

**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 B**

**TUESDAY, 17 MAY 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 MINUTES**

**3 - 22**

To confirm and sign the Minutes of the meeting held on 23 February 2016.

To confirm and sign the Minutes of the meeting held on 8 March 2016.

**4 GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES**  
**GAMING MACHINE PERMIT HUNTERS MOON, 220 COLESHILL ROAD,**  
**BIRMINGHAM, B36 8BE**

**23 - 50**

Report of the Acting Director of Regulation and Enforcement  
N.B. Application scheduled to be heard at 10:00am on Tuesday 17 May 2016

**5 LICENSING ACT 2003 PREMISES LICENCE – GRANT FURIOUS FOLLY,**  
**BATTLE OF THE SOMME ANNIVERSARY, SUTTON PARK, UPPER**  
**AND LOWER ARENA FIELDS, MAP REF: SP 09655 97436, SUTTON**  
**COLDFIELD, B73**

**51 - 74**

Report of the Acting Director of Regulation and Enforcement.  
N.B Application scheduled to be heard at 11:30am on Tuesday 17 May 2016

6 **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.

7 **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

## **P R I V A T E   A G E N D A**

1 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976,  
TOWN POLICE CLAUSES ACT 1847, PRIVATE HIRE AND HACKNEY  
CARRIAGE DRIVER LICENCES**

Report of the Director of Regulation and Enforcement.

(Paragraphs 1 & 7)

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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.

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B 23 FEBRUARY 2016</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 23 FEBRUARY 2016  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair

Councillors Nawaz Ali and Gareth Moore

**ALSO PRESENT**

Shaid Yasser, Licensing Section  
Sanjeev Bhopal, Committee Lawyer  
Gwin Pountney, Committee Manager

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**NOTICE OF RECORDING**

1/230216

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

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

2/230216

There were no apologies or nominee members.

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**LICENSING ACT 2003 PREMISES LICENCE – REVIEW I-BAR, 48 THE  
PARADE, SUTTON COLDFIELD, B72 1PD**

The following report of the Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

**On behalf of the West Midlands Police**

PC D Walker – West Midlands Police

**On behalf of the Applicant**

Mr Jon Gaskarth – MD of I-Bar Sutton Ltd

Mr Chris Hopkins – Barrister

Mr Steve Walton – Designated Premises Supervisor (DPS)

Following introductions by the Chairman, the main points of the report were outlined by Shaïd Yasser.

PC Walker, in presenting the case on behalf of the Police and in response to questions from Members, made the following points:-

- a) The premises had had a licence for 6 years and had been granted with minimum conditions given the projected trade at the time. However within the 2<sup>nd</sup> year from January 2012 the premises had been a drain on both police and ambulance resources.
- b) There had been a catalogue of anti-social behaviour resulting in victims of crime, intoxicated customers and crime and disorder.
- c) Door staff had been ineffective and had been arrested themselves for drug taking and assaults on each other.
- d) The club had breached licensing conditions regarding the promotion of crime and disorder, being aware of assaults within the premises and failing to notify the Police.
- e) There had been 3 DPSs at the premises since its opening, the 2<sup>nd</sup> of whom had not been seen on the premises for 12 months. The new DPS appointed in December 2015 had come up with an action plan to improve the venue but this had failed on 31 December 2015 with issues taking place in the early hours with customers being intoxicated with excess alcohol.
- f) Whilst the whole of Sutton Town Centre was a ban zone with regard to glasses and bottles the premises had been monitored on CCTV with numerous incidents of customers leaving the premises with drinks to purchase food from the burger van outside the premises.
- g) That the rooftop area, scheduled to close at 1.00am was frequently open later and had remained open until 2.00am on New Year's Eve.
- h) The management style was very unprofessional with regard to promotion of the licensing objectives, a meeting had been held with the DPS on 28 December following incidents at Christmas, to try and implement a more professional approach but the licence had been breached again on New Year's Eve, leading to the review.
- i) That several people had been arrested on the premises on numerous occasions and had been issued with fixed penalties for drunk/disorderly

behaviour.

- j) That he was seeking revocation as the premises had previously had several licence variations and received persistent support from the police but had failed to improve. Furthermore since the request for a review the premise licence holder had made no attempt to contact the police regarding premises' improvements.
- k) That SIA registered door staff to a ratio of 350 customers (irrespective of lesser numbers) should be put into place on the premises.
- l) That properly implemented additional conditions should prevent public nuisance on the premises, these would be monitored and if these were breached the premises could be brought back before the sub-committee.
- m) That the grounds of the review were regarding breach of the crime and disorder and public safety objectives.
- n) DVD footage was shown to the Sub-Committee highlighting incidents outside the premises showing intoxicated customers, customers fighting and the use of continuous excessive force by a member of door staff following the ejection of a customer from the premises.

Mr Hopkins made the following points in respect of the applicant and in response to Members' questions:-

- a) He thanked the Police for their assistance in working with the premises to improve matters following incidents at Christmas.
- b) The premises were happy to comply with the police request for an incidents book.
- c) This was the first time the premises licence had been called for review in the 3½ years of the premises operating
- d) The premises licence holder had attempted to work with the police during this period and Environmental Health to address any concerns.
- e) That the premises logged most of the incidents within the premises and some of those outside, but that there was a limit to what could be controlled outside the premises.
- f) The premises hosted most of the local Pub Watch meetings and acted in a responsible fashion to prevent any incidents as this was not good for the reputation of the business.
- g) The incident that had occurred on Xmas Eve had clearly been serious, where a customer had attacked someone with a bottle, but this was the first occurrence in 3½ years. The person concerned had been banned from all premises in Walsall, but this information had not been notified to the premises. This was the first occasion he had been in I-Bar.

- h) That the incident on New Year's Eve regarding the admittance of a drunken customer who had been escorted off the premises by the police was an isolated occurrence as the person was someone known to the PLH for over 30 years.
- i) That the incident on the CCTV regarding ejection of a customer from the premises was the right actions but carried out in an incorrect manner. He had been suspended that evening and was no longer working at I-Bar.
- j) That Mr Gaskarth was shocked that the premises had been taken to a review, he was aware of the importance of working with the police in the future and in operating as a responsible venue.
- k) That the premises would be happy to install a noise limiter at the entrance of the premises.
- l) That the premises operated a Challenge 25 policy.
- m) That the key driver in tackling incidents (9 over the last year) was the appointment of a new DPS in 2015, following which the venue had taken positive steps to actively engage with the police to address problems.
- n) That the DPS had been in the nightclub industry since he was 19 and was now 36. He had established a good communication with the police every week and was working with Mr Gaskarth to ensure a successful, reputable business.
- o) That all security staff were now S.I.A. trained. All new staff had an initial 2 week training period and any lapses in training were regularly addressed and all training was recorded. There were 17 employees on the premises.
- p) That the premises would employ extra door staff on Thursday evenings and at weekends.
- q) That the premises would agree to a condition of no activity on the rooftop terrace after 1.00am and the premises itself would cease the sale of alcohol at 2.30am, allowing a drinking time of 30 minutes with the gradual dispersal of customers.
- r) That no alcohol would be served at parties for children.

In summing up, Mr Hopkins stressed that I-Bar had operated for 3 ½ years and this was the first occasion it had come under review. This had caused a 'shot across the bows' for the premises and had acted as a wake-up call for the premises. The premises had engaged actively with Environmental Health and the Police in the past and actively participated in Pub Watch. The premises would be happy to work to the conditions requested by the police and with the new DPS in place it would give the business an opportunity to implement them.

In summing up PC Walker pointed out that there had been 44 incidents at the premises in which the police had been involved which had increased from

September 2015 to Christmas 2015, prior to which they had been periodic incidences. Whilst the premises played an active part in Pub Watch this was not a police event. Bringing these premises to a review had been a last resort by the Police and it was hoped that they would abide by any agreed conditions if they were allowed to continue operation, as the Police would not want to bring them to another review.

At 1212 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager, withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1350 hours and the decision of the Sub-Committee was announced as follows:-

3/230216 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by iBar Sutton Limited, in respect of I-Bar, 48 The Parade, Sutton Coldfield, B72 1PD upon the application of West Midlands Police, this Sub-Committee hereby determines that the licence be suspended for a period of one month in order to promote the prevention of crime and disorder and public safety objectives in the Act:

The Sub Committee's reasons for imposing the suspension are due to the serious concerns raised by West Midlands Police as set out in their Review Application, various incidents of crime and disorder which emanated from the premises and the significant and sustained management failings in seeking to address these matters to the satisfaction of West Midlands Police.

The Sub Committee also noted that evidence had been presented by West Midlands Police, concerning the breach of existing Licensing Conditions by the Premises Licence Holder, namely, in allowing the roof terrace to be used contrary to the Condition imposed after 0100 hours, allowing the premises to be used by under 18 year olds after 2100 hours, permitting or otherwise preventing patrons from consuming alcohol off the premises in otherwise than in a sealed vessel, employing or using the services of door staff otherwise in accordance with a valid SIA accreditation.

In addition to the above, the Sub Committee also determined:

A.	Modification of hours	All licensable activities shall cease at: 02:30 hours  The Premises shall be closed to the public at 02:30am with a winding down period between 02:30am and 03:00am during which patrons will be dispersed from the premises in an orderly and controlled manner. The venue will be empty and closed by 03:00am.
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B.	Noise limiter	The applicant shall install a noise limiter at the premises to be calibrated at a level set by Environmental Health of Birmingham City Council.
C.	Plastic glasses	The licence holder shall require customers to use plastic glasses for the consumption of alcohol from 2200 hours onwards.
D.	Other Conditions agreed with West Midlands Police	<p>The Conditions proffered by and agreed with West Midlands Police and the Premises Licence Holder at today's Meeting will also be incorporated into the Premises Licence, save for the following amendments:</p> <p>Door staff – change 2000 hours to 2100 hours</p> <p>No speakers – this has been superseded by the Noise Limiter Condition set out above.</p> <p>Children- All persons under the age of 16 will be monitored by at least one parent/guardian of a minimum age of 21 at all times.</p> <p>No alcohol will be served during any event or party attended by children.</p> <p>Public Safety</p> <ul style="list-style-type: none"> <li>• Staff Training – Premises License Holder and Designated Premises Supervisor will ensure that all staff are trained before they first start work at the premises and that refresher training is regularly provided (minimum of every two months). Individual staff training records will be kept for each employee, all training will be recorded and the record will be made immediately available upon request by any responsible authority.</li> </ul> <p>The training will include –</p> <ol style="list-style-type: none"> <li>1. Staff themselves might be personally liable if they sell to young persons in breach of legal requirements.</li> <li>2. Proxy sales – staff should remain vigilant to the age profiles of groups of customers to avoid adults purchasing alcohol destined for somebody under age.</li> <li>3. Staff will be trained on signs of persons drinking to excess and also under the influence of drugs.</li> <li>4. Age Verification – Staff to be trained on types of proof of identification. Individuals who appear to be</li> </ol>



