

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE A**

**MONDAY, 03 JULY 2023 AT 10:00 HOURS**  
**IN ON-LINE MEETING, MICROSOFT TEAMS**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

### **A G E N D A**

#### **1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

#### **2 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 - 14**

4 **GAMBLING ACT 2005 LICENSED PREMISES GAMING MACHINE  
PERMIT THE BILLESLEY, BROOK LANE, KINGS HEATH,  
BIRMINGHAM, B13 0AB**

Report of the Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 10:00am

**15 - 28**

5 **GAMBLING ACT 2005 LICENSED PREMISES GAMING MACHINE  
PERMIT BLACK HORSE, BRISTOL ROAD SOUTH, NORTHFIELD,  
BIRMINGHAM, B31 2QT**

Report of the Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 10:00am

**29 - 42**

6 **GAMBLING ACT 2005 LICENSED PREMISES GAMING MACHINE  
PERMIT THE SPREAD EAGLE, 1146 WARWICK ROAD, BIRMINGHAM,  
B27 6BL**

Report of the Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 10:00am

7 **OTHER URGENT BUSINESS**

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

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 3<sup>rd</sup> July 2023</b>
<b>Subject:</b>	<b>Gambling Act 2005 Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>The Billesley, Brook Lane, Kings Heath, Birmingham, B13 0AB</b>
<b>Ward affected:</b>	<b>Brandwood and Kings Heath</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### **1. Purpose of report:**

Officers have delegated authority to grant Permits in respect of up to 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises.

This application seeks to have permission to operate a total of 5 Category C Gaming Machines and 1 Category D Gaming Machine, at the premises.

### **2. Recommendation:**

The Sub-Committee is requested to consider the application to operate a total of 5 Category C Gaming Machines and 1 Category D Gaming Machine, on an Alcohol Licensed premises.

### **3. Brief Summary of Report:**

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 4<sup>th</sup> May 2023.

### **4. Compliance Issues:**

#### **4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Regal Gaming &amp; Leisure on behalf of Greene King Brewing &amp; Retailing Ltd submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 4<sup>th</sup> May 2023 for The Billesley, Brook Lane, Kings Heath, Birmingham, B13 0AB.</p> <p>The application, including supporting documents, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.</p> <p>The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 4 Category C machines and 1 Category D machine. See attached Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> <li>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>Ensuring that Gambling is conducted in a fair and open way</li> <li>Protecting Children and other vulnerable persons from being harmed or exploited by gambling.</li> </ol>
<p><b>6. List of background documents:</b></p> <p>Application Form and supporting documents, Appendix 1  Birmingham City Council Licensing Enforcement no objection confirmation, Appendix 2  Current Gaming Machine Permit, Appendix 3  Gaming Machine Categories, Appendix 4  Site Location Plans, Appendix 5</p>
<p><b>7. Options available</b></p> <ol style="list-style-type: none"> <li>Grant the application</li> <li>Refuse the application</li> <li>Grant the application in respect of; <ol style="list-style-type: none"> <li>A smaller number of machines than is specified in the application</li> <li>A different category of machines from that specified in the application, or</li> <li>both</li> </ol> </li> </ol> <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

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

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

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

To: Birmingham City Council  
Licensing Section  
PO Box 17013  
Birmingham  
B6 9ES

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

1. Please indicate what you would like to do

- a) **Notify** licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D  
(if you choose this option then please complete sections D and E) ☐
- b) Apply to **convert** an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines)  
(if you choose this option then please complete sections B, D and E) ☐
- c) Apply for a **new** licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☐
- d) Apply to **vary** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☒
- e) Apply to **transfer** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections C, D and E) ☐

**SECTION B – Application for grant (includes conversion, new and variation applications)**

2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)

Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C	4	5
D	1	1
<b>TOTAL</b>	<b>5</b>	<b>6</b>

3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.

Existing permit provided\* ☐

(reasons why existing permit cannot be provided) .....

.....

.....

