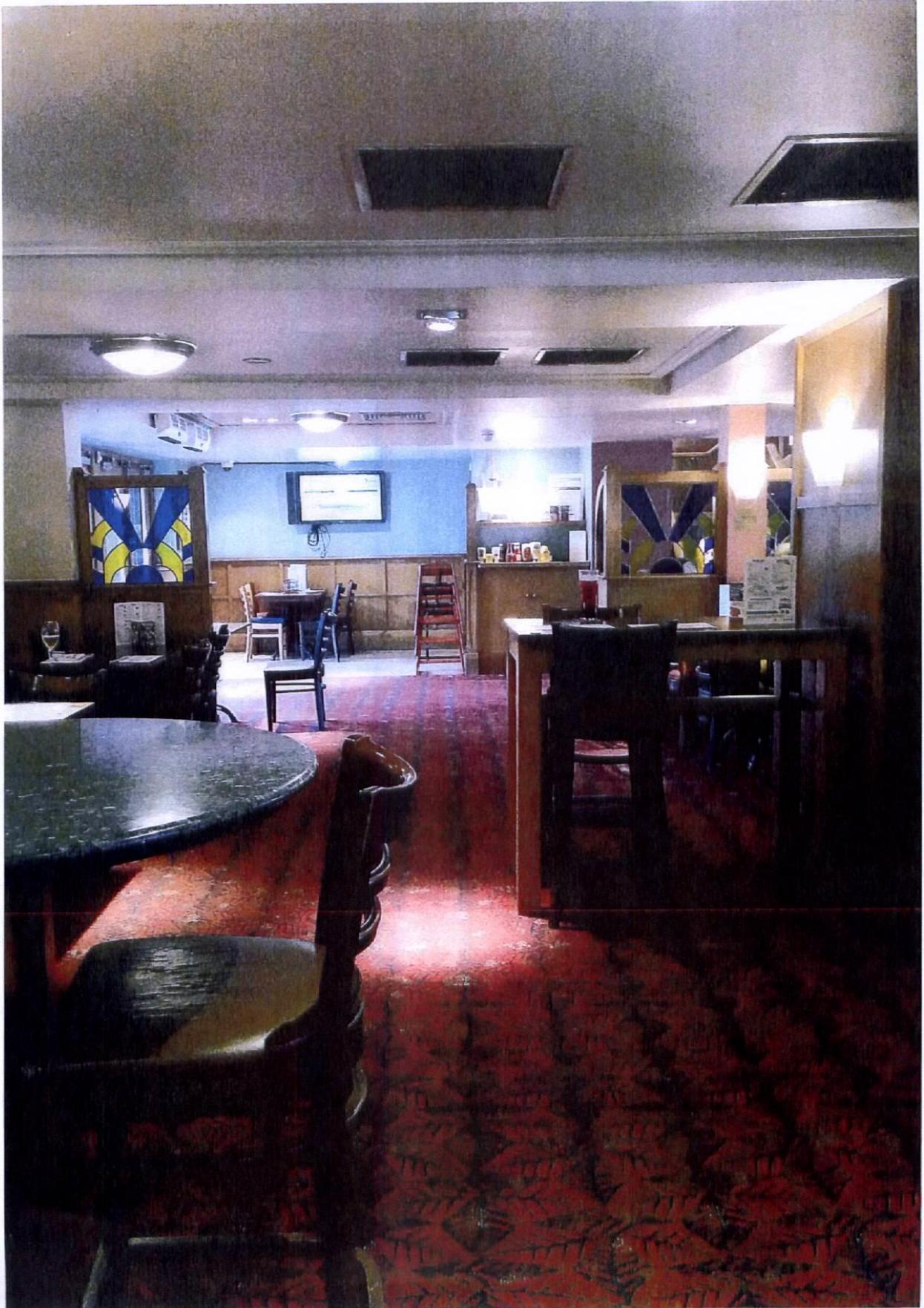
For information on Birmingham Licensed premises including licensed hours, activities and conditions go to <http://publicregister.birmingham.gov.uk>

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









## Appendix 3

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: 440 / 3

This licensed premises gaming machine permit authorises:

JD Wetherspoon Plc

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

Hornet, 991 Alum Rock Road, Birmingham, B8 2LZ

Number of Category C Gaming Machines authorised by this permit: **5**  
Number of Category D Gaming Machines authorised by this permit: **0**

