

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting**

**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB-COMMITTEE C**

**WEDNESDAY, 22 JUNE 2016 AT 10:00 HOURS**  
**IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

**A G E N D A**

**1 NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

**2 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 APPOINTMENT OF SUB-COMMITTEE**

To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2016/17.

Members of the Sub-Committee may nominate another member of their respective Party Group to attend in their place.

**4 DELEGATIONS TO SUB-COMMITTEE**

To note the delegations to the Sub-Committee as follows:-

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, hackney carriage licences and private hire licences and such business as may be referred by the Director of Regulation and Enforcement.

**5 DATES OF MEETINGS**

The Sub-Committee will meet on Wednesdays at 1000 hours, subject to business.

**6 LICENSING ACT 2003 PREMISES LICENCE – GRANT THE**  
**MONASTERY, 173 – 175 DIGBETH HIGH STREET, DERITEND,**  
**BIRMINGHAM, B12 0LD**

**31 - 54**

7     **GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES**  
**GAMING MACHINE PERMIT YATES, 15 – 19 BIRMINGHAM ROAD,**  
**SUTTON COLDFIELD, B72 1QA**

Report of the Acting Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 11:30am on Wednesday 22 June 2016

8     **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

9     **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Minutes - Exempt Paragraphs 3 and 4

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<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 22<sup>nd</sup> June 2016</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>The Monastery, 173 – 175 Digbeth High Street, Deritend, Birmingham, B12 0LD</b>
<b>Ward affected:</b>	<b>Nechells</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:

To consider a relevant representation that has been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on the premises) to operate 24hours (Monday to Sunday).

To permit the provision of Regulated Entertainment consisting of plays, films, indoor sporting events, live music, recorded music and performances of dance, to operate indoors only, 24hours (Monday to Sunday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 05:00am (Monday to Sunday).

Premises to remain open to the public 24hours (Monday to Sunday).

### 2. Recommendation:

To consider the representation that has been made and to determine the application.

### 3. Brief Summary of Report:

An application for a Premises Licence was received on 28<sup>th</sup> April 2016 in respect of The Monastery, 173 – 175 Digbeth High Street, Deritend, Birmingham, B12 0LD.

A representation has been received from West Midlands Police as a responsible authority.

### 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:**

Soundscape Bars and Clubs Limited applied on 28<sup>th</sup> April 2016 for the grant of a Premises Licence for The Monastery, 173 – 175 Digbeth High Street, Deritend, Birmingham, B12 0LD.

A representation has been received from West Midlands Police. See Appendix 1.

The application is attached at Appendix 2.

A Condition has been agreed with Environmental Health and the applicant, which is attached at Appendix 3.

Site Location Plans at Appendix 4.

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:-

- 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:**

Copy of the representation as detailed in Appendix 1

Application Form, Appendix 2

Condition agreed with Environmental Health, Appendix 3

Site Location Plans, Appendix 4

## **7. Options available**

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Refuse to specify a person in the licence as the premises supervisor.

## Appendix 1

ENTERED RJ

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**From:** Ben Reader <  
**Sent:** 26 May 2016 10:44  
**To:**  
  
**Cc:**  
**Subject:** Objection To Application

Good morning licensing,

Reference Application 95819  
The Monastery  
173-175 High Street  
Deritend  
Birmingham  
B12 0LD

West Midlands Police object to the premises application made by Soundscape Bars and Clubs Limited for a premises licence at the above location.

Several weeks ago, WMP met with representatives of the company, the proposed DPS and their solicitor to discuss this application. The discussion covered operating hours, proposed conditions and how the premises would promote the licensing objectives. This discussion has not followed through into the application.

The application has been submitted which covers a 24 hour period of trading throughout the whole week which causes WMP concern from a crime and disorder as well as a public nuisance point of view.

Another premises operated by Soundscape bars and Clubs Limited is currently the subject of interim steps following a serious incident which highlighted management failings and non-compliance with licensing conditions. This matter is progressing and there are still items outstanding in our investigation as to the actions taken by the PLH and DPS. This investigation questions the suitability of the PLH and DPS to promote the licensing objectives.

Thank you

Ben

**Police Constable 2413 Ben Reader**  
**Licensing Department**  
**Birmingham West & Central Local Policing Unit**  
Birmingham Central Station,  
Steelhouse Lane,  
Birmingham,  
B4 6NW

**Preventing crime, protecting the public and helping those in need**

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95819

29.04.16 - 26.05.16

[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I/We** SOUNDScape BARS AND CLUBS LIMITED

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>THE MONASTERY 173 – 175 DIGBETH HIGH STREET DERITEND</b>		REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED	
Post town	BIRMINGHAM	Postcode	B12 0LD
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£20000 ESTIMATE	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |   |
|---|---|
| a) an individual or individuals *               | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual *          |   |
| i. as a limited company                         | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |

- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name SOUNDSCAPE BARS AND CLUBS LIMITED
Address ONYX, THE BOND 180-182 FAZELEY STREET BIRMINGHAM B5 5SE
Registered number (where applicable) 07831392
Description of applicant (for example, partnership, company, unincorporated association etc.) COMPANY
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

CLUB PREMISES AND GENERAL ENTERTAINMENT VENUE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

**Provision of late night refreshment** (if ticking yes, fill in box I) ☒

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both -- please tick</b> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish		
Mon	0000	2400	<b>Please give further details here</b> (please read guidance note 3)	
Tue	0000	2400		
Wed	0000	2400	<b>State any seasonal variations for performing plays</b> (please read guidance note 4)	
Thur	0000	2400		
Fri	0000	2400	<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat	0000	2400		
Sun	0000	2400		

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	0000	2400			
Tue	0000	2400			
Wed	0000	2400	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur	0000	2400			
Fri	0000	2400	<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	0000	2400			
Sun	0000	2400			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	0000	2400	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)			
Thur						
Fri						
Sat			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sun						

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon	0000	2400		
Tue	0000	2400		
Wed	0000	2400		
Thur	0000	2400	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Fri	0000	2400		
Sat	0000	2400	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sun	0000	2400		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0000	2400			
Tue	0000	2400			
Wed	0000	2400	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	0000	2400			
Fri	0000	2400			
Sat	0000	2400	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	0000	2400			

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon	0000	2400		
Tue	0000	2400		
			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)	
Wed	0000	2400		
Thur	0000	2400		
			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Fri	0000	2400		
Sat	0000	2400		
Sun	0000	2400		

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) HOT FOOD AND DRINK MAY BE SERVED	
Mon	2300	0500		
Tue	2300	0500		
Wed	2300	0500	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)	
Thur	2300	0500		
Fri	2300	0500	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat	2300	0500		
Sun	2300	0500		

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	0000	2400			
Tue	0000	2400			
Wed	0000	2400			
Thur	0000	2400			
Fri	0000	2400			
Sat	0000	2400			
Sun	0000	2400			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name	
HITESH CHAUHAN	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

**Please highlight any 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 (please read guidance note 8).**  
 NONE

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

SEE CONDITIONS PROPOSED BELOW

**b) The prevention of crime and disorder**

The Designated Premises Supervisor or another qualified person will train any staff at the premises on the basic laws of selling alcohol and on compliance with the conditions on the Premises Licence and a log of this training will be maintained. The training log can be inspected by any Responsible Authority on request.

If the Premises Licence holder wishes to operate past 06:30 hrs, the premises must inform the Licensing Department at Steelhouse Lane Police Station, in writing, a minimum of 14 days in advance. West Midlands Police have a power of veto, if it's believed the four Licensing objectives may be breached.

The Premises Licence Holder shall ensure that a CCTV system is to be installed at the premises to the specification agreed with the Licensing Department at Steelhouse Lane Police Station. CCTV is to be operational whilst the premises are open and be recording continually. The recordings are to be kept for minimum of 28 days. The CCTV images to be made available to any responsible authority immediately on request.

The Premises Licence Holder will maintain an operational policy incorporating risk assessments to cover all events held at the premises and this policy must be submitted to WMP each time there is an amendment made to the policy and the PL holder must consider all best practice advice from any Responsible Authority in amending or updating the policy. The policy will cover at a minimum:- SIA door security needs and deployment and responsibilities; CCTV; drugs policy; incident handling; public nuisance avoidance.