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

**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)

<b>Section C – Application for permit <u>transfer</u> (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</b>	
4. Name of person requesting the transfer <div style="background-color: #e0e0ff; height: 20px; width: 100%;"></div>	
5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:	Requested <input type="checkbox"/> Granted <input type="checkbox"/>
6. Please provide your existing permit, or provide reasons stating why it cannot be provided	Existing permit provided <input type="checkbox"/>
Reasons why existing permit cannot be provided <div style="background-color: #e0e0ff; height: 20px; width: 100%;"></div> <div style="background-color: #e0e0ff; height: 20px; width: 100%;"></div>	
<b>Section D – General Information</b>	
7. Name of Premises <u>New Billesley</u>	
8. Address of Premises <u>Brook Lane Kings Heath Birmingham B13 0AB</u>	
9. Telephone number of Premises	
10. Name of existing Premises Licence holder <u>Greene King Brewing &amp; Retailing Ltd</u>	
11. Address of Premises Licence holder (if different from 8 above) <u>Westgate Brewery Bury St Edmunds Suffolk IP33 1QT</u>	
12. Telephone number (daytime) of Premises Licence holder	
13. E-mail address of Premises Licence holder (where available)	
14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant <small>Regal Amusement Machine Sales Ltd (19 Regal Gaming And Leisure), 139 Brookfield Place, Waton Summit Centre, Barber Bridge, Preston, Lancashire, PR5 5DP</small> <div style="background-color: black; height: 15px; width: 100%;"></div> <div style="background-color: black; height: 15px; width: 100%;"></div>	
15. Licensing Act 2003 Premises Licence Reference (i.e. number) <u>3040</u>	