Date on which this permit takes effect or is renewed:  
21/02/2014

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

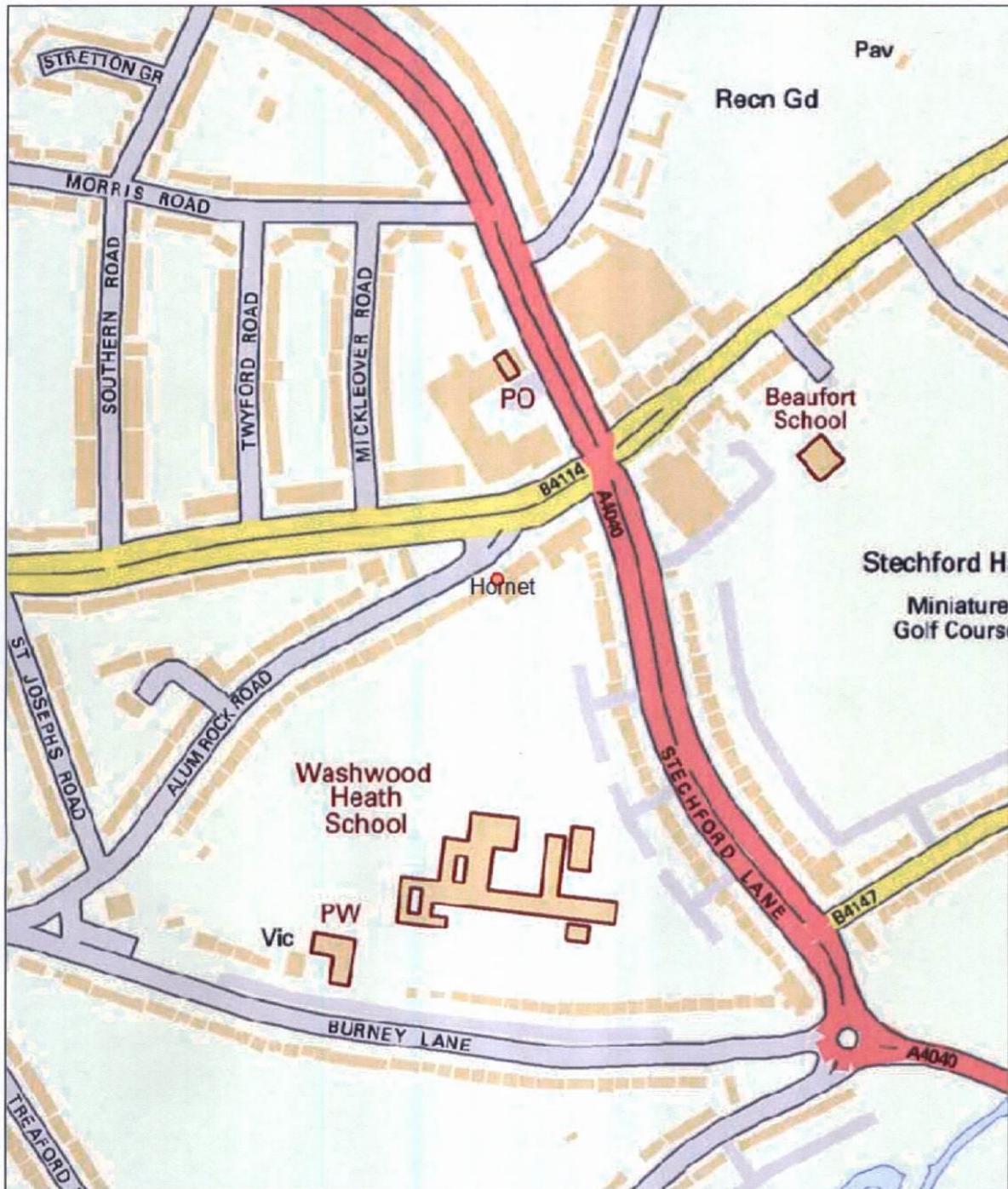
## Appendix 4

### Gaming Machines (Fruit Machine, Slot Machine) Categories

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

<b>Machine category</b>	<b>Maximum stake (from January 2014)</b>	<b>Maximum prize (from January 2014)</b>
<b>A</b>	Unlimited	Unlimited
<b><u>B1</u></b>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)
<b><u>B2</u></b>	£100	£500
<b><u>B3</u></b>	£2	£500
<b>B3A</b>	£2	£500
<b><u>B4</u></b>	£2	£400
<b><u>C</u></b>	£1	£100
<b><u>D non-money prize (other than crane grab machine)</u></b>	30p	£8
<b><u>D non-money prize (crane grab machine)</u></b>	£1	£50
<b><u>D money prize</u></b>	10p	£5
<b><u>D combined money and non-money prize (other than coin pusher or penny falls machines)</u></b>	10p	£8 (of which no more than £5 may be a money prize)
<b><u>D combined money and non-money prize (coin pusher or penny falls machine)</u></b>	20p	£20 (of which no more than £10 may be a money prize)