An incident register of all occurrences and ejections from the premises will be maintained at the premises and any details of public order offences will be recorded. The register will be produced and made available for inspection upon request by a Responsible Authority.

The DPS will actively participate in any local Pub Watch scheme.

The premises licence holder is to prepare a risk assessment for door security requirements to the reasonable satisfaction of West Midlands Police and the requirements identified are binding upon this premises licence.

The DPS or nominated person shall keep, and maintain a register of door supervisors, in which shall be recorded at the start of each period of duty the date, name, Door Supervisors SIA registration number, commencement and finishing time of duty.

The DPS shall produce the register and the verification of Door Supervisors identities, upon request, at all reasonable times to any Police Officer or to any Authorised Officer of the City Council.

All on duty security/ door supervisors must wear high visibility jackets whilst attending the door and must wear high visibility arm bands within the premises itself.

**c) Public safety**

The second floor inside area will not be used for any licensable activity until such time as the use of this area has been signed off by WMFS.

**d) The prevention of public nuisance**

The Premises Licence holder shall ensure sound tests will be undertaken to ensure Regulated Entertainment is not causing Public Nuisance to any party.

The second floor inside area will not be used for any Regulated Entertainment until such time as adequate sound insulation measures have been implemented as reasonably advised by Environmental Health.

**e) The protection of children from harm**

All alcohol sale refusals will be noted in a refusals register which can be inspected by a Responsible Authority on request.

Acceptable ID will only be a passport, photo driving licence or a recognised proof of age card.

A challenge 25 policy will be operated by the premises with notices informing customers of the policy being displayed sufficiently within the premises so the policy is sufficiently publicised with at least one displayed behind each Bar. Staff must be trained on this policy. The staff will be regularly reminded/ trained to enforce the challenge 25 policy.

**Checklist:**

**Please tick to indicate agreement**

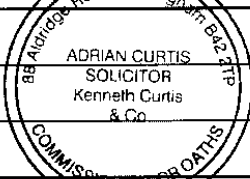
- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where ☒

- applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
  - I understand that I must now advertise my application. ☒
  - I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11).  
If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Kenneth Curtis &amp; Co</i>	
Date	<i>28th April 2016</i>	
Capacity	<i>Solicitors</i>	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

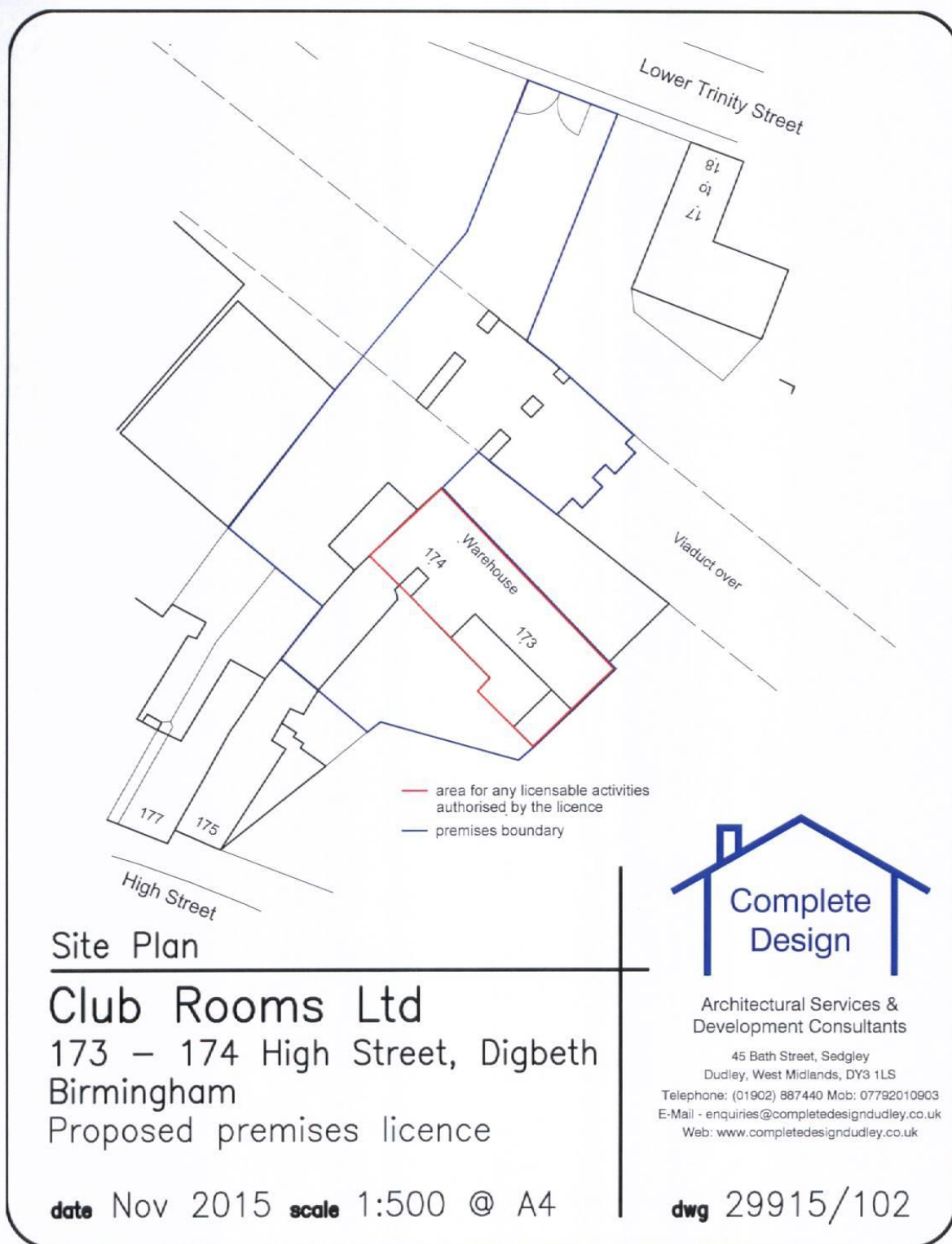
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

ADRIAN CURTIS  
KENNETH CURTIS & CO  
88 ALDRIDGE ROAD  
PERRY BARR

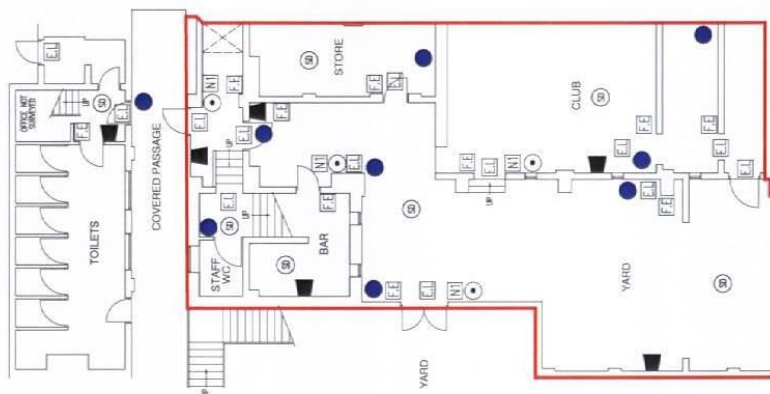
Post town	<b>BIRMINGHAM</b>	Postcode	<b>B42 2TP</b>
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

**Notes for Guidance**

1. 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-

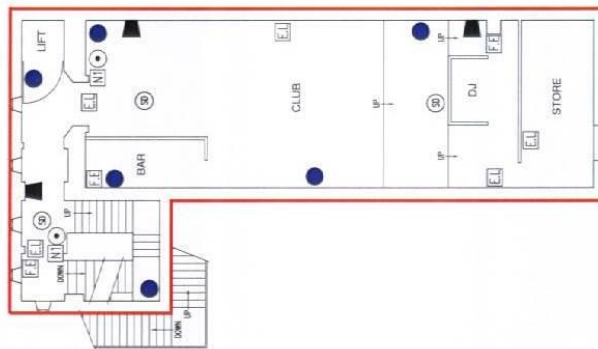


Contributors must read the site and be responsible for taking and checking all relevant dimensions