		<p>under the age of 25 years of age to produce on request, before being served alcohol identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature. Such ID can be a passport, photo card driving licence, PASS-approved card or military ID.</p> <p>5. Crime Scene management.</p> <ul style="list-style-type: none"> <li>• Capacity – The location must have full risk assessment carried out by responsible authority or company. This must be displayed to the front of the premises.</li> </ul> <p><b>Prevention of Crime and Disorder</b></p> <ul style="list-style-type: none"> <li>• <b>CCTV</b> - It will be digital recorded for up to 28 days and will be made available on request to all licensing authorities. There will all be a member of staff on duty who is trained and able to show and download images from the system during opening hours. It will be in recording during opening hours and it will cover all licensable activity areas of the premises.</li> <li>• <b>Door Staff</b> - They will be in place from each evenings of opening from 21:00 hours to close and 30 minutes after closing. They will also be in place for any function night, either private or run by staff from the location out of normal hours. All door staff will wear a minimum florescent tabard jacket and will display "Door Supervisor" to the front and rear. All door staff must book on and off duty and their profiles be recorded on the premises, this record will be made available on request by any licensing authority.</li> <li>• <b>Door Staff numbers</b> – The venue will operate a minimum of 1 door supervisor to every 75 customer plus one. This will be based on their capacity outlined in their risk assessment. These numbers will be on duty regardless of numbers inside the venue.</li> <li>• <b>Incident Book</b> - The premises will have an incident book and record all incidents that occur inside or immediately outside the premise, regardless of whether any of the emergency services have been called. The record of incident will include details of the member of staff involved in the incident and the actions taken. Regular liaison with police will be encouraged to ensure cross-reference of premises related incidents. This incident book can be inspected at any time by all reasonable time by all authorities.</li> <li>• <b>Events</b> - Local police licensing officer will be informed of</li> </ul>
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		<p>any events (out of normal weekend opening) and be given 14 days notice. Details should include, the nature of the event, name, address of booking party and the number of persons attending. A full risk assessment for each event must be carried out and this will include the consideration to use SIA approved door staff.</p> <ul style="list-style-type: none"><li>• <b>Pubwatch</b> - The licence holder or the DPS must play an active part in the local pubwatch, work closely with other members in the watch and must show representation to pre-arranged meetings.</li><li>• <b>Drinking</b> - No drinking vessels at any time are to be taken beyond the outside perimeter of the premises as shown on the licensing plan and the premises licence holder must ensure notices are displayed in any designated outside smoking or drinking area to inform patrons of the restriction.</li><li>• The venue will have a radio link in use when open. This will be linked to all other venues in the town and also the Gracechurch security. A member of staff will be in possession of the radio on the front entrance of the venue.</li></ul> <p><b>Prevention of Public Nuisance</b></p> <ul style="list-style-type: none"><li>• <b>Wind Down Time</b> - Music levels will be reduced considerably 30 minutes before last drinks are served. This will encourage customers to begin to leave the location as this will indicate the night is ending. It will also reduce noise leaving the location through the opening and closing of the main door when customers leave.</li><li>• <b>Signage</b> - Signage displaying to customers to "Respect Local residents, please leave quietly" to be on display around location and especially at the exits and smoking areas.</li></ul> <p><b>Protection of Children</b></p> <ul style="list-style-type: none"><li>• <b>Signage</b> - Challenge 25 policy to be on display at all times.</li><li>• The premises will be strictly over 18's only after 2000hrs regardless of any event or private booking they have</li></ul>
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As a result of the above, the Sub Committee felt the management of the licensed premises required a comprehensive review, and have in place staff with strong leadership and conflict management skills, to promote and maintain high standards within the licensed premises. The period of suspension would provide the licensed premises holder with an opportunity to engage with the relevant Licensing Section of

West Midlands Police in a meaningful and constructive manner, to implement the conditions agreed with West Midlands Police and highlighted above.

It was therefore necessary and reasonable to impose the suspension and modify the Conditions these steps to address the concerns of West Midlands Police with the premises, in particular the shortcomings identified in the management of the premises, and prevent the likelihood of crime and disorder in the future, and to promote the public safety objective in the Act.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the applicant / premises licence holder / their legal adviser / and other persons.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT 40 ST PAUL'S BAR , 40, COX STREET, HOCKLEY, BIRMINGHAM, B3 1RD**

The following report of the Director of Regulation and Enforcement was submitted:-

(See document No. 2)

The following persons attended the meeting.

**On behalf of the Applicant**

Mr Harminder Johal – Applicant  
Mr Duncan Craig – Licensing Agent

**Those making Representations**

There was no-one present to make representations.

Following introductions by the Chairman, the main points of the report were outlined by Shaid Yasser.

Mr Craig, in presenting the case on behalf of the Applicant and in response to questions from Members, made the following points:-

- a) Addressed the concerns expressed by the representation at Appendix 1 of the

report and stated that:

- i. The first objection regarding licensed premises beneath a residential development was not relevant under the licensing act.
  - ii. The second point addressing people drinking outside the premises was based on speculation and was not based on evidence. The premises had been trading since 4 December 2015 with Temporary Event Notices (TENs) and there was no evidence of any nuisance being caused.
  - iii. The final point in the objection concerning relevant licences for operation since December 2015 was incorrect as a series of TENs had been properly applied for and granted without any representations from any responsible authorities or persons.
- b) This was a new premises licence applied for by Mr Johal similar to licensed premises already managed by him. He had 9 years' experience of managing a bar and his partner had 15.
- c) The premises were a small unit on a corner of the street and held capacity for 20 – 25 people. It was a Gin Bar with 2 enthusiastic bar staff and was a credit to the area and the local community.
- d) Mr Johal was a previous bar manager himself and the operating schedule for the premises addressed all 4 licensing objectives including public nuisance and paid care to noise reduction.
- e) The premises would only be open until 11.00pm for 7 days per week without any regulated entertainment. The service would be table service only with no vertical drinking and no smoking outside underneath the residential unit. Signage was displayed on the door of the premises to indicate this.
- f) Mr Johal had had constant dialogue with residents above the premises and had taken steps to keep noise levels to a minimum including when customers left the establishment. He had held a meeting with the residents above the premises prior to seeking planning permission for the premises who had all indicated that they trusted implicitly that he would undertake the actions he indicated and carry them through.
- g) The application for the licence had been put in on 6 January 2016, following the bar opening on 4 December 2015, allowing 2 months for objections by residents above the premises – but none had been received.

In summing up Mr Craig stressed that Mr Johal was a conscientious person who took his responsibilities seriously and was confident and clear in what he said and undertaking to stick to what he said. Furthermore, Mr Johal took his responsibilities to the wider community seriously and had no wish to alienate the community.

At 1425 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the

Committee Manager, withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1430 hours and the decision of the Sub-Committee was announced as follows:-

4/230216 **RESOLVED:-**

That the application by Den of Echoes Ltd for a premises licence in respect of 40 St Paul's Bar, 40 Cox Street, Hockley, Birmingham B3 1RD **be granted.**

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence

The Sub Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the proffered conditions and concluded that by granting this application, the four Licensing Objectives contained in the Act will be properly promoted.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received and the submissions made at the hearing by the applicant, their adviser and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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5/230216 **OTHER URGENT BUSINESS**

There were no matters of urgent business.

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The meeting ended at 1432 hours

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CHAIRMAN



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B 8 MARCH 2016</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 8 MARCH 2016  
AT 1000 HOURS IN COMMITTEE ROOM 1  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Barbara Dring in the Chair

Councillors Nawaz Ali and Gareth Moore

**ALSO PRESENT**

Shaid Yasser, Licensing Section  
Sanjeev Bhopal, Committee Lawyer  
Gwin Pountney, Committee Manager

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**NOTICE OF RECORDING**

1/080316      The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

2/080316      There were apologies from Councillor Lynda Clinton and Councillor Barbara Dring attended as nominee member.

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3/080316      **MINUTES**

The Minutes of the meeting held on 29 September 2015, having previously been circulated were confirmed and signed by the Chair.

The Minutes of the meeting held on 9 February 2016 having previously been circulated were confirmed and signed by the Chair.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT BOLDMERE SPORTS  
& SOCIAL CLUB (BSSC), 323 BOLDMERE ROAD, SUTTON COLDFIELD, B73  
5HQ**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document no. 1)

The following persons attended the meeting:-

**On behalf of the Applicant**

Mr Nick Lowe – Committee Member BSSC  
Mr Adrian Curtis - Solicitor

**Those making representations**

Councillor Robert Pocock – Ward Councillor  
Mr Peter Deegan – Local Resident  
Mr & Mrs Debney – Local Residents  
Mr & Mrs Skinner – Local Residents

Following introductions by the Chairman, the main points of the report were outlined by Shaid Yasser, Licensing Section.

Mr Curtis assisted by Mr Lowe made the following points with regards to the application and in response to questions from Members:-

- a) The hours requested for licensable activity were much reduced than those sought historically. Following the last application the Club had had a rethink and had decided to have regulated entertainment indoors only and live music from 5.00pm till 10.40pm on weekdays.
- b) There had been significant discussions between with the West Midlands Police who had been happy that the 4 licensing objectives would be promoted by the premises and conditions had been agreed with Birmingham City Council Licensing Enforcement.
- c) There had been a great deal of interaction between the residents and the club with 3 residents' meetings being held to show everyone the plans for the function room and allay their fears. There had been many representations initially, mainly as a result of a newsletter that had been circulated with some misrepresentation of the facts that the suite would be operating as a general public house – which was not the case.
- d) Mr Curtis went through the conditions of the licence in detail, as contained within the report, outlining facts regarding monitoring and supervision of events, staff training, the aims for the utilisation of the suite for specific functions, veto of events by the club's committee e.g. 18<sup>th</sup>/21<sup>st</sup> parties, the conditions agreed with enforcement, the interaction with West Midlands Police, the challenge 25 policy, CCTV recording and provision as required and the keeping of an incidents book.
- e) That there would be regulated entertainment in the Boldmere Suite only, not in



the clubhouse. The suite was brick built, without windows, well-insulated and on the side of the building away from residential properties with a lobby at the entrance and had a noise limiter set by Environmental Health as part of the planning conditions. The suite was also shielded on one side by changing rooms keeping the noise away from residents.

- f) Photos of the Boldmere Suite, presented as part of the supporting evidence submitted by the applicant were explained to the Sub-Committee showing the location of the suite, the direction that the entrance faced and the existing clubhouse.
- g) That 18 Temporary Events Notice events (TENs) had been held at the Boldmere Suite already with only 1 complaint in June 2014 and following readjustment of some speakers, no further complaints had been received.
- h) The history of premises was therefore that it promoted the licensing objectives, had had no reviews, there had been no challenge to the licence application from any of the responsible authorities and there had been no recent complaints regarding the premises. The club has agreed to robust extra conditions with licensing enforcement and were aware that should these be breached they would be open to a review.
- i) That the events for the Suite would be booked only via a member's only booking system and would undergo committee approval. The events would be supervised and monitored to ensure that they were at the numbers agreed, any uninvited guests would be removed by nominated staff and capacity for the venue would be limited to 120. Any numbers above this would be turned away.
- j) That 6 monthly meetings would continue to be held with residents, an email address had been provided for contacting the venue which would be monitored by Mr Lowe.
- k) That regulated entertainment would be contained within 1 room within the suite, excess noise would be monitored by staff checking on the edges of the premises near residential properties and in case of any problems adjusting the speakers, shutting any doors and recording the noise levels.
- l) That there was no evidence for the allegation that the premises had been open beyond the licensed hours and there had been no steps taken by anyone to remove or review the licence of the club.
- m) That there were no concerns regarding public safety as a result of a single track entrance to the premises by the West Midlands Fire Service who had not raised any objections to the licence.
- n) That there would be no problems regarding noise late at night as customers would disperse by 11.00pm as all events would be finished at 10.40pm. Nominated members of staff would disperse the guests and direct them to taxis.

Councillor Pocock, in presenting his case objecting to the application and in response to questions from Members, made the following points:-

- a) This application by the premises had been presented very differently to the previous one in summer 2015. There had been meetings with residents and conditions had been adapted and changed accordingly.
- b) However, there were still some concerns regarding prevention of crime and disorder and prevention of public nuisance. These were regarding admission to the premises if oversubscribed, the use of door staff for the events, staff training for managing aggressive behaviour, reassurances regarding the policing of the venue by club staff, the actions to be taken when noise levels were loud (not monitoring alone) and that the venue was situated in a noise sensitive area.
- c) That these concerns were valid even if the venue was closed at 11.00pm, that the use of door staff was valid depending on the event and that the competent management of the TENS events only showed that similar events could be managed adequately, not all.

Mr Deegan, in presenting his case objecting to the application and in response to questions from Members, made the following points:-

- a) That he had distributed the newsletter as he had felt that the club had not advertised the licence application adequately to the local residents. (The Chair checked this with the Licensing Officer who confirmed that the notices had been placed correctly).
- b) He stressed that with the first application there had been no contact by the club with residents however with the current application there had been an intervention on behalf of residents by Councillor Pocock which had led to a series of meetings.
- c) He expressed his concerns regarding, cleaning of the premises after 11.00pm, noise from guests leaving the premise, public access to the venue and that the situation had not changed to that of the summer, when the application had been refused.
- d) That he had not cross-checked the dates of the TENS events with the complaints for the preceding years.

Mr Skinner and Mrs Skinner in presenting their case objecting to the application and in response to questions from Members, made the following points:-

- a) That in addition to his written representation at Appendix 26 he would like to state that parking was very limited.
- b) Their concerns regarding over capacity if more than 120 people turned up to an event.
- c) Concerns regarding access for the fire service.

Mr and Mrs Debney, in presenting their case objecting to the application and in response to questions from Members, made the following points:-

- a) Stated that there was persistent noise from the premises from the music but accepted that a noise limiter would help.
- b) Most of the club members were not local residents.
- c) The single track access to the venue that would impede the fire service in the event of an emergency.
- d) The noise from children playing outside the venue late at night.
- e) Accepted that the West Midlands Fire service had not had any concerns regarding the premises given that the clubhouse was highly flammable.

In summing up Councillor Pocock asked that the club management included in their management policy that the public would be restricted to be guests of club members only (which Mr Lowe confirmed could be done), that door staff be employed at larger events, that there be a condition in the management policy preventing the use of both rooms of the suite at one time and for the premises and the Sub-Committee bore in mind the fact that the Boldmere Suite was in a very noise sensitive area.

In summing up Mr Curtis on behalf of the Applicant said that all clubhouse members were required to sign in, this was a small room for functions with music in a better location for sound insulation and no regulated entertainment would take place at the clubhouse. The capacity for the suite had been approved by the Fire service who had no concerns regarding a number of 120 people. Mr Curtis further stressed that this was a very low level application in terms of times and the door staff would control events, car parking for the venue was available on a nearby road, events would be held in one room only with a maximum capacity of 120. Furthermore, there had been no requests for a review of the current licence from any responsible authority. He concluded that this was a well thought out application with robust conditions with regulated entertainment ceasing at 11.00pm with no issues regarding the TENs that had operated on the premises.

At 1400 hours the Chairman requested all present with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1510 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/080316

**RESOLVED:-**

That the application by Boldmere Sports and Social Club for a premises licence in respect of Boldmere Suite, Boldmere Sports & Social Club, 323 Boldmere Road, Sutton Coldfield, B73 5HQ **BE GRANTED.**

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but did not accept that there

was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety or, risk to children arising from the proposed and current operation of the premises.

However, the concerns of the other persons were taken into account within the Conditions volunteered by the Applicant within their Operating Schedule. Some of these were varied by agreement with Birmingham City Council Licensing Enforcement specifically to address the prevention of public nuisance, and the protection of children from harm.

It was noted that West Midlands Police had also been consulted on the proposed Conditions and had not objected to the same. Furthermore, West Midlands Police had not suggested any proposed conditions over and above what the applicant had stated within their Operating Schedule.

The Sub Committee felt that the operating schedule, including the opening and closing times, restrictions on when licensable activities would take place, and conditions volunteered by the applicant would be sufficient to address the concerns of those making representations. Given the strict admission arrangements to the premises via the Club's Rules the Sub Committee felt that the type of operation being proposed was very different to a standard "Public House" which would ordinarily open for longer and carry out different licensable activities and be exposed to different operational concerns.

The Sub Committee considers the conditions imposed and volunteered to be appropriate, reasonable and proportionate to address concerns raised.

The Sub Committee noted that the premises had applied for various TENs since 2014 up to and including the last one in February 2016. Both West Midlands Police and Environment Health have to be served with a copy of any proposed TEN and have the opportunity to object. They chose not to do so as a result of which various TEN's were granted as set out with the applicant's representations. The Sub Committee also noted that no responsible authority had chosen to make a representation against the grant of the licence.

The Sub Committee sympathised with those making representations, but were not on balance persuaded there was sufficient evidence to refuse the application. They felt that the operating schedule and proposed and varied conditions were sufficient to properly promote the licensing objectives. The protection afforded to local residents was provided by the statutory review procedure set out within the Licensing Act 2003, as well as any Responsible Authority, particularly West Midlands Police in the event of serious crime and/or serious disorder.

The Sub Committee noted that part of the site was already licensed through a Club Premises Certificate (CPC), but notwithstanding that, and the various representations before Committee against the Grant of the licence, no party had chosen to seek a Review of the CPC.

Those matters detailed in the operating schedule, revised Conditions and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant, their legal adviser and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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5/080316

**OTHER URGENT BUSINESS**

There was no other urgent business.

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The meeting ended at 1515 hours.

.....  
CHAIRMAN



<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 17<sup>th</sup> May 2016</b>
<b>Subject:</b>	<b>Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>Hunters Moon, 220 Coleshill Road, Birmingham, B36 8BE</b>
<b>Ward affected:</b>	<b>Hodge Hill</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 6 Category C Gaming Machines and 2 Category D Machines.

<b>2. Recommendation:</b>
The Sub Committee is requested to consider an application to operate a total of 8 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 16 <sup>th</sup> February 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.

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Greene King Brewing and Retailing Limited submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 16<sup>th</sup> February 2016 for the Hunters Moon, 220 Coleshill Road, Birmingham, B36 8BE.</p> <p>The application, including supplementary information in support of the application, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises on 24<sup>th</sup> February 2016, and confirmed that they object to application. Their report is attached at Appendix 2.</p> <p>A copy of the current Gaming Machine Permit issued under the Gambling Act 2005, which permits 5 Category C machines and 2 Category D machines, is attached at Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ul style="list-style-type: none"> <li>a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>b. Ensuring that Gambling is conducted in a fair and open way</li> <li>c. Protecting Children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
<p><b>6. List of background documents:</b></p> <p>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</p>
<p><b>7. Options available</b></p> <ul style="list-style-type: none"> <li>a) Grant the application</li> <li>b) Refuse the application</li> <li>c) Grant the application in respect of; <ul style="list-style-type: none"> <li>(i) A smaller number of machines than is specified in the application</li> <li>(ii) A different category of machines from that specified in the application, or</li> <li>(iii) both</li> </ul> </li> </ul>



**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*

<p>Birmingham City Council Licensing Section Crystal Court Aston Cross Business Village 50 Rocky Lane Aston</p>	<p align="center"><b>BCC REGULATION COMPLIANCE LICENSING SECTION DATE RECEIVED</b></p> <p align="center">16 FEB 2018 022141 E150 C10 (E100)</p>												
<p><b>SECTION A – What do you want to do?</b></p> <p>1. Please indicate what you would like to do</p> <p>a) <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 then please complete sections D and E) <span style="float: right;"><input type="checkbox"/></span></p> <p>b) Apply to <b>convert</b> 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) <span style="float: right;"><input type="checkbox"/></span></p> <p>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) <span style="float: right;"><input type="checkbox"/></span></p> <p>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) <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>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) <span style="float: right;"><input type="checkbox"/></span></p>													
<p><b>SECTION B – Application for grant (includes <u>conversion</u>, <u>new</u> and <u>variation</u> applications)</b></p> <p>2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 25%;">Category machine</th> <th style="width: 25%;">Number currently authorised to provide</th> <th style="width: 25%;">Number wish to provide (new or variation)</th> </tr> </thead> <tbody> <tr> <td>C</td> <td>5</td> <td>6</td> </tr> <tr> <td>D</td> <td>2</td> <td>2</td> </tr> <tr> <td><b>Total</b></td> <td><b>7</b></td> <td><b>8</b></td> </tr> </tbody> </table> <p>3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.</p> <p align="right">Existing permit provided* <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>(reasons why existing permit cannot be provided) .....</p> <p>.....</p> <p>.....</p>		Category machine	Number currently authorised to provide	Number wish to provide (new or variation)	C	5	6	D	2	2	<b>Total</b>	<b>7</b>	<b>8</b>
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)											
C	5	6											
D	2	2											
<b>Total</b>	<b>7</b>	<b>8</b>											

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

**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)

<p><b>Section C – Application for permit <u>transfer</u></b> (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</p> <p>4. Name of person requesting the transfer</p> <p>.....</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;"> <p>Requested <input type="checkbox"/></p> <p>Granted <input type="checkbox"/></p> </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;"> <p>Existing permit provided <input type="checkbox"/></p> <p>Reasons why existing permit cannot be provided</p> </div> <p>.....</p> <p>.....</p>	
<p><b>Section D – General Information</b></p> <p>7. Name of Premises <b>Hunters Moon</b></p> <p>8. Address of Premises <b>220 Coleshill Road Birmingham B63 8BE</b></p> <p>9. Telephone number of Premises</p> <p>10. Name of existing Premises Licence holder <b>Greene King Brewing and Retailing Limited</b></p> <p>11. Address of Premises Licence holder (if different from 8 above)</p> <p>Westgate Brewery, Bury St Edmunds Suffolk IP33 1QT</p> <p>12. Telephone number (daytime) of Premises Licence holder</p> <p>13. E-mail address of Premises Licence holder (where available)</p> <p>.....</p> <p>14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant</p> <p style="text-align: center;">Select Gaming Ltd Suite 10 Parkside Business Centre Plumpton Road Hoddesdon Herts</p> <p>EN11 0ES.</p> <p>15. Licensing Act 2003 Premises Licence Reference (i.e. number)</p> <p>.....</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)

**Section E – Fee and Signature(s)**

I enclose a sum of (£ 100)\* (cheques should be made payable to Birmingham City Council .)



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

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

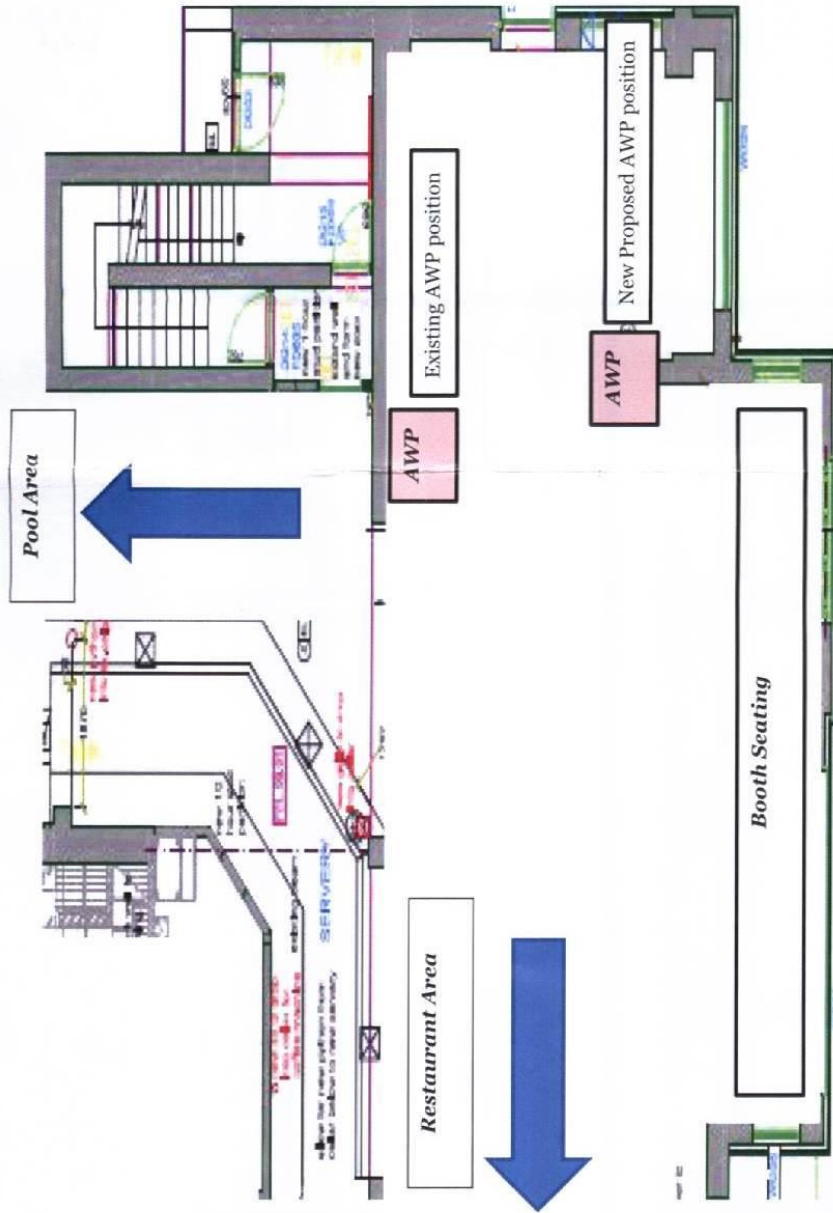
Dated 12<sup>th</sup> February 2016

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

Print Name.....

\* 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.

Huntermoon



## Appendix 1 continued – Supporting Information submitted by applicant

To: Birmingham Council Licensing

Date:

**Re: Permit Application at the Hungry Horse, Hunters Moon, 220 Coleshill Road, B63 8BE**

Dear Annette,

I am writing in response to your recent correspondence regarding the permit application at the Hunters Moon Hungry Horse (address shown above) & the enforcement Officers subsequent recommendation to refuse this. My thanks for sharing this recommendation with me before the permit hearing takes place.

I enclose a plan showing the proposed position of the additional Category C gaming machine (noted as red on plan), with all other Gaming Machine positions shown on the plan. The new Gaming Machine position will be sited in the over 18's area of the bar (as shown on plan).

I am appreciative of the time and effort spent so far in examining our application and in the Licencing Enforcement Officer taking the time to visit the premises. I would like though to take this opportunity to correct some inaccuracies contained within the report we received following this visit. The report states: *'In Sports area 1 'category C' & '2 category D' machines, in the Bar area '1 category C' machine & in the Lounge area 3 'non complex' category D machines & a category D machine in operation'*

The Hunters Moon has 5 Category C Gaming Machines which are all made available for customer use, four of these are in the bar side of the pub and one in the dinning side. In addition to these Category C Gaming Machines there are also 2 Category D Gaming Machines in the dinning side. Just to be clear customers can dine in the bar side or drink in the dining side.

I've not been able to establish with whom the Licencing Officer spoke with at the pub, although I have established it wasn't the General Manager or the Deputy Manager. To be clear there is no plan to remove a section of seating to accommodate an additional Gaming Machine, there are however other suitable locations where an additional Gaming Machine could be situated.

The report states 'it could be seen that the pub is a restaurant aimed at families'. The Hunters Moon is branded Hungry Horse and is aimed at a broad range of target customers. It may help the Licencing Committee to know that there is a higher level of drink sales than food sales.

Compliance with the Gambling Act, Licencing Conditions and Codes of Practice as well as upholding the licencing objectives of the Gambling Act are very important to Greene King.

We are fully aware of our responsibilities to adequately supervise all gaming machines and to this effect we have in place the following procedures:

- All gaming machines are fully supervised by means of either being in line of sight from the bar, being covered by CCTV and by staff frequently being active in the area in which gaming machines are placed.
- The proposed additional Category C gaming machine will be supervised by means of the Bar staff in the area & also CCTV.
- All staff, have been trained that no person under the age of 18 may play a gaming machine, in the Hunters Moon, we have in place a think 21 policy.
- All staff are trained that if someone who appears under the age of 21 attempts to play a gaming machine they must be challenged and asked to produce ID. Acceptable ID includes a

passport, photo driving licence or PASS card. Anyone who appears under 21 who cannot produce appropriate ID is prevented from playing on a gaming machine.

- All of the category C gaming machines installed at our premises have clear signage to show they are not to be used by under 18's and also have details of where a customer may get help should they develop a problem with gambling.
- All gaming machines are positioned so that a customer playing them must cease doing so should they wish to use the ATM.

To date we have not have an instance of a customer requesting that they are self-excluded from our premises.

Customer demand is such that a further Category C gaming machine is required.

In response to your letter, we have also taken action to move the category C Gaming Machine sited in the dining side further away from the distraction zone.

The report states 'the number of machines will not satisfy the requirement that gambling at the premises remain ancillary to the sale of alcohol'. The premises operates with sales in excess of £40,000 a week, through food & drink, machine sales are less than 10% of this. Machines operate in seven square foot of this business currently, which is spread over approximately 5,000 square foot and operates over 200 covers for customers to eat & drink. In this respect the number of machines in accordance with square footage of the business or the overall sales shows that gambling is purely ancillary to the business of the pub.

I would happy to arrange to meet with you to discuss or expand upon any of these points either at your offices or at the Hunters Moon. I can also make myself available to attend the Licencing Hearing to discuss this permit application.

Yours Sincerely

*Craig Taylor*

Craig Taylor

Machines Manager – Greene King



### **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**

Select Gaming Ltd, Suite 10 Parkside Business Centre, Plumpton Road, Hoddesdon, Herts, EN11 0ES has submitted an application on behalf of the applicant Greene King Brewing and Retailing Ltd, Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT to increase the number of gaming machines currently permitted at their premises trading as:-

##### **The Hunters Moon, 220 Coleshill Road, Birmingham, B63 8BE**

The applicant Greene King Brewing and Retailing Ltd currently holds a Licensed Premises Gaming Machine Permit number 706/4 allowing up to 7 gaming machines to be made available at the premises (Copy of the current permit attached to the report as appendix 1).

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

- Number of category C gaming machines - 5
- Number of category D gaming machines - 2

The agent Select Gaming Ltd 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 - 6
- Number of category D gaming machines - 2

#### **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 the Hunters Moon - 24th February 2016**

The applicant is currently making a total of 7 category C / D machines available on their premises. Their current Gaming Machine Permit allows 5 category C and 2 category D.

The gaming machines are sited throughout the premises in the sports area where there is currently 1 category C and 2 category D machines, the bar where there is 1 category C machine and the lounge area where there is 1 category C machine, plus 3 non-complex category D gaming machines.

All machines are visible to members of staff working in those areas.

After speaking to the Duty Manager during my visit, he stated that somebody from the gaming company came out to the premises approximately 4 or 5 months previously to carry out a survey to assess the suitability of having additional gaming machines. The Hunters Moon was subsequently advised by the gaming company that there was insufficient space to have any additional machines. I have sought clarification on this but have not been able to verify it. I was also advised that if the application was successful to increase the number of category C machines, they would remove part of the seating area in the sports bar to install the category C 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**

During the visit to the premises on 10<sup>th</sup> February 2016 it could be seen that the pub is mainly a restaurant aimed for families, (see photographs appendix 3,4). The eating booths all contain televisions and there is an indoor children's play area, (see photograph appendix 5). There are also facilities described as a sports area which offers a pool table and gaming machines, (see photographs appendix 6,7). One of the Category C machine and 3 non-complex category D gaming machines are situated in the lounge area, right next to a children's play area (see photographs attached appendix 8,9) Should a further machine be granted on the gaming permit this would raise concern, in promoting the licensing objectives and in particular the protection of children and other vulnerable persons from being harmed or exploited by gambling. The Licensing Enforcement Team would therefore object to the Licensing Sub Committee granting the application submitted.

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The Licensing Enforcement Team considers the number and category of gaming machines applied for will not satisfy the requirement that gambling at the premises remains ancillary to the main purpose being the sale of alcohol and would be deemed excessive given the size and layout of the premises.

## 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: 706 / 4

This licensed premises gaming machine permit authorises:

Greene King Brewing and Retailing Limited

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

Hunters Moon, 220 Coleshill Road, Birmingham, B36 8BE

Number of Category C Gaming Machines authorised by this permit:	5
Number of Category D Gaming Machines authorised by this permit:	2

Date on which this permit takes effect or is renewed:  
04/03/2015

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

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

# 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**

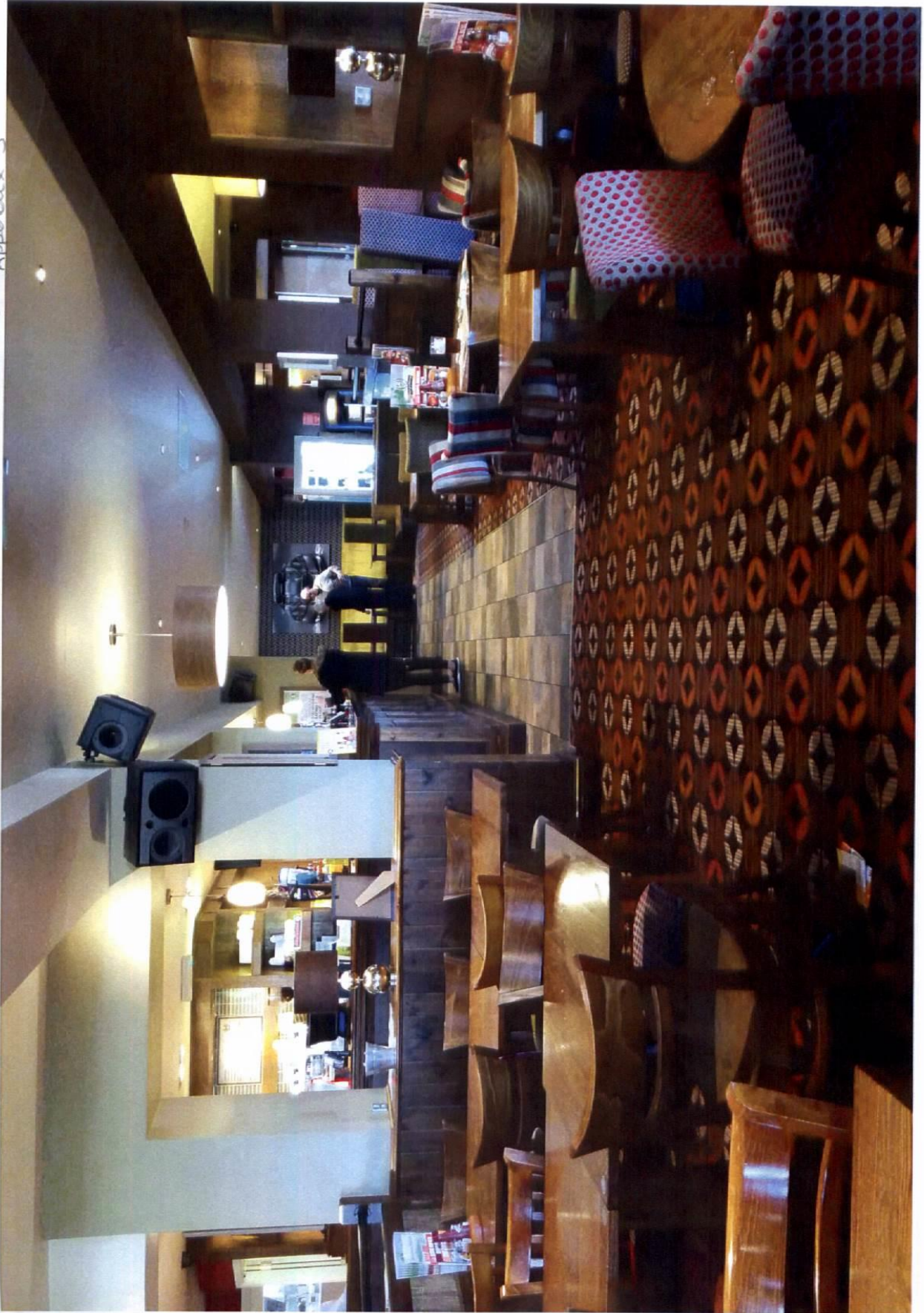
For further information or to register your interest in the Commission please visit our website at:  
**[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)**

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

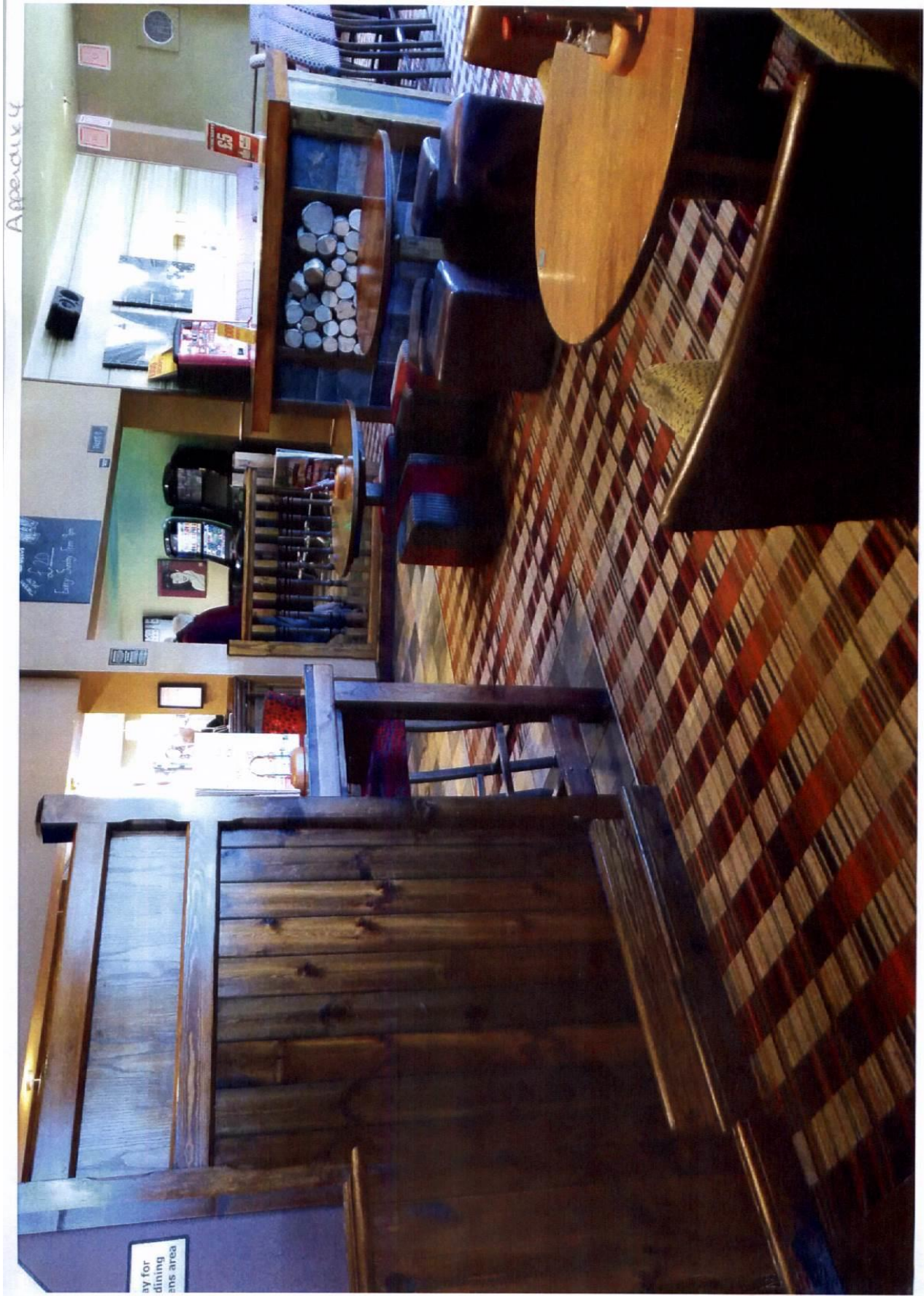
Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham B2 4BP

T 0121 230 6666  
F 0121 230 6720  
E [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

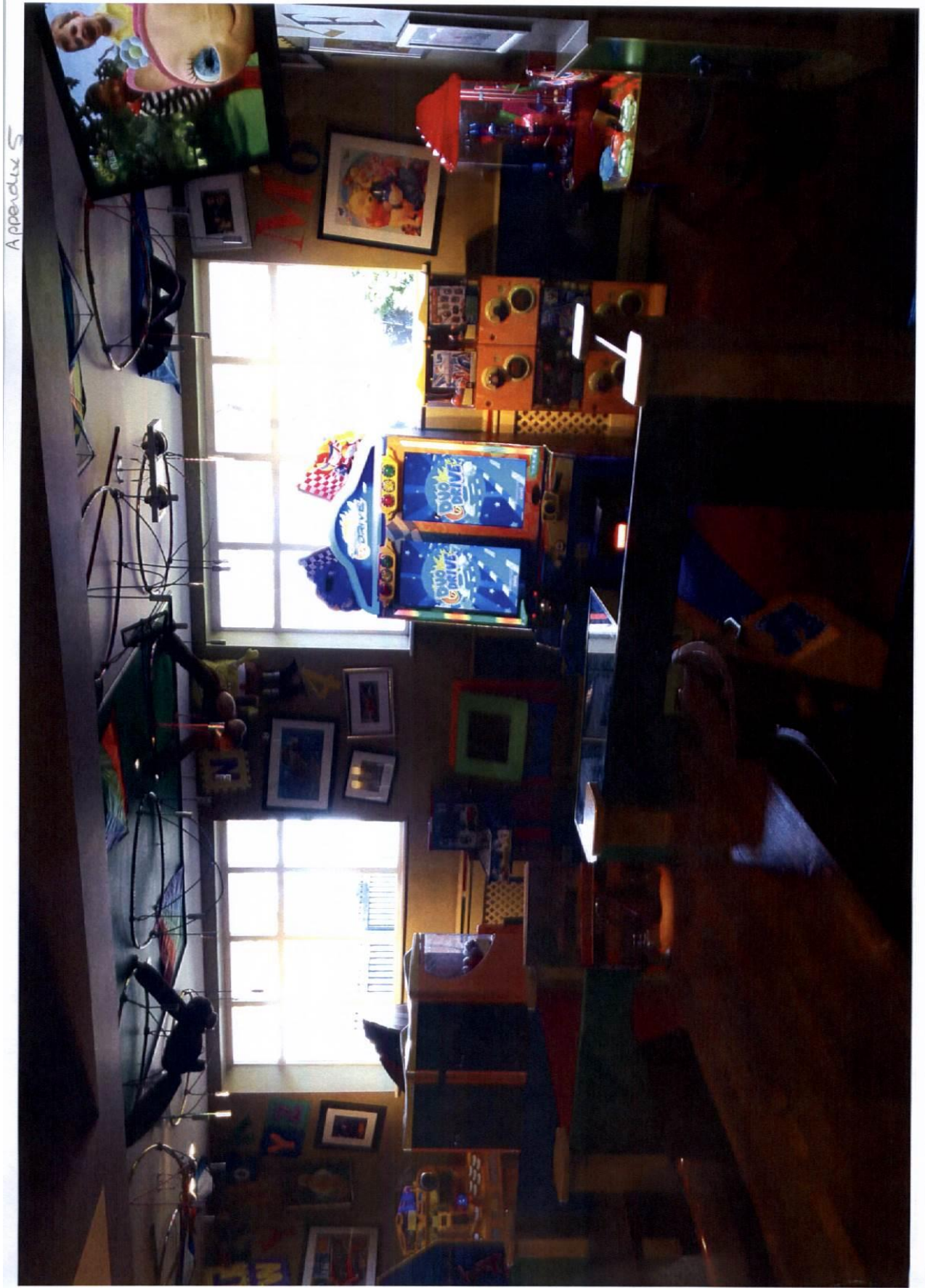
Gambling Commission August 2014  
ADV 14/07





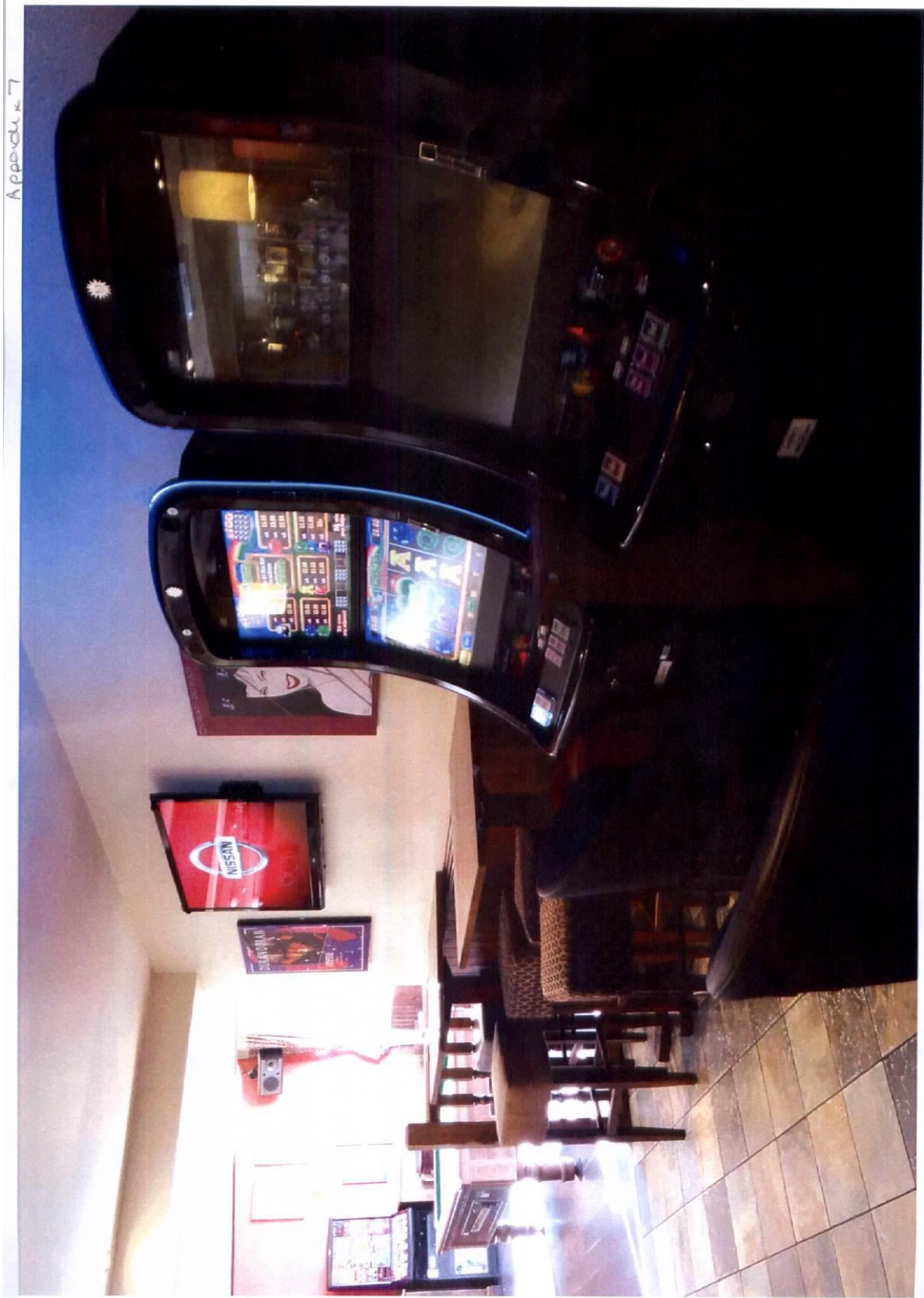








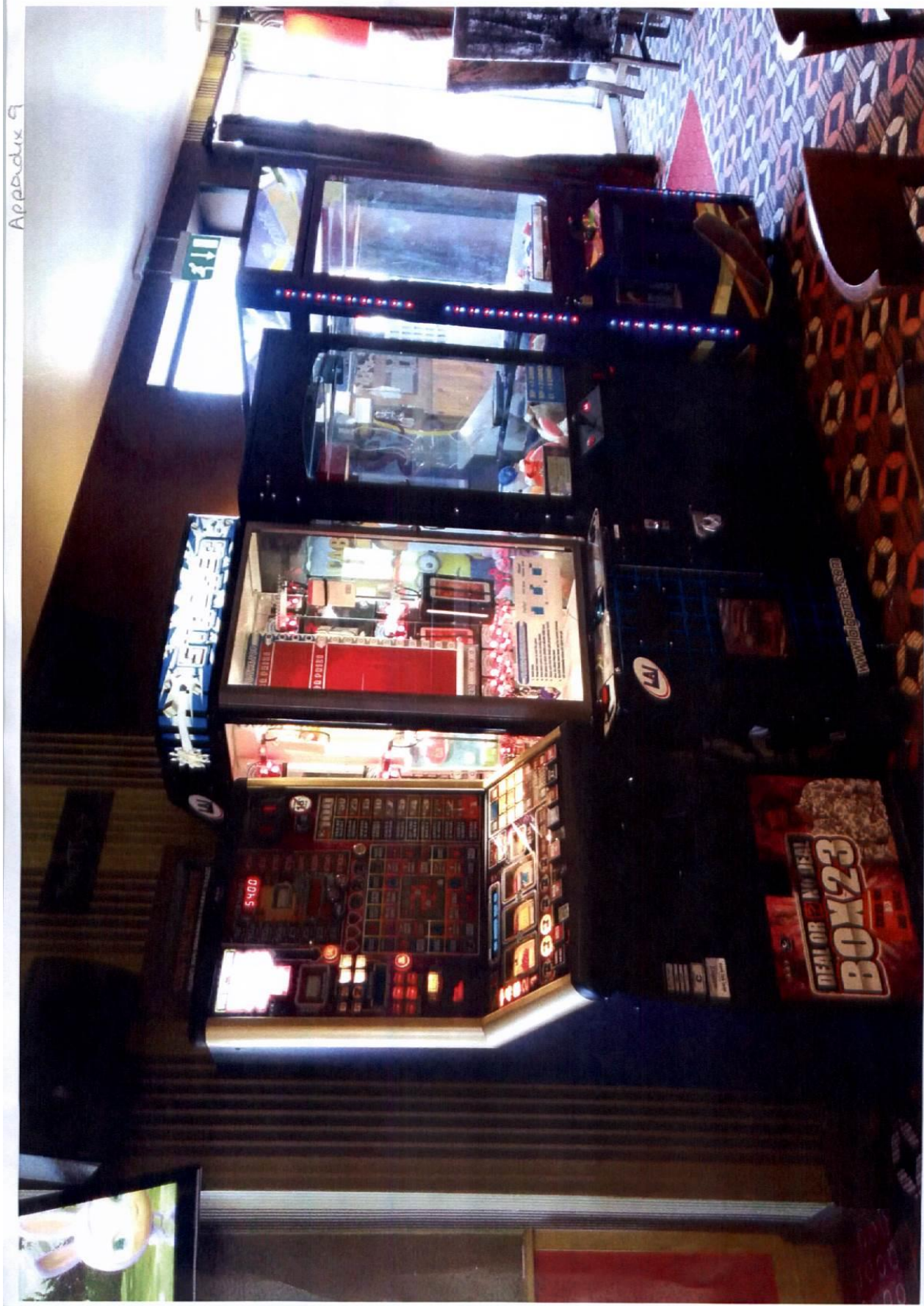












BIRMINGHAM CITY COUNCIL

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: 706 / 4

This licensed premises gaming machine permit authorises:

Greene King Brewing and Retailing Limited

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

Hunters Moon, 220 Coleshill Road, Birmingham, B36 8BE

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

Number of Category D Gaming Machines authorised by this permit: 2

Date on which this permit takes effect or is renewed:

04/03/2015

This permit is issued by:

**Birmingham City Council**

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

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

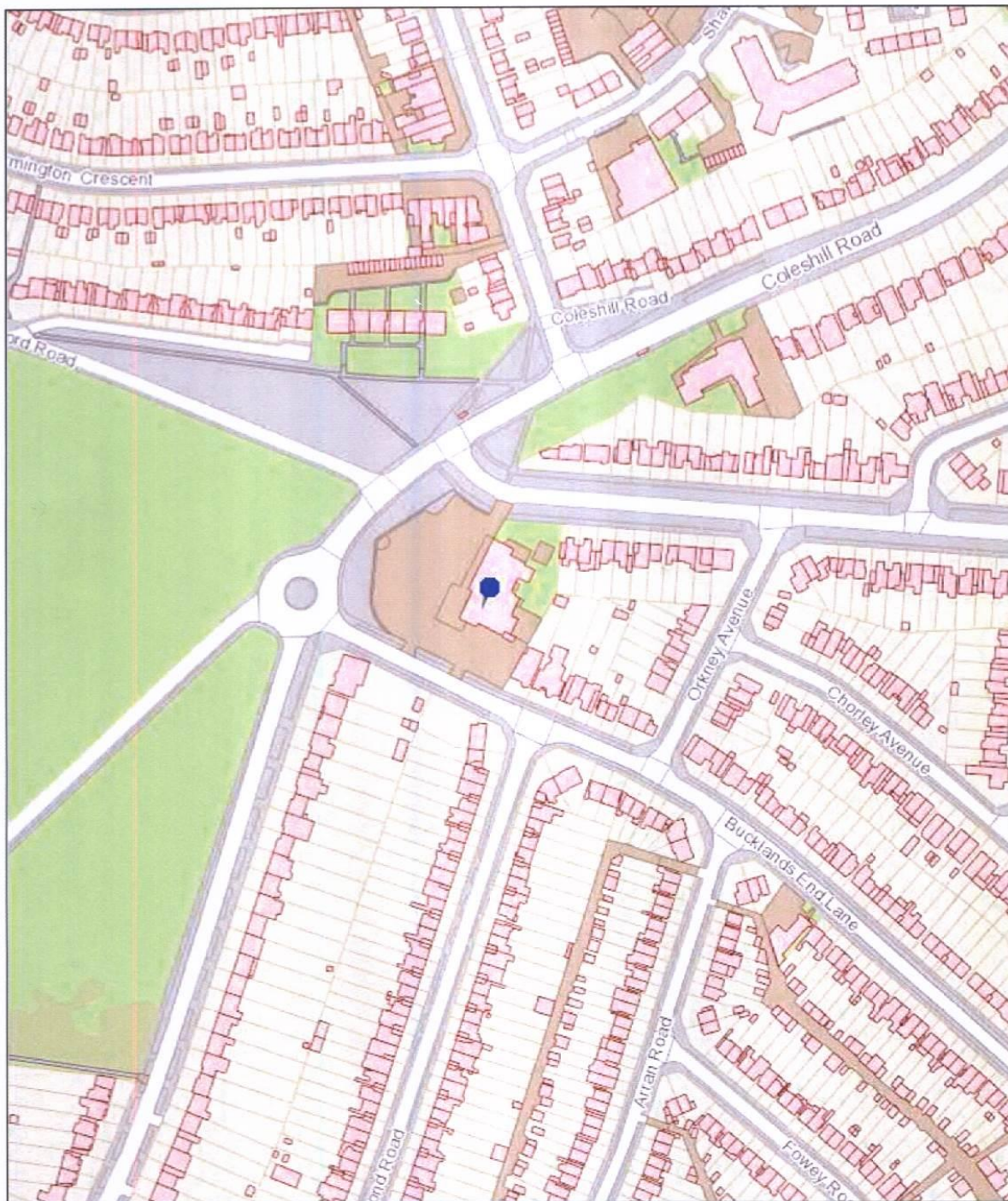
## Appendix 4

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

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

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)
<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)