Appendix 5



Map Created By:

Notes

Date of Map Creation: 23/11/2016

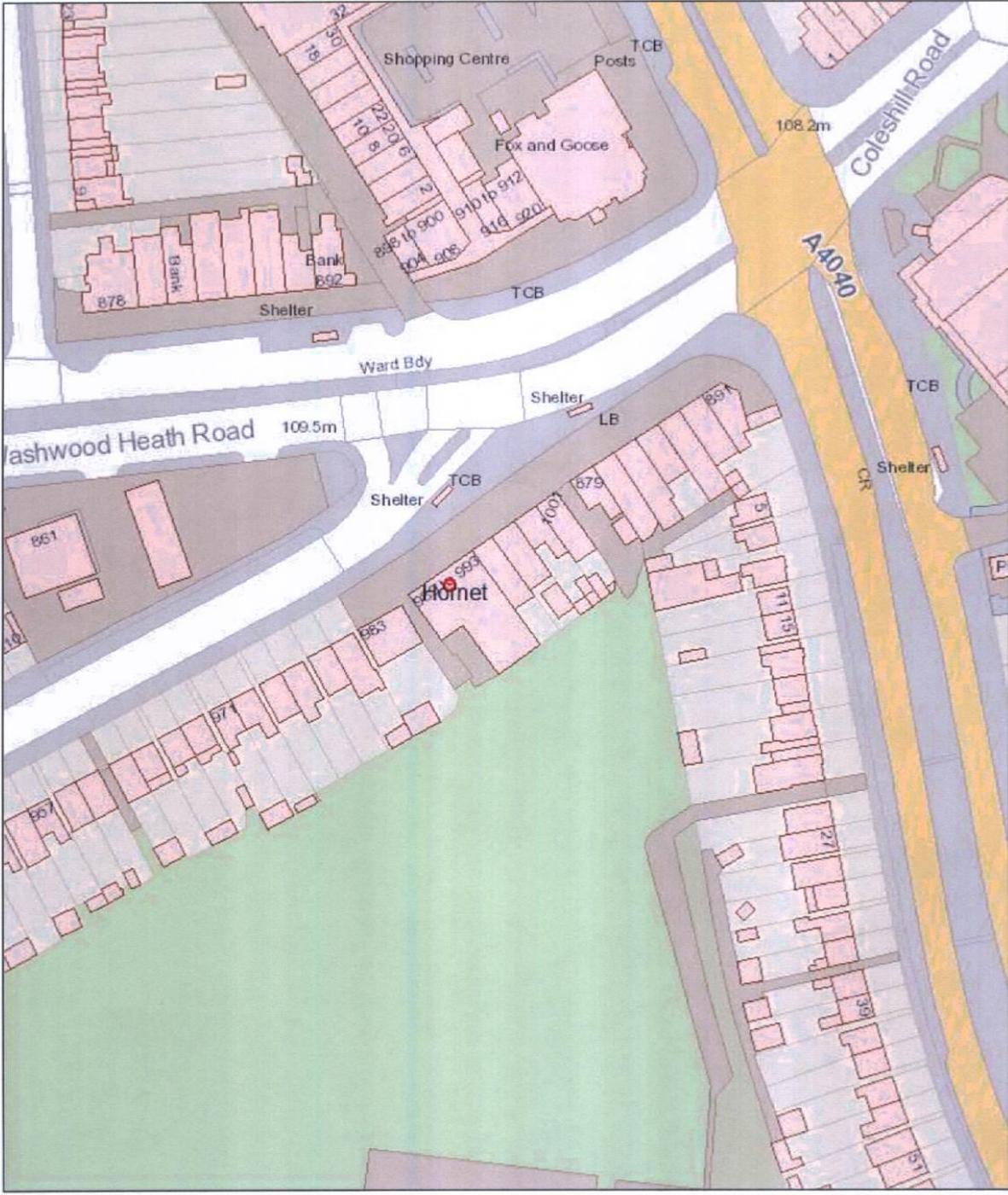


(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).  
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale:  
1:4,000

(c) GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved



**Birmingham City Council**

Map Created By:

Date of Map Creation: 23/11/2016

**Notes**



Scale:  
1:1,250

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).  
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.  
 (c) GeoPerspectives, supplied by Bluesky International Ltd  
 Cities Revealed© copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved