

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Wednesday 29th November 2023
Subject:	Gambling Act 2005 Licensed Premises Gaming Machine Permit
Premises	The Tennis Court, Walsall Road, Perry Barr, Birmingham, B42 1TY
Ward affected:	Perry Barr
Contact Officer:	David Kennedy, Principal Licensing Officer, 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 a total of 6 Category C Gaming Machines, at the premises.

2. Recommendation:

The Sub-Committee is requested to consider the application to operate a total of 6 Category C Gaming Machines on an Alcohol Licensed premises.

3. Brief Summary of Report:

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 14th September 2023.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p>5. Relevant background/chronology of key events:</p> <p>Regal Gaming Technologies on behalf of Stonegate Pub Company Ltd, submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 14th September 2023 for The Tennis Court, Walsall Road, Perry Barr, Birmingham, B42 1TY.</p> <p>The application, including supporting documents, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.</p> <p>The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 5 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> <ol 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 and supporting documents, Appendix 1 Birmingham City Council Licensing Enforcement no objection confirmation, Appendix 2 Current Gaming Machine Permit, Appendix 3 Gaming Machine Categories, Appendix 4 Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <ol style="list-style-type: none"> a) Grant the application b) Refuse the application c) Grant the application in respect of; <ol 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 <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

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

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

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

To:	Licensing Section Birmingham City Council Phoenix House Valepits Road Garretts Green Birmingham B33 0TD
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<p>SECTION A – What do you want to do?</p> <p>1. Please indicate what you would like to do</p> <p>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"/></p> <p>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"/></p> <p>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"/></p> <p>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"/></p> <p>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"/></p>													
<p>SECTION B – Application for grant (includes <u>conversion</u>, <u>new</u> and <u>variation</u> applications)</p> <p>2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Category machine</th> <th>Number currently authorised to provide</th> <th>Number wish to provide (new or variation)</th> </tr> </thead> <tbody> <tr> <td>C</td> <td style="text-align: center;">5</td> <td style="text-align: center;">6</td> </tr> <tr> <td>D</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>TOTAL</td> <td style="text-align: center;">5</td> <td style="text-align: center;">6</td> </tr> </tbody> </table> <p>3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.</p> <p style="text-align: right;">Existing permit provided* <input type="checkbox"/></p> <p>(reasons why existing permit cannot be provided)</p> <div style="background-color: #e6f2ff; height: 20px; border: 1px solid #ccc; margin-bottom: 5px;"></div> <div style="background-color: #e6f2ff; height: 20px; border: 1px solid #ccc; margin-bottom: 5px;"></div> <div style="background-color: #e6f2ff; height: 20px; border: 1px solid #ccc;"></div>	Category machine	Number currently authorised to provide	Number wish to provide (new or variation)	C	5	6	D	0	0	TOTAL	5	6	
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)											
C	5	6											
D	0	0											
TOTAL	5	6											

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

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<p>Section C – Application for permit <u>transfer</u> (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</p> <p>4. Name of person requesting the transfer <div style="background-color: #e0e0ff; height: 20px; border: 1px solid #ccc; margin-top: 5px;"></div> </p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <div style="text-align: right; margin-right: 50px;"> Requested <input type="checkbox"/> Granted <input type="checkbox"/> </div> <p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p> <div style="text-align: right; margin-right: 50px;"> Existing permit provided <input type="checkbox"/> Reasons why existing permit cannot be provided <input type="checkbox"/> </div> <div style="background-color: #e0e0ff; height: 40px; border: 1px solid #ccc; margin-top: 5px;"></div>	<div style="text-align: center; margin-top: 100px;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>
<p>Section D – General Information</p> <p>7. Name of Premises: <u>Tennis Court</u></p> <p>8. Address of Premises: <u>Walsall Road, Birmingham, West Midlands, B42 1TY</u></p> <p>9. Telephone number of Premises: <u></u></p> <p>10. Name of existing Premises Licence holder <u>Stonegate Pub Company Limited</u></p> <p>11. Address of Premises Licence holder (if different from 8 above) <u>3 Monkspath Hall Road, Solihull, B90 4SJ</u></p> <p>12. Telephone number (daytime) of Premises Licence holder <u></u></p> <p>13. E-mail address of Premises Licence holder (where available) <u></u></p> <p>14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant <u>Regal Amusement Machine Sales Ltd (Vn Regal Gaming Technologies), 139 Brookfield Place, Walton Summit Centre, Bamber Bridge, Preston, Lancashire, PR5 8BF</u></p> <p>15. Licensing Act 2003 Premises Licence Reference (i.e. number) <u></u></p>	

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Section E – Fee and Signature(s)

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

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

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

Dated 25th Aug 2023

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

Print Name Erica Hamilton

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

Stonegate Group

Gaming Machines Policy

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

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

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

The Law

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

Key Control Measures for All Sites:

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



From: Sarah Hemsall
Sent: 23 October 2023 16:23
To: Licensing
Subject: Tennis Court, Walsall Road, Perry Barr B42 1TY - GMP variation

Hi Arvi

I have no objections to this variation.

Kind Regards

Sarah Hemsall
Licensing Enforcement Officer

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: 422 / 3

This licensed premises gaming machine permit authorises:

Stonegate Pub Company Limited

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

The Tennis Court, Walsall Road, Perry Barr, Birmingham, B42 1TY

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:
14/09/2020

This permit is issued by:
Birmingham City Council
Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

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

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

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