**Birmingham City Council**

Map Created By:

**Notes**

Date of Map Creation: 21/04/2016



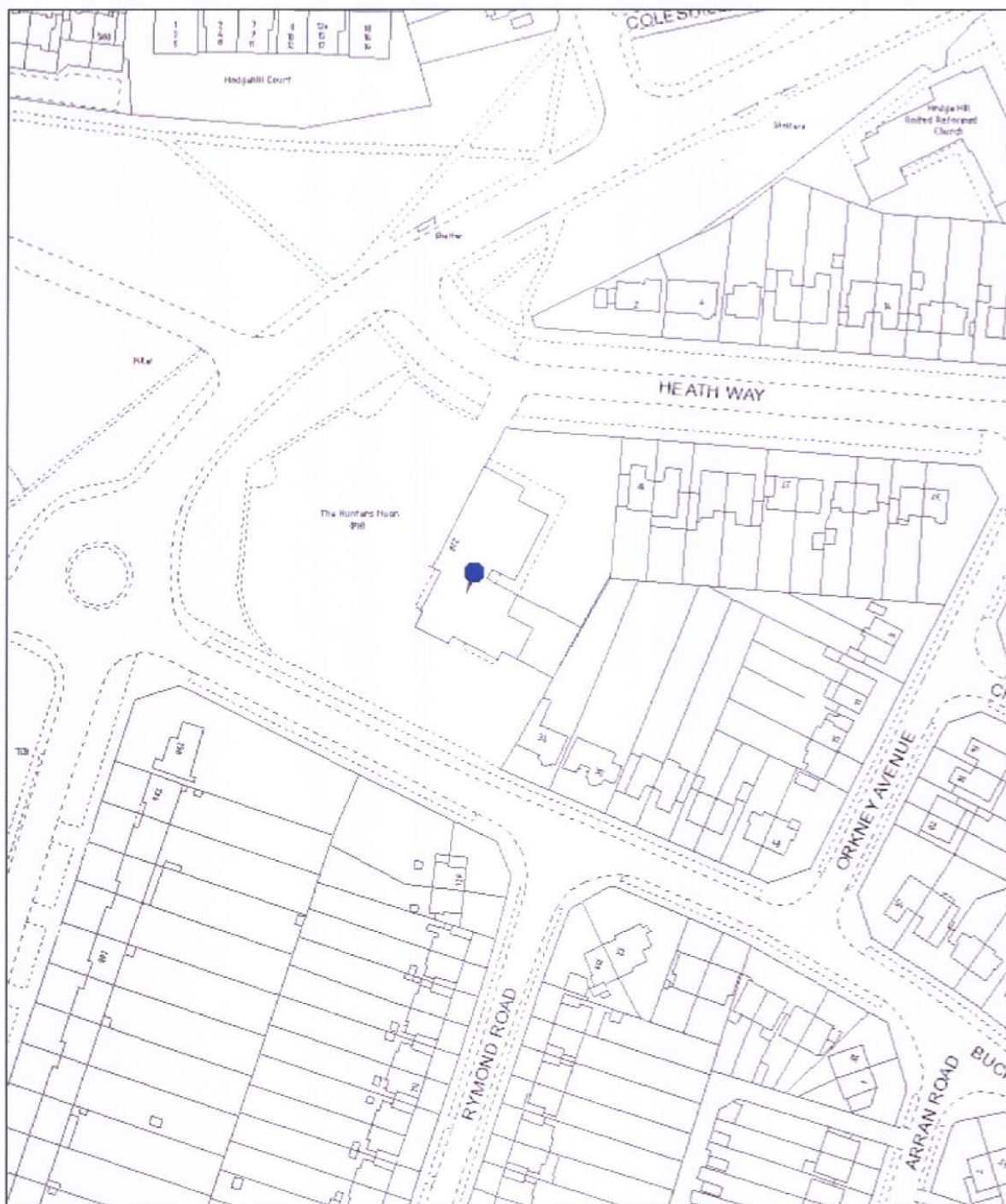
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1:2,500

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**Birmingham City Council** Map Created By:

**Notes**

Date of Map Creation: 21/04/2016



Scale:  
1:1,250

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# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 17<sup>th</sup> May 2016</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>Furious Folly, Battle of the Somme Anniversary, Sutton Park, Upper and Lower Arena Fields, MAP REF: SP 09655 97436, Sutton Coldfield, B73</b>
<b>Ward affected:</b>	<b>Sutton Four Oaks</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>
<p>To consider relevant representations that have been made in respect of an application for a time limited Premises Licence, valid from 8<sup>th</sup> July 2016 to 10<sup>th</sup> July 2016 (inclusive), to permit Regulated Entertainment consisting of plays, live music, recorded music and anything of a similar description, with all activities to take place outdoors, to operate from 9:00pm until 11:30pm (Friday and Saturday).</p> <p>Premises to be open to the public from 09:00pm until 11:30pm (Friday and Saturday).</p>

<b>2. Recommendation:</b>
<p>To consider the representations that have been made and to determine the application.</p>

<b>3. Brief Summary of Report:</b>
<p>An application for a time limited Premises Licence was received on 29<sup>th</sup> March 2016 in respect of Furious Folly, Battle of the Somme Anniversary, Sutton Park, Upper and Lower Arena Fields, MAP REF: SP 09655 97436, Sutton Coldfield, B73.</p> <p>Representations have been received from other persons.</p>

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

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Birmingham Hippodrome Theatre Trust applied on 29<sup>th</sup> March 2016 for the grant of a time limited Premises Licence, valid from 8<sup>th</sup> July 2016 to 10<sup>th</sup> July 2016 (inclusive) for the Furious Folly, Battle of the Somme Anniversary, Sutton Park, Upper and Lower Arena Fields, MAP REF: SP 09655 97436, Sutton Coldfield, B73.</p> <p>Representations have been received from other persons. See Appendices 1 &amp; 2.</p> <p>The application is attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</p> <p>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:-</p> <ul style="list-style-type: none"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>
<p><b>6. List of background documents:</b></p> <p>Copy of the representations as detailed in Appendices 1 &amp; 2  Application Form, Appendix 3  Site Location Plans, Appendix 4</p>
<p><b>7. Options available</b></p> <p>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.</p>

## Appendix 1

---

**From:**  
**Sent:** 26 April 2016 21:16  
**To:** Licensing  
**Subject:** Birmingham Hippodrome Theatre Trust Limited "Furious Folly" Play Time Limited  
Premises Licence Application for part of Sutton Park 8th and 9th July 2016

Dear Sirs

With regard to the above notice and application reference 95441 that has been brought to our attention via signage on entrance to Boldmere Gate in Sutton Park, we write in objection to the application through the following concerns;

### 1. Prevention of Crime and Disorder

There have been no measures advised or published to ensure crime and disorder activities are prevented during and after the planned activities.

There are no details of any security measures that have / will be put in place, who will pay for these, what they will comprise and how they be adequate for hundreds of people attending and for the surrounding neighbourhood

It is inevitable that nuisance and / or damage to the park & local neighbourhood will likely ensue for an event of this magnitude, especially should there be opportunities to consume alcoholic beverages late into the night Will searches be undertaken for all participants to ensure that alcohol is prevented from being brought into the event ? How will this be undertaken.

If alcohol is to be consumed, how will this be managed.

As the event is planned past 11pm on consecutive nights, how will organisers ensure that all local residents are not disturbed by noise and light pollution late into the night

### 2. Public Safety

What regulations have been put in place to determine and manage the maximum number of attendees?  
How will large amounts of litter be managed and removed prior to the general public's park attendance each following morning? Will this create further hazards, noise and light pollution late into the night if machinery is to be used for this task?

### 3. The prevention of Public Nuisance

There are no details of any public conveniences or how these are going to be managed within the parkland area  
How will parking be managed for the attendees, what measures will be put in place to ensure there are no contravention of parking regulations / problems created for local residents?

How will sound levels be managed such to ensure that neighbours (and there are a hundreds) in the immediate area will not be disturbed late in to the night?

How will safe entrance and egress be managed through the existing Sutton Park facilities?

### 4. General

Will the event be licensed for alcohol / if so how will this be managed to ensure items 1 to 3 are not adversely affected.

We do not believe that the key partners to the Heritage Partnership Agreement such as "English Heritage" and "Natural England" have been advised or that they have agreed to the plans for this activity

We do not understand how the applicant plans to / or how they can protect Sutton Parks native wildlife inhabitants - Sutton Park is a National Nature Reserve

What measures have been planned to protect the Parkland - areas of Sutton Park are scheduled ancient monument.

To our knowledge, there have been no direct communication / consultation with local residents via the applicant.

The application notice refers to a postcode at Boldmere Gate entrance, yet the application copy that I have been provided refers to an ordinance survey map reference near to the Jamboree Stone - Streetly gate Entrance. The notice displayed is therefore confusing and incorrect.

Finally ....

We understand that the organiser wishes to stage this event as part of a 100th anniversary commemoration of the Battle of the Somme.

Whilst we commend the organisers intention and wish to express our understanding, is it really sensible or even necessary to undertake this in a National Nature Reserve late into the night?

We suggest any activity such as this be located at a public space (or other location) designed and adequately equipped, during reasonable hours (10am to 6pm latest). i.e. Not Sutton Park and not late into the night.

We look forward to your confirmation that this objection has been received, also your associated advice in due course with regard to the matter.

Yours Sincerely

Sutton Park  
Boldmere Gate Resident

## Appendix 2

---

**From:**  
**Sent:** 22 April 2016 14:26  
**To:** Licensing  
**Subject:** Formal Objection: 95441 - Birmingham Hippodrome Theatre Trust Limited "Furious Folly" Play Time Limited Premises Licence Application for part of Sutton Park 8th and 9th July 2016 - Lodged 22-04-16

Dear Sirs,

Further to application reference 95441, we would like to submit a formal objection to this event on the following points.

### 1. Application & Notice

There are inconsistencies between the application and notice. The notice explicitly gives the postcode as B73 6LH which is Boldmere Gate, whereas the electronic application on your website initially gave B74 & Sutton Trinity Ward on 4th April, it was subsequently changed to B73 & Sutton Four Oaks on 6th April, both which are incorrect as applied.

The venue based on Streetly Gate is actually B74 & Sutton Four Oaks. The official notices both displayed in accordance with the regulations at the various gates & Sutton Observer are therefore invalid.