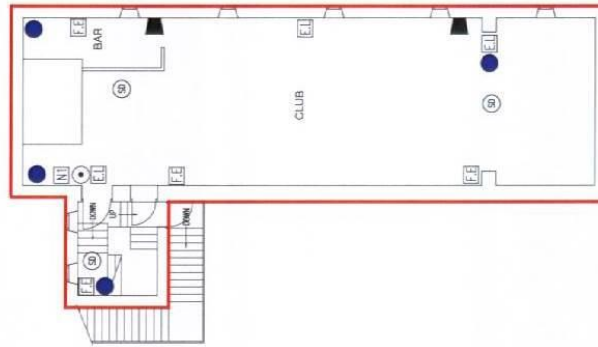


GROUND FLOOR PLAN

- E.I. EMERGENCY LIGHTING WITH RUNNING MAN SYMBOL IN DIRECTION OF NEAREST ESCAPE
- N.I. REMOTES GENERAL NOTICE IN CASE OF FIRE
- F.F. FIRE ALARM SOUNDER
- F.F. REMOTES FIRE EXTINGUISHER
- REMOTES FIRE ALARM CALL POINT
- S.D. REMOTES SMOKE DETECTOR TO BE INTERLINKED TO CALL POINTS AND OTHER DETECTORS
- CCTV CAMERA



FIRST FLOOR PLAN



SECOND FLOOR PLAN

## Floor Plans

**Club Rooms Ltd**  
173 – 174 High Street, Digbeth  
Birmingham  
Proposed premises licence

date Nov 2015 scale 1:100 @ A2



Architectural Services &  
Development Consultants  
48 Bath Street, Digbeth  
Birmingham, B15 1LE  
Tel: 0121 222 1111  
Email: enquiries@completdesign.co.uk  
Web: www.completdesign.co.uk

dwg 29915/101

### Appendix 3

---

**From:** Jane Dunsford  
**Sent:** 24 May 2016 15:23  
**To:** Licensing  
**Cc:** Adrian Curtis; Q CLUB  
**Subject:** FW: Monastery 173- 174 High Street, Digbeth  
**Attachments:** EHO plan re agreed condition..pdf

Dear Licensing,

Please see condition agreed with the applicant below.

Regards

Jane Dunsford  
Environmental Protection Officer  
Environmental Protection Unit

**From:** Adrian Curtis  
**Sent:** Tuesday, May 24, 2016 2:35 PM  
**To:** Jane Dunsford  
**Cc:**  
**Subject:** RE: Monastery 173- 174 High Street, Digbeth

Hi Jane,

For clarity i suggest it reads:-

**The ground floor and second floor areas shown hatched blue on the attached plan will not be used for Regulated Entertainment until such time as adequate mitigation measures are undertaken to a standard agreed by Birmingham City Council, Environmental Health, so as not to cause a public nuisance.**

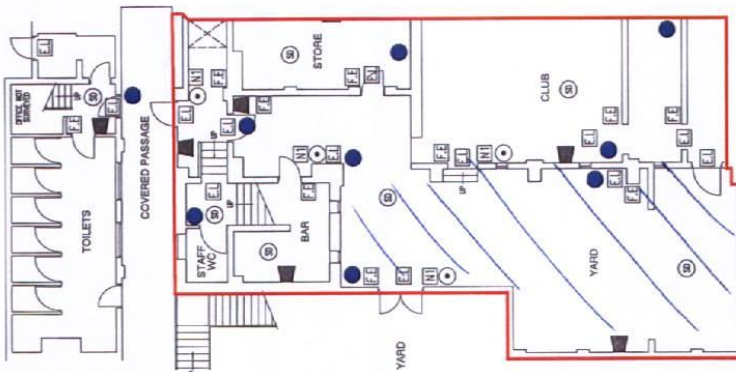
If we are agreed we can forward it to licensing copying us all in.

Regards

Adrian

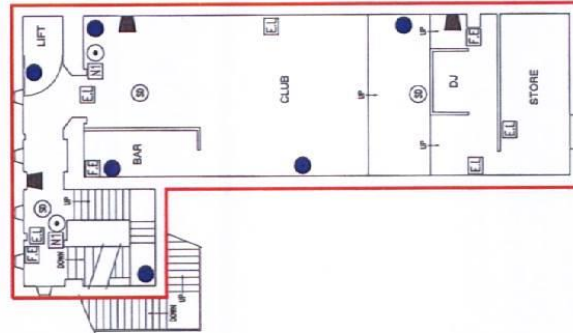
**Adrian Curtis**  
Solicitor & Partner

Consultation must take into the site and be responsible for taking and checking all relevant information

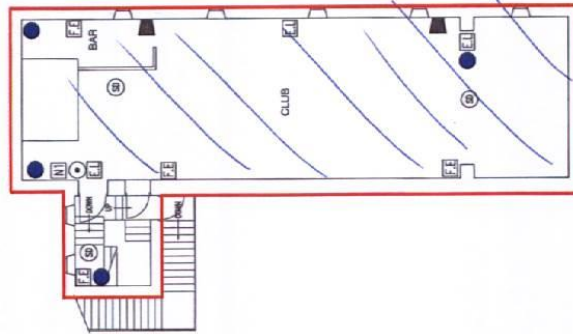


GROUND FLOOR PLAN

- E-1 EMERGENCY LIGHTING WITH BEAMING MARK SYMBOL IN DIRECTION OF NEAREST ESCAPE
- N1 IDENTIFY GENERAL NOTICE IN CASE OF FIRE
- F-1 FIRE ALARM SOUNDER
- F-2 IDENTIFY FIRE EXTINGUISHER
- IDENTIFY FIRE ALARM CALL POINT
- IDENTIFY SMOKE DETECTOR TO BE INSTALLED TO SMOKE POINTS AND OTHER DETECTORS
- CCTV CAMERA



FIRST FLOOR PLAN



SECOND FLOOR PLAN

## Floor Plans

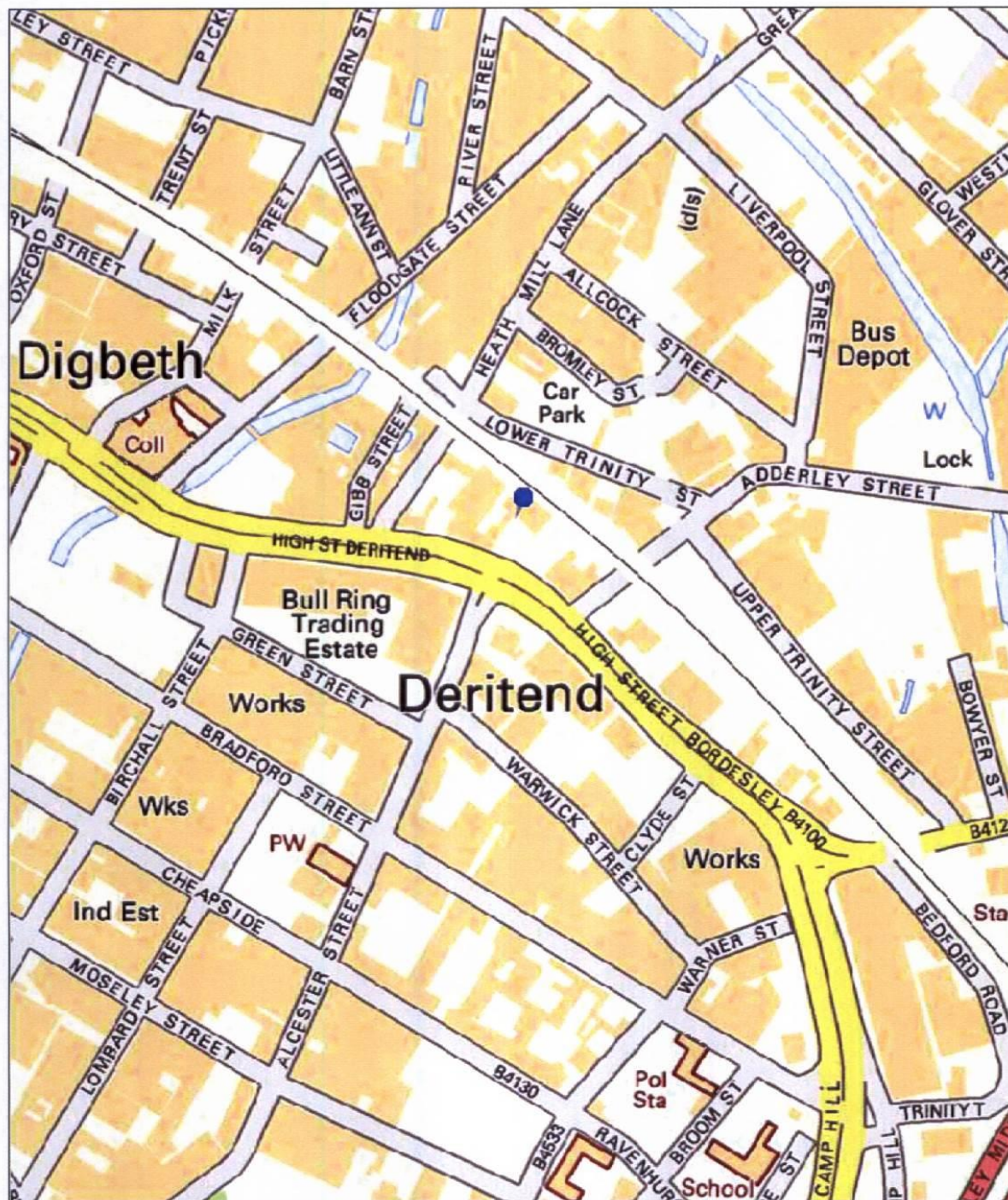
**Club Rooms Ltd**  
173 - 174 High Street, Digbeth  
Birmingham  
Proposed premises licence

date Nov 2015 scale 1:100 @ A2



Architectural Services &  
Development Consultants  
48 Bath Street, Salford  
Dudley, West Midlands, DY1 1LS  
Telephone: 01902 881444 Email: info@completdesign.co.uk  
Web: www.completdesign.co.uk

clrg 29915/101



Map Created By:

Notes

Date of Map Creation: 07/06/2016



Scale:  
1:4,000

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**Birmingham City Council**

Map Created By:

**Notes**

Date of Map Creation: 07/06/2016



Scale:  
1:1,250

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<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 22<sup>nd</sup> June 2016</b>
<b>Subject:</b>	<b>Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>Yates, 15 – 19 Birmingham Road, Sutton Coldfield, B72 1QA</b>
<b>Ward affected:</b>	<b>Sutton Trinity</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>

<b>1. Purpose of report:</b>
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 5 Category C Gaming Machines.

<b>2. Recommendation:</b>
The Sub Committee is requested to consider an application to operate a total of 5 Gaming Machines on an Alcohol Licensed premises.

<b>3. Brief Summary of Report:</b>
An application for the variation of a Licensed Premises Gaming Machine Permit was received on 3 <sup>rd</sup> May 2016.

<b>4. Compliance Issues:</b>
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
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.

<b>5. Relevant background/chronology of key events:</b>
---

Stonegate Pub Company Ltd submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 3<sup>rd</sup> May 2016 for Yates, 15 – 19 Birmingham Road, Sutton Coldfield, B72 1QA.

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

Birmingham City Council Licensing Enforcement visited the premises on 9<sup>th</sup> May 2016, and confirmed that they have no objection to the 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.

<b>6. List of background documents:</b>
---

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

<b>7. Options available</b>
-----------------------------

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).

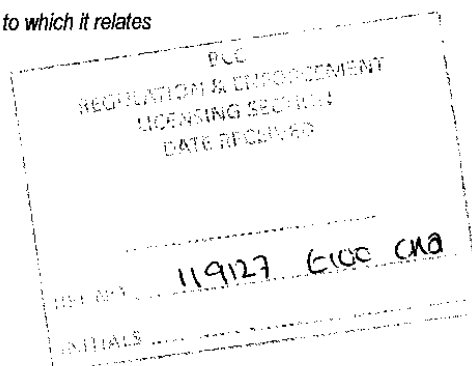
Birmingham City Council  
**NOTIFICATION OF 2 OR LESS GAMING MACHINES OR GAMING MACHINE PERMIT APPLICATIONS** (i.e for greater than 2 machines) for: CONVERSION / NEW / VARIATION / TRANSFER

(FOR USE BY PREMISES LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)  
 Please refer to guidance notices at the back of this form before completing

<b>SECTION A – What do you want to do</b>	
1. Please indicate what you would like do	
a) <b>Notify</b> 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 please complete sections D and E)	<input type="checkbox"/>
b) Apply to <b>convert</b> an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (ie 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 <b>new</b> licensed premises gaming machine permit (if you choose this option then please complete sections B, D and E)	<input type="checkbox"/>
d) 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"/>
e) 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"/>

<b>SECTION B – Application for grant (includes conversion, new and variation applications)</b>		
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 provided? (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		
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 *		<input checked="" type="checkbox"/>
(reasons why existing permit cannot be provided)		

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



Birmingham City Council  
**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 LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)  
*Please refer to guidance notices at the back of this form before completing*

<b>SECTION C – Application for permit <u>transfer</u> (ie, where a transfer has been requested for the Licensing Act 2003 premises licence)</b>	
4. Name of person requesting the transfer  .....	
5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:	Requested <input type="checkbox"/>  Granted <input type="checkbox"/>
6. Please provide your existing permit, or provide reasons stating why it cannot be provided Existing Permit provided <input type="checkbox"/>  Reasons why existing permit cannot be provided	<input type="checkbox"/>

<b>SECTION D – General Information</b>
7. Name of Premises: Yates's
8. Address of Premises: 11/19 Birmingham Road, Sutton Coldfield, B72 1QA
9. Telephone number of Premises:
10. Name of existing Premises Licence holder: Stonegate Pub Company Limited
11. Address of Premises Licence holder (if different from 8 above): Porter Tun House, 500 Capability Green, Luton, LU1 3LS
12. Telephone number (daytime) of Premises Licence holder:
13. E-mail address of Premises Licence holder (where available):
14. Name, address, telephone and e-mail of agent (eg Solicitor) if submitted on behalf of the applicant:  ..... Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS
15. Licensing Act 2003 Premises Licence Reference (ie number): 2518 / 5

Birmingham City Council  
**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 LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)  
*Please refer to guidance notices at the back of this form before completing*

**SECTION E – Fee and Signature(s)**

I enclose a sum of (£100.00 ) (cheques should be made payable to ..... )



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: 29 April 2016

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



Print Name: Poppleston Allen – Solicitors for & on behalf of the applicant

**Official Use Only**

Date of receipt .....

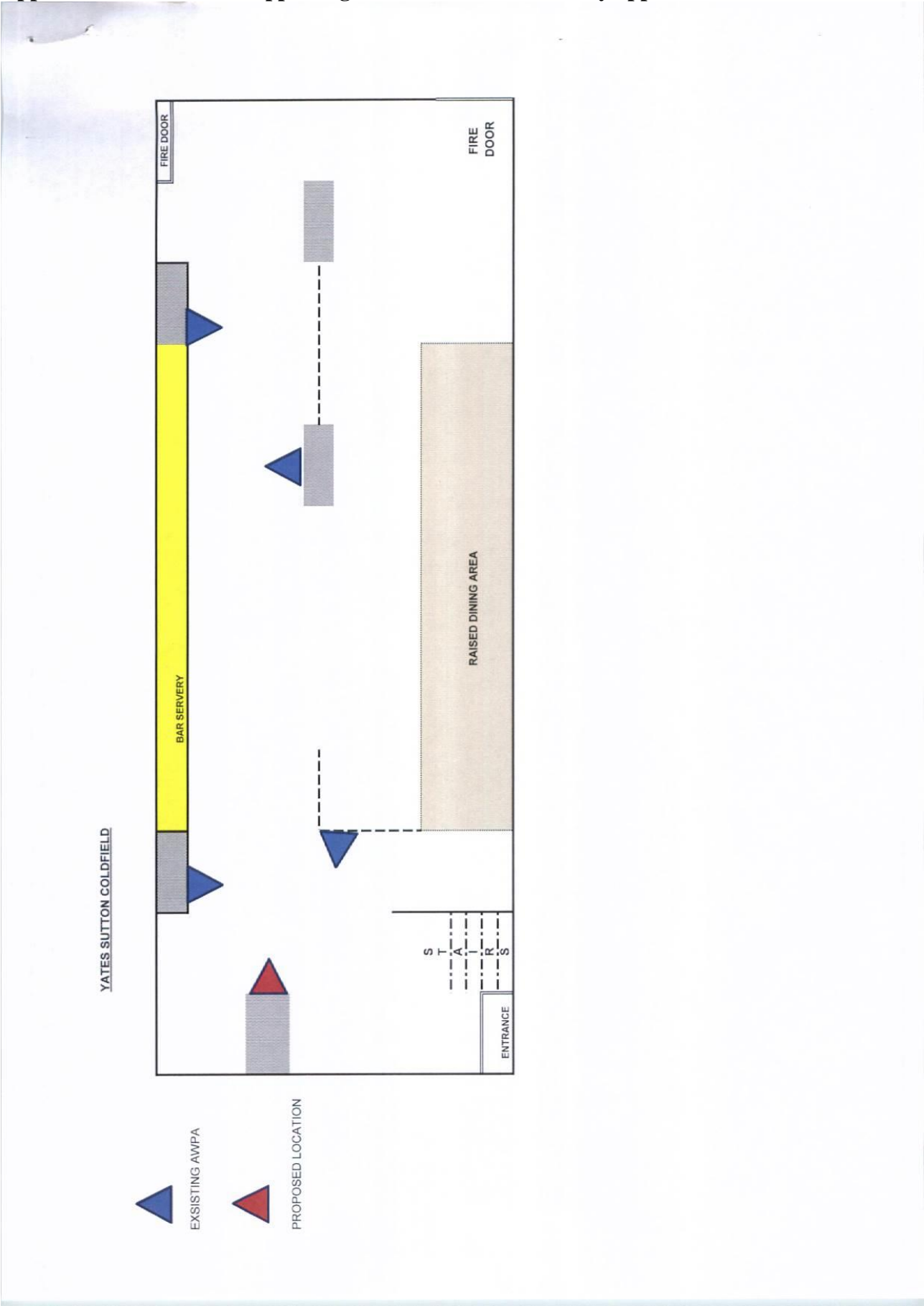
Signature and name of staff who received: .....

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) .....



## **Stonegate Pub Company Limited**

### **Code of Practice for gaming machine provision: Notifications and Licensed Premises Gaming Machine Permits issued under section 282 and 283 Gambling Act 2005**

Stonegate Pub Company Limited operates a national estate of over 600 premises across the United Kingdom, which are licensed under the Licensing Act 2003, including pubs and bars offering a wide variety of formats: from high-street pubs and traditional country inns to local community pubs, student pubs and late-night bars and venues. Many venues within the estate benefit from either notifications or Licensed Premises Gaming Machine Permits under relevant gambling legislation.

Stonegate Pub Company Limited will ensure all staff involved in the supervision of gaming machines will receive training on this policy and procedure.

This policy has been prepared in consideration of the Gambling Commission's Code of Practice for Gaming Machines in Clubs and Premises with an Alcohol Licence (March 2012) issued under section 24 of the Gambling Act 2005.

#### **GENERAL**

Stonegate Pub Company Limited takes its responsibilities in relation to the provision of gaming machines seriously.

Stonegate Pub Company Limited source gaming machines from Gambling Commission licensed manufacturers and ensure that all machines provided comply with the Gambling Commission's technical standards.

#### **PERMISSIONS**

- Notification of automatic entitlement to one or two gaming machines, each of which is of either Category C or D;
- Licensed Premises Gaming Machine Permit (LPGMP) authorising the making available of a specified number of gaming machines of either Category C and/or D on premises benefitting from an on-premises alcohol licence.

#### **LICENSING OBJECTIVES**

Stonegate Pub Company Limited will operate the gaming machines in accordance with the licensing objectives:-

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

#### **TRAINING**

Stonegate Pub Company Limited will train staff in relation to the protection of children from harm, social responsibility and the supervision of gaming machines. Effective training records will be maintained on site for all staff members who receive such training.

## **CHILDREN**

Stonegate Pub Company Limited recognises that its services attract a wide customer base which includes families with children. Machines are sited to ensure that effective supervision is maintained by staff members and through the use of CCTV cameras, where available.

Although unaccompanied children are not allowed in many premises across the Stonegate Pub Company Limited estate, all gaming areas will be monitored for children who are unaccompanied during school hours, which will assist in the prevention of truant school children using the gaming machine facilities. Stonegate Pub Company Limited will contact the relevant schools, where possible, the local Authority or the Police if truant children are discovered in the gaming area or if unsupervised children are causing problems.

## **AGE RESTRICTIONS AND RETURN OF STAKE**

Children and young persons under the age of 18 are not permitted to use gaming machines other those in Category D.

In the unlikely event of individuals under the age of 18 using category C machines in Stonegate Pub Company limited premises, all staff members are appropriately trained to record such events and ensure that all stakes are returned to those individuals and that all prizes are retained by the premises and not provided to underage players.

## **IDENTIFICATION**

Stonegate Pub Company Limited operates a 'challenge 21' scheme across many premises within its estate and age verification procedures are in effect at all premises to prevent underage gambling. All Stonegate Pub Company Limited premises only accept appropriate identification documentation in accordance with mandatory licence conditions attached to their premises licence by virtue of section 19A of the Licensing Act 2003.

## **SUPERVISION**

Supervision of the games area will be undertaken on site by the management and staff employed by Stonegate Pub Company Limited. This policy is in effect to protect children from harm and the Company understands that harm in this context is not limited to harm from gambling but includes wider child protection considerations. Stonegate Pub Company Limited provide training with regard to suspected truancy and house staff will be trained to deal with unsupervised children and children causing perceived problems on or around the premises. Staff and security members will make regular sweeps of the gaming area.

## **CCTV**

Stonegate Pub Company Limited provides closed circuit television within many premises across its estate, which may assist with the monitoring and supervision of gaming machine areas.

## **RECORDS**

Stonegate Pub Company Limited premises will keep a clear written record of any incidents arising from concern about the use of gaming machines provided on site that will specifically identify issues of children accessing machines and social responsibility.

## **MACHINE LOCATION**

All gaming machines will be located where their use can be continually monitored and will be situated so that any customer wishing to use an ATM, which may be made available, must cease gambling at the gaming machine in order to do so.

### **MAXIMUM STAKES AND PRIZES**

The maximum stake and prize limits for category C machines are £1 and £100 respectively.

The maximum stake and prize limits for category D machines depend upon the type of machine and are as follows:-

- Where the prize is money the maximum stake is 10p and the cash prize is £5.
- Where the prize is not money the maximum stake is 30p and the maximum prize value is £8
- For mixed money and non-money prize gaming machines the maximum stake is 10p and the maximum prize value is £8 of which £5 can be cash
- For crane grab machines only, which have non money prizes, the maximum stake is £1 and the maximum prize value is £50
- For coin pushers or penny fall only, the maximum stake is 20p and the maximum prize value is £20 which can include up to £10 maximum of cash.

## Appendix 2

### **Birmingham City Council Licensing Service**

Licensing Enforcement Team report as a responsible authority in respect of an applications made under the Gambling Act 2005

#### **Introduction**

Principles to be applied:

In exercising their functions a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it—

- (a) in accordance with any relevant code of practice under section 24,
- (b) in accordance with any relevant guidance issued by the Commission under section 25,
- (c) reasonably consistent with the licensing objectives:
  - (i) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
  - (ii) ensuring that gambling is conducted in a fair and open way, and
  - (iii) protecting children and other vulnerable persons from being harmed or exploited by gambling;
- and
- (d) in accordance with the Birmingham City Council - Statement of Principles .

#### **Background Information**

Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS has submitted an application on behalf of the applicant Stonegate Pub Company Limited, Porter Tun House, 500 Capability Green, Luton, LU1 3LS to increase the number of gaming machines currently permitted at their premises trading as:-

**Yates, 15 – 19 Birmingham Road, Sutton Coldfield, West Midlands, B72 1QA**

The applicant Stonegate Pub Company Limited currently holds a Licensed Premises Gaming Machine Permit number 309/2 allowing up to 4 gaming machines to be made available at the premises.

This permit specifies the number and category of the gaming machines authorised as follows:-

Number of category C gaming machines - 4  
Number of category D gaming machines - 0

The agent Poppleston Allen has made an application and is now seeking authorisation to increase the number of gaming machines permitted as follows:-

Number of category C gaming machines - 5  
Number of category D gaming machines - 0

#### **Gambling Act 2005**

Section 153 of the Gambling Act 2005

Requires licensing authorities to take into account when exercising their functions, any relevant code of practice issued by the Commission.

The Gambling Commission guidance to the Gambling Act 2005 states at :-

**Paragraph 26.8**

Licensing authorities may issue licensed premises gaming machine permits for any number of category C or D machines in licensed premises. Where a permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines under s.282 of the Act.

**Paragraph 26.9**

Holders of licensed premises gaming machine permits are required to comply with a code of practice issued by the Commission on the location and operation of machines, Code of practice for gaming machines in clubs and premises with an alcohol licence. (Copy of the current code of practice attached to the report at appendix 2)

**Paragraph 26.12**

In determining an application, the licensing authority must have regard to the licensing objectives and to this Guidance. They may also take account of any other matters that are considered relevant to the application. The application does not require notification to the Commission or police before determination, however, licensing authorities are able to specify this as a requirement should they see fit.

**Paragraph 26.13**

The licensing authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the licensing authority must issue the permit as soon as possible after that. Where they refuse the application they must notify the applicant as soon as possible, setting out the reasons for refusal. The licensing authority must not refuse an application, or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.

**Paragraph 26.14**

The permit must specify the person or organisation to which it is issued, the number and category of gaming machines for which the permit has effect, the address of the premises and the date on which it takes effect.

**Paragraph 26.17**

There are no renewal provisions for this class of permit because they are indefinite and continue in force for so long as the premises continues to have an alcohol licence and the holder of the permit continues to hold that licence. The permit can lapse if the holder surrenders it to the licensing authority.

**Paragraph 26.18**

The holder may apply to vary the permit by changing the number and/or category of machines authorised by it.

### **Birmingham City Council Statement of Principles**

A person who holds the "on-premises" alcohol licence may apply to the Licensing Authority for a permit specifying any number of category C or D machines but when considering the application the Licensing Authority will have regard to the licensing objectives, and may also take into account any matters that are considered relevant to the application. These may include:

- ☐ the appropriate siting of gaming machines in areas where children are not normally permitted;
- ☐ the size of the premises;
- ☐ the supervision of gaming machines at all times when the premises is open;
- ☐ notices by each gaming machine specifying no person under 18 years old are permitted to use the gaming machine;
- ☐ age verification checks;
- ☐ ensuring members of staff are appropriately trained;
- ☐ display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

### **Visit to Yates - 9<sup>th</sup> May 2016**

During the visit to the premises on 9<sup>th</sup> May 2016 it could be seen that the pub caters for adults and families, offering food throughout the day. I was advised by the Duty Manager that evenings are geared towards the young adult.

The applicant is currently making a total of 4 category C machines available on their premises. Their current Gaming Machine Permit allows 4 category C machines.

The current gaming machines are sited throughout the premises (see photos appendix 1 – 3) and although they are not all visible from the bar area I was informed that the machines are supervised at all times through their CCTV and they have regular walkabout staff who have been trained in the Licensing objectives.

ID checks are carried out if a member of staff has concerns about the possible age of persons playing any of the category C gaming machines. I was also informed by the Duty Manager that a further machine may be placed against the post in Appendix 4 as there is an electrical socket.

I have subsequently spoken with the Manager who has stated that he wouldn't want the machine in this area as it was too close to tables where people may be sitting. He stated that in his opinion the machines already sited on the premises were not used to their full capacity. He indicated that if the application to increase the number of category C gaming machines was successful then it may be necessary to remove shelving in order to place the additional category C gaming machine.

As a Responsible Authority it is important to bear in mind that gambling must remain ancillary to the main purpose of the premises and the exemptions and permits are reliant on the premises holding a valid alcohol licence.

### **Recommendations**

No matters for concerns were identified during the visit to the premises on the 9<sup>th</sup> May 2016 in relation to the existing 4 gaming machines being made available for use. The Licensing Enforcement Team would therefore have no concerns if the Licensing Sub Committee is minded to grant the application submitted.

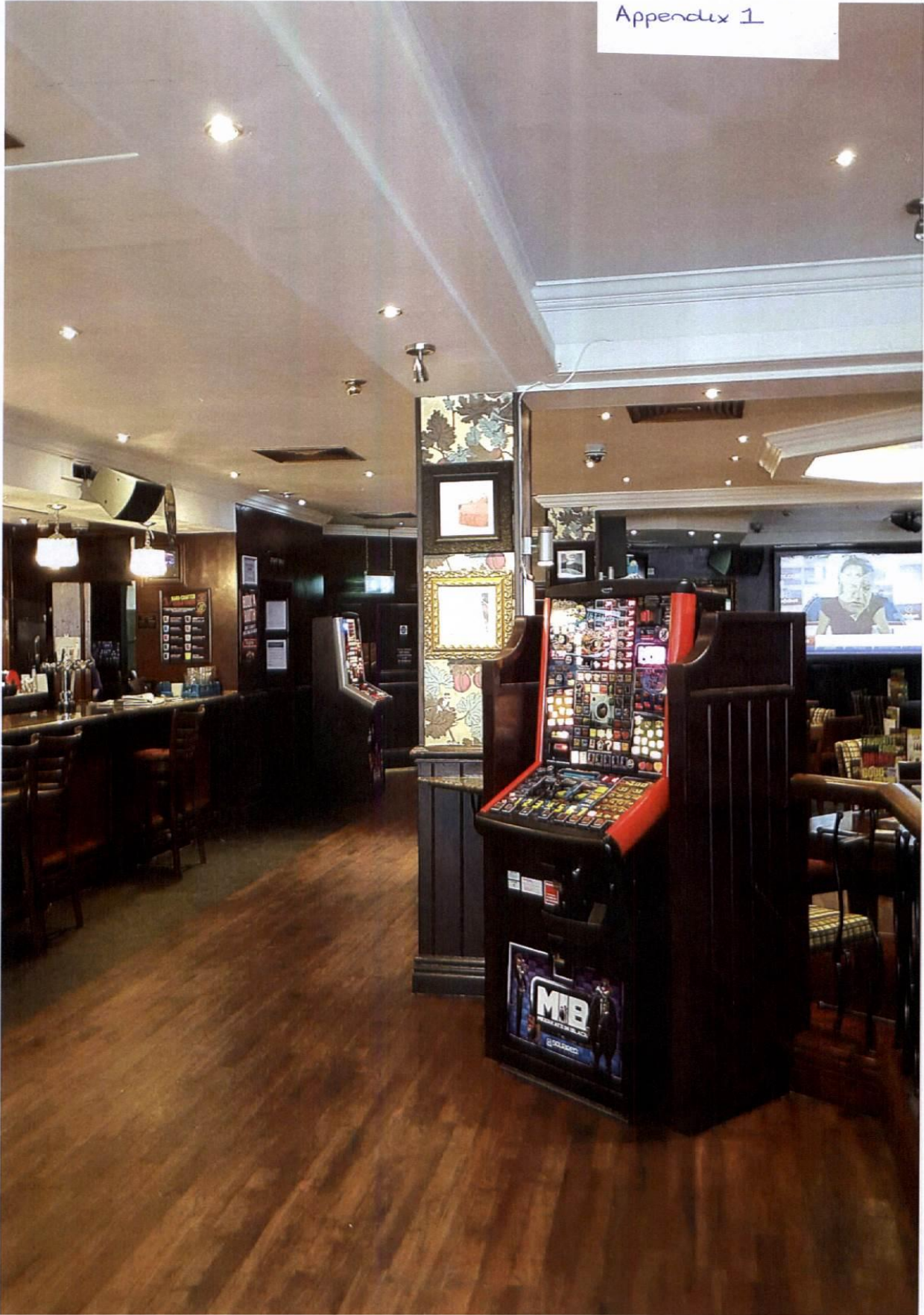
The Licensing Enforcement Team considers the number and category of gaming machines applied for will continue to satisfy the requirement that gambling at the premises remains

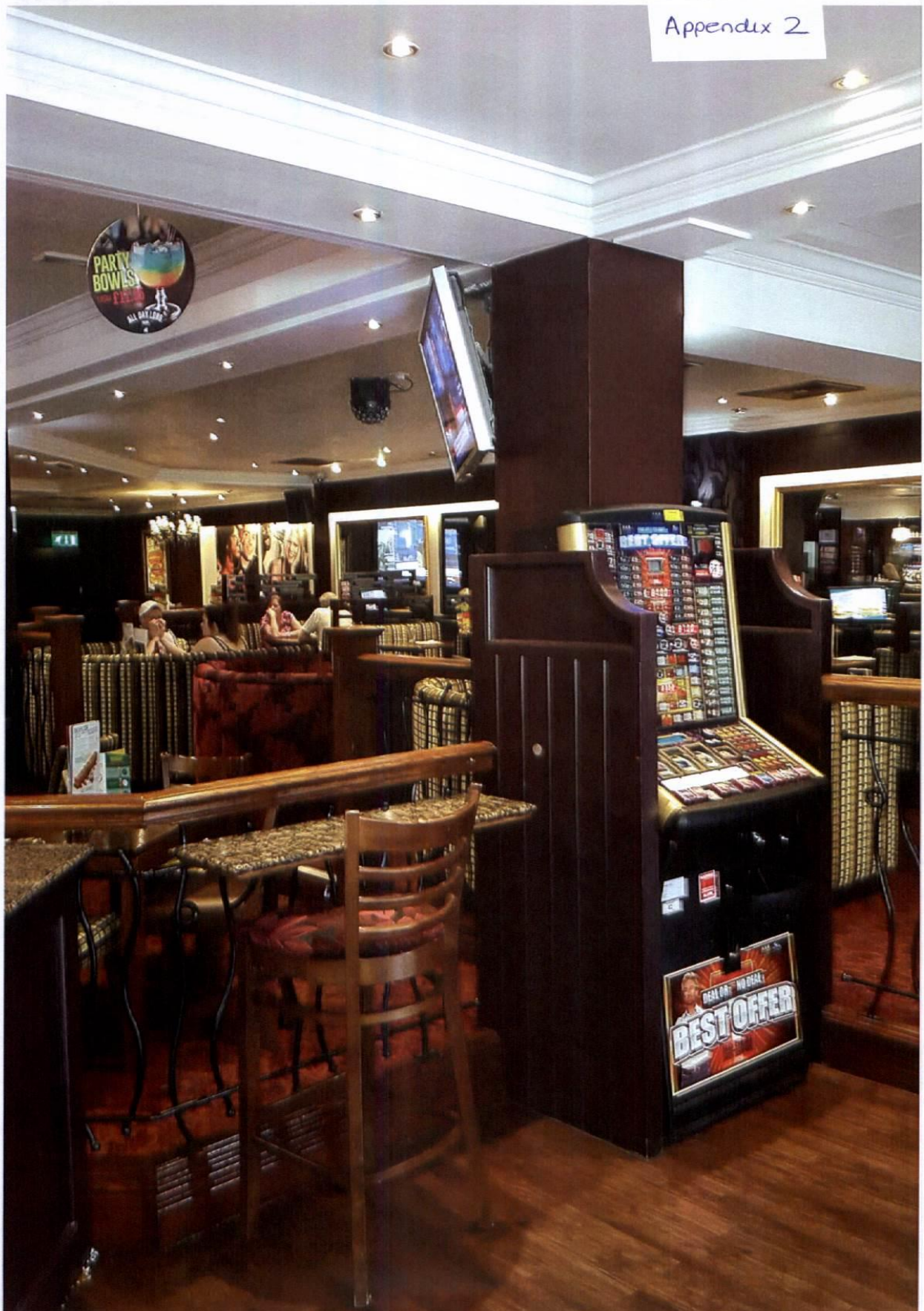
ancillary to the main purpose being the sale of alcohol and is not an excessive number given the size of the premises.

The Codes of Practice (Appendix 5) issued by the Gambling Commission further ensures the appropriate siting, supervision and operation of gaming machines at the premises.

The applicant has measures in operation at the premises which promote the licensing objectives and in particular promote the protection of children and other vulnerable persons from being harmed or exploited by gambling.

As a Responsible Authority it is important to bear in mind that gambling must remain ancillary to the main purpose of the premises and the exemptions and permits are reliant on the premises holding a valid alcohol licence.









# GAMBLING COMMISSION

## Code of practice for gaming machines in clubs and premises with an alcohol licence

For club gaming permits, club machine permits and alcohol  
licensed premises

August 2014

### 1 For club gaming permits, club machine permits and alcohol

This is the Commission's Code of Practice issued under section 24 of the Gambling Act 2005 (the Act) relating to provision of facilities for gaming machine gambling in accordance with club gaming, club machine and alcohol licensed premises permits. This includes:

- Registrations under Parts II and III of the Gaming Act 1968 which, under transitional provisions, are treated as club gaming and club machine permits respectively
- Club gaming and club machine permits issued under the Club Gaming and Club Machine Permits (Scotland) Regulations 2007
- Premises which have a licence issued by a Licensing Board under section 26(1) or 47(2) of the Licensing (Scotland) Act 2005 authorising the sale of alcohol on the premises.

#### Code provision 1.1

#### Club gaming permits, club machine permits and alcohol

#### Gaming machines in clubs and premises with an alcohol licence

- 1 Compliance with the code of practice should be the responsibility of a designated person:
  - in pubs in England and Wales: the designated premises supervisor (which the Licensing Act 2003 requires as a condition of any alcohol premises licence)
  - in premises which are licensed to serve alcohol for consumption on the premises under the relevant Scottish licence: the premises manager (which the Licensing (Scotland) Act 2005 requires as a condition of the premises licence), or,
  - where an occasional licence is held, a responsible person designated by the holder of the licence
  - in clubs in England and Wales:
    - if an alcohol licence is held, the designated premises supervisor
    - if no alcohol licence is held, a responsible individual to be nominated by the club management or other governing body elected by the members
  - in clubs in Scotland:
    - for a qualifying club under the Licensing (Clubs) (Scotland) Regulations 2007 (SI No 76 of 2007) a person nominated by the club management committee, or other governing body elected by the members, and who is trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007
    - for a qualifying club operating under an occasional licence a responsible person to be nominated by the club management committee or other governing body elected by the members
    - the name and contact details of the nominated person should be made available to the clerk of the relevant licensing board.

## 2 Location and operation of machines

### All permit holders

**Compliance with these provisions is a condition of your permit, and failure to do so could result in revocation of the permit.<sup>1</sup>**

#### Code provision 2.1

##### Location and operation of machines

###### All permit holders

- 1 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.
- 2 Permit holders must have in place arrangements for such supervision.
- 3 All gaming machines situated on the premises shall be located in a place that requires a customer who wishes to use any ATM made available on the premises to cease gambling at the gaming machines in order to do so. 'ATM' means a machine located on the premises, which enables a person using it to obtain cash by use of a credit or debit card.

## 3 Access to gambling by children and young persons

**Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.**

#### Code provision 3.1

##### Access to gambling by children and young persons

###### All permit holders

- 1 Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:
  - checking the age of those who appear underage
  - refusing entry to anyone unable to produce an acceptable form of identification.
- 2 Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.
  - Permit holders should only accept identification which:
  - contains a photograph from which the individual can be identified
  - states the individual's date of birth
  - is valid
  - is legible and has no visible signs of tampering or reproduction.
- 3 The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.

<sup>1</sup> Compliance with these provisions is a condition of the relevant permit as a result of the Gambling Act 2005: section 271 for Club Gaming Permits, section 273 for Club Machine Permits, section 282 for alcohol licensed premises using their automatic machine permissions and section 283 for licensed premises Gaming Machine Permits and alcohol licensed premises Gaming Machine Permits.

**Code provision 3.2**  
**Access to gambling by children and young persons**  
**All permit holders**

- 1 Procedures should be in place for dealing with cases where a child or young person repeatedly attempts to gamble on category B or C machines, including oral warnings, reporting the offence to the Commission and the police, and making available information on problem gambling.

**4 Complaints and disputes**

**Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.**

**Code provision 4.1**  
**Complaints and disputes**  
**All permit holders**

- 1 Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises
- 2 A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:
  - a) is not resolved at the first stage of the complaints procedure, and
  - b) relates to the outcome of the complainant's gambling transaction.
- 3 Permit holders should ensure that:
  - customers are told the name and status of the person to contact about their complaint
  - customers are given a copy of the complaints procedure on request or on making a complaint
  - all complaints are handled in accordance with the procedure.