### 2. General

- i. There has been no liaison with the local residents at the time of submitting this objection.
- ii. The event could have been planned to terminate no later than 20:00hrs to which we would not object subject to Safety points below.
- iii. As of 12th April, the local Police Station under whose remit that this event falls were unaware of said application.

### 3. Crime

- i. Whilst no alcohol is being sold at the event, there is no mention of what measures are in place to prevent admission of such to the event.
- ii. How is entrance / exit going to be restricted & isolated to Streetly Gate? (if that is indeed the nominated Gate)

### 4. Safety

The use of Pyrotechnics & lighting effects when said location is on the exact main approach to Runway 15 at Birmingham International Airport is of particular concern especially due to low altitude and proximity of residential housing thereafter. There is no mention of consultation with the Civil Aviation Authority on this matter as is required per CAP736. Restricted airspace comes into effect within a radius of 10 nautical miles.

Finally, I understand (correspondence to my neighbour, .) that you are legally required to disclose my contact details. Whilst I have no objection to this, can you confirm that this will be in accordance with the Data Protection Act 2003 and that the receiving party is aware and committed to its

obligations under said Act.


Please confirm by return that this objection has been formally accepted.

Regards

Boldmere Gate Resident



## Appendix 3

	<b>Birmingham</b> <b>Application for a premises licence</b> <b>Licensing Act 2003</b>	For help contact <a href="mailto:licensingonline@birmingham.gov.uk">licensingonline@birmingham.gov.uk</a> Telephone: 0121 303 9896
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\* required information

### Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Registration number

Business name  If your business is registered, use its registered name.

VAT number   Put "none" if you are not registered for VAT.

Legal status

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*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

---

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☐ Address    ☒ OS map reference    ☐ Description

**Premises OS Map Reference**

OS map reference

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

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**Section 3 of 19**

---

**APPLICATION DETAILS**

---

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☒ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

---

**Section 4 of 19**

---

**VON INDIVIDUAL APPLICANTS**

---

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

---

Continued from previous page...

#### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

#### Contact Details

E-mail

Telephone number

Other telephone number

#### Section 5 of 19

##### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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-supplies you must include a description of where the place will be and its proximity to the premises.

The upper and lower arena fields located in Sutton Park, with the lower field proposed to be used for car parking and the performance taking place on the upper arena field.

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

#### Section 6 of 19

##### PROVISION OF PLAYS

Continued from previous page...

Will you be providing plays?

☒ Yes

☐ No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Will the performance of a play take place indoors or outdoors or both?

☐ Indoors

☒ Outdoors

☐ Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Outdoor performance of 'Furious Folly' an artistic installation to commemorate the anniversary of the start of the Battle of the Somme during the First World War. The performance will include amplified live & recorded music, lighting effects and pyrotechnics. This is a promenade production with audiences stood for the one hour performance. The show will start at 10pm and end no later than 11pm, with all audiences exiting site by 11.30pm.

State any seasonal variations for performing plays

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

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Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

--

#### Section 7 of 19

##### PROVISION OF FILMS

Will you be providing films?

☐ Yes

☒ No

#### Section 8 of 19

##### PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes

☒ No

#### Section 9 of 19

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

#### Section 10 of 19

##### PROVISION OF LIVE MUSIC

Will you be providing live music?

☒ Yes

☐ No

##### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start  End   
Start  End

THURSDAY

Start  End   
Start  End

FRIDAY

Start  End   
Start  End

SATURDAY

Start  End   
Start  End

SUNDAY

Start  End   
Start  End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors ☒ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Live and recorded music is amplified at times during the performance.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

## Section 11 of 19

### PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☒ Yes

☐ No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors

☒ Outdoors

☐ Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not  
exclusively) whether or not music will be amplified or unamplified.

Recorded music is amplified at times during the performance.



Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

--

#### Section 12 of 19

##### PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes

☒ No

#### Section 13 of 19

##### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

☒ Yes

☐ No

##### Standard Days And Timings

###### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

###### TUESDAY

Start

End

Start

End

###### WEDNESDAY

Start

End

Start

End

###### THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start 21:00

End 23:30

Start

End

SATURDAY

Start 21:00

End 23:30

Start

End

SUNDAY

Start

End

Start

End

Give a description of the type of entertainment that will be provided

Will this entertainment take place indoors or outdoors or both?

☐ Indoors

☒ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The multi-discipline performance will contain elements of music, performance and physical theatre.

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 19

LATE NIGHT REFRESHMENT

Continued from previous page...

Will you be providing late night refreshment?

☐ Yes

☒ No

#### Section 15 of 19

##### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes

☒ No

##### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☐ Electronically, by the proposed designated premises supervisor

☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

#### Section 16 of 19

##### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

#### Section 17 of 19

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

###### Standard Days And Timings

###### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

###### TUESDAY

Start

End

Start

End

###### WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="21:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="21:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Birmingham Hippodrome will plan and manage the event to promote the license objectives from an early stage. We will liaise with BCC, the Safety Advisory Group and local emergency services about the details of the performance. Local residents and businesses will also be consulted where appropriate. An Event Manual will be produced, updated and distributed through the planning stage showing the details of safety and security at the event as well as the specifics of the performance. BHTT will use this to deliver a safe and well planned event.

b) The prevention of crime and disorder

*Continued from previous page...*

Birmingham Hippodrome will Liaise with SAG on potential crime and disorder issues. A full stewarding and security plan will be in place. The staff will be appropriately trained (SIA where required) and briefed on the event. They will be provided by a reputable supplier. Additional SIA staff will patrol the area to ensure no unauthorised persons are able to enter site. Staff will be on hand to offer advice on local transport links and taxi numbers to enable the safe passage of patrons from event site.

**c) Public safety**

All contractors will be chosen for their competence and reputation. They will be given sufficient time and resources to deliver their services safely. RAMS will be taken from contractors and produced specifically for the event. A detailed site plan will be produced in advance of the event and the site will be signed off before allowing public on to it. During the event build, all persons and contractors will adhere to CDM 2015 regs and the site will be secured from the public. First Aid will be provided on site.

**d) The prevention of public nuisance**

Through working with Sutton Coldfield BID and using the Hippodrome's extensive list we are in the process of consulting local residents and businesses to hear their concerns of the event plans. Feedback from this will be used when planning the event. The site location has been chosen to maintain a distance from homes to minimise the impact of noise. Noise Levels of amplified sound will be well within levels set out in Environmental Noise Controls at Concerts. Transport plans will be put in place to minimise the disruption caused by patrons arriving and leaving the site, including opening and stewarding additional car parking spaces within the park, advising patrons in advance of the best entrance of the park to use and promoting public transport where possible. with the exception of a basic tea and coffee provider, no traders will be on site and there will no activity after the performance to encourage audiences to linger.

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

The event is not being marketed to young children. Box office staff will make this known to people booking tickets and stewards will be briefed to explain this to any parents who choose to attend with a child. Stewards will be briefed of a lost children policy and dedicated first aiders will be available on site.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
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Continued from previous page...

Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

100.00

#### DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

Graham Callister

\* Capacity

Director of Creative Programmes

\* Date

24

/

03

mm

/

2016

yyyy

Add another signatory

Once you're finished you need to do the following:

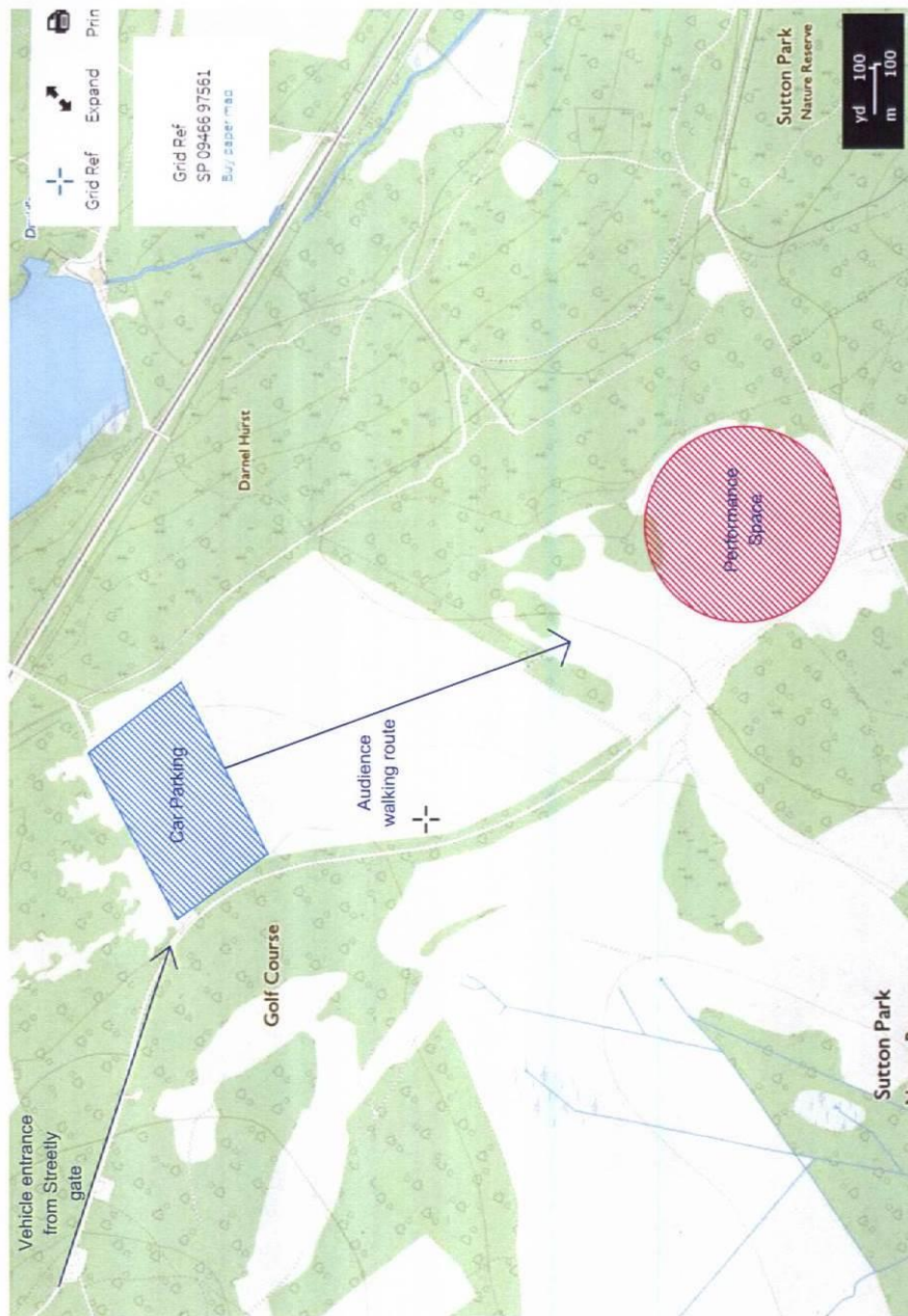
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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**



# Birmingham Hippodrome - Furious Folly



Sutton Park - Initial Site plan