Gambling Commission August 2014

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**Keeping gambling fair and safe for all**

For further information or to register your interest in the Commission please visit our website at:  
**[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)**

Copies of this document are available in alternative formats on request.

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Gambling Commission August 2014  
ADV 14/07

**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: 309 / 2

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

The Litten Tree, 15-19 Birmingham Road, Sutton Coldfield, B72 1QA

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:  
11/10/2011

This permit is issued by:  
**Birmingham City Council**  
Licensing Section, Crystal Court, Aston Cross Business Village,  
50 Rocky Lane, Aston, Birmingham, B6 5RQ

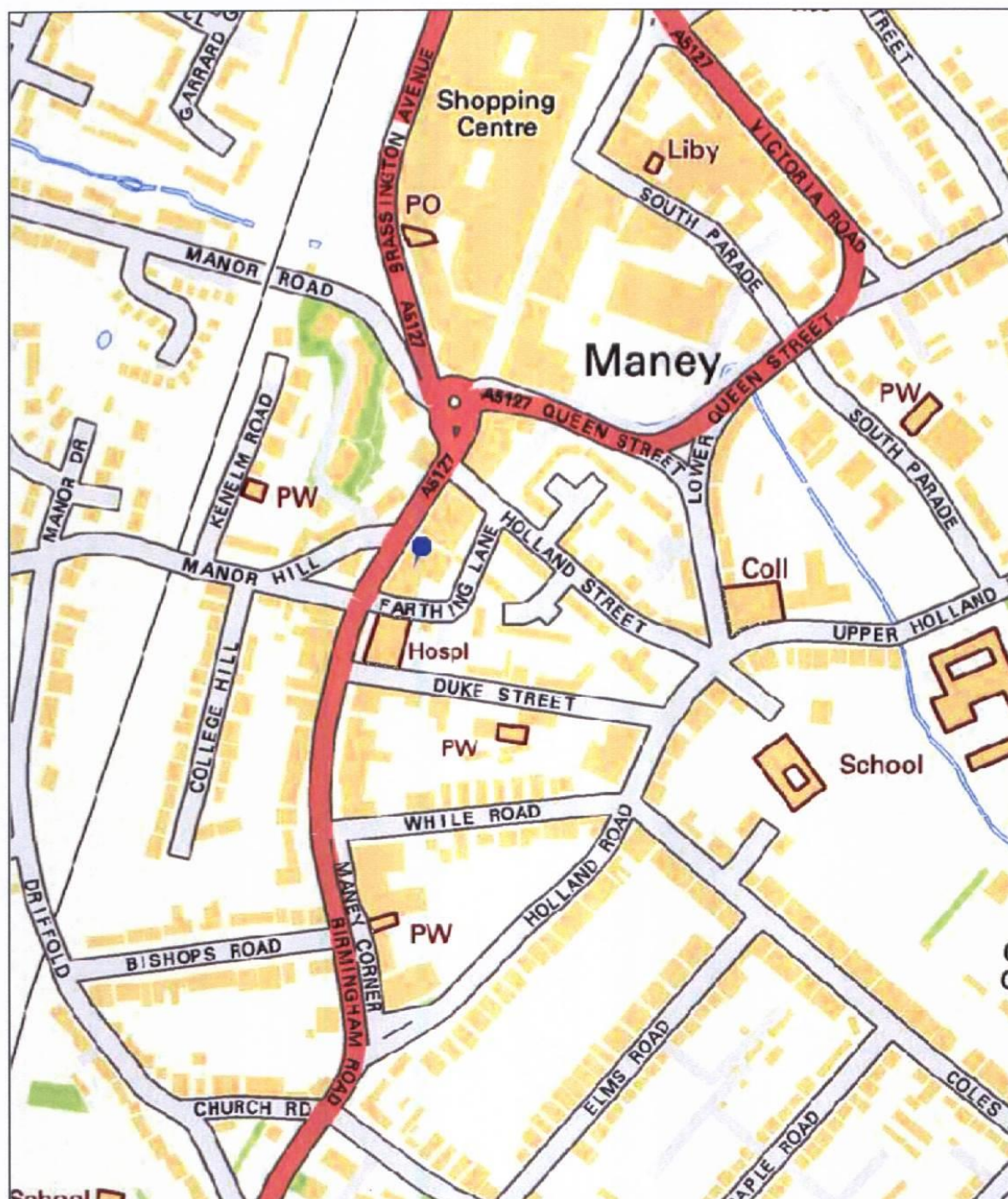
Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

## 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)



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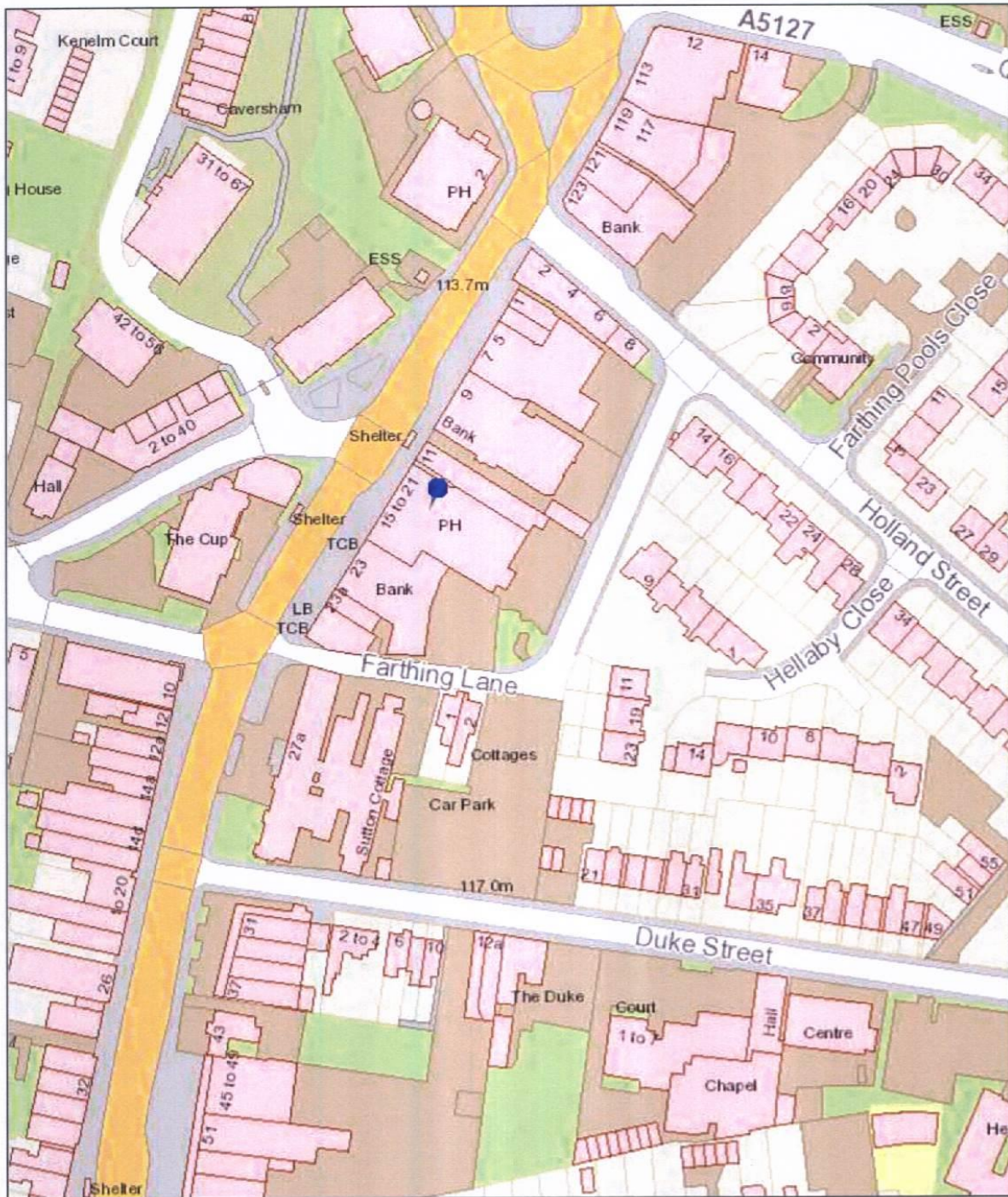
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**Birmingham City Council**

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**Notes**

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