**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 (£ 100.00)\* (cheques should be made payable to paid by BACS ☐)

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

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

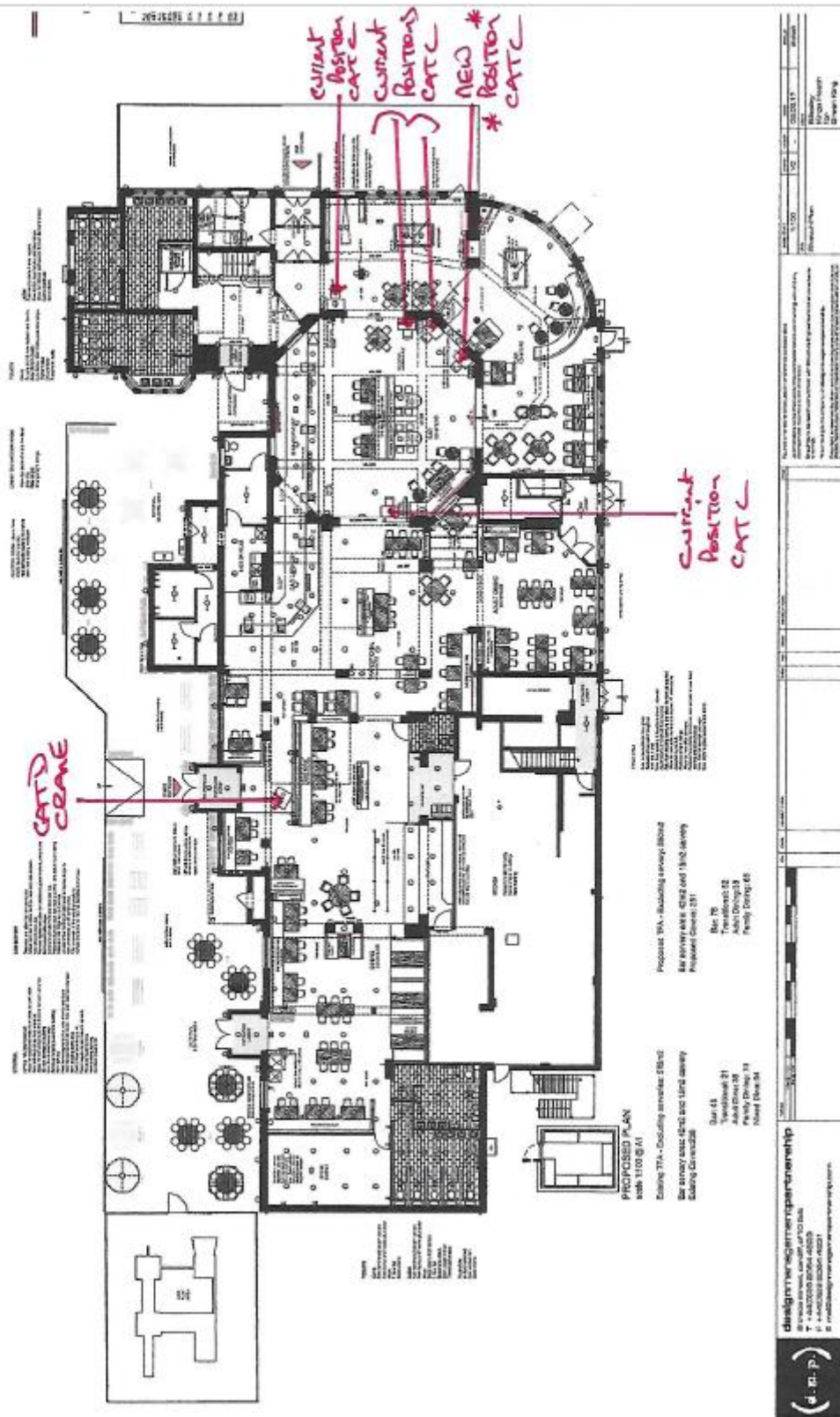
Dated 2nd May 2023

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

Print Name. Erica Hamilton

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







**From:** Karen Runnalls (She/Her)  
**Sent:** 31 May 2023 08:34  
**To:** Erica Hamilton; Julie Griffiths  
**Cc:** Lee Murden  
**Subject:** FW: New Billesley, Brook Lane, Birmingham, West Midlands, B13 0AB (36263)

Hi Julie

Please see below.

**The team are aware of the and actively enforce the 3 licensing objectives of the gambling act, of Preventing Gambling from being a source of crime or disorder, ensuring that gambling is conducted in a fair and open way and to protect children and other vulnerable persons from being harmed or exploited by gambling. This is achieved by the following methods**

**The New Billesley is a large pub and restaurant split between family dining and sports viewing in two well defined and regularly policed areas**

**All machines are sited in an over 18s only Area, as will the additional**

**Machines are all in view of the bar and supervised by floor and bar staff, and are covered by CCTV.**

**Our gaming machines display a 'no under18's' message and we enforce a 'challenge 25' on gambling as with alcohol**

**Our gaming Machines also display information on where to acquire help if you or someone you know has a problem with gambling**

**Greene King use Serve Legal to regularly check our premises comply with the act by performing gambling age verification as tests suggested by the Gambling Commission in their Codes of Practice**

**Greene King PLC, ensure that all staff receive training upon commencement of employment and updated as necessary.**

**Karen Runnalls (She/Her)**  
Gaming and Entertainment Manager  
Greene King | Sunrise House | Ninth Avenue| Burton upon Trent| Staffordshire | DE14 3JZ

**From:** Janice Morrison  
**Sent:** 18 May 2023 20:32  
**To:** licensing  
**Subject:** Gambling Act 2005 : New Billesley Hotel, Brook Lane, Moseley, B13 0AB

Hi Arvi,

I have visited the **New Billesley Hotel**, Brook Lane and have no objection to the variation application to increase the number of CAT C machines from four to five.

CAT C machine to be sited in view of the bar; no ATM on the premises and procedures in place to prevent underage gambling.

Kind regards,

Janice Morrison  
Licensing Enforcement Officer

---

General Licensing Regulation & Enforcement

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:** 222 / 5

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

The Billesley , Brook Lane, Kings Heath, Birmingham , B13 0AB

Number of Category C Gaming Machines authorised by this permit: **4**

Number of Category D Gaming Machines authorised by this permit: **1**

Date on which this permit takes effect or is renewed:  
02/12/2013

This permit is issued by:

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

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

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

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



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# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 3<sup>rd</sup> July 2023</b>
<b>Subject:</b>	<b>Gambling Act 2005 Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>Black Horse, Bristol Road South, Northfield, Birmingham, B31 2QT</b>
<b>Ward affected:</b>	<b>Allens Cross</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

Officers have delegated authority to grant Permits in respect of up to 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises.

This application seeks to have permission to operate a total of 7 Category C Gaming Machines, at the premises.

### 2. Recommendation:

The Sub-Committee is requested to consider the application to operate a total of 7 Category C Gaming Machines on an Alcohol Licensed premises.

### 3. Brief Summary of Report:

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 15<sup>th</sup> May 2023.

### 4. Compliance Issues:

#### 4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p><b>5. Relevant background/chronology of key events:</b></p> <p>JD Wetherspoon Plc submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 15<sup>th</sup> May 2023 for the Black Horse, Bristol Road South, Northfield, Birmingham, B31 2QT.</p> <p>The application, including supporting documents, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.</p> <p>The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 6 Category C machines. See attached Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> <li>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>Ensuring that Gambling is conducted in a fair and open way</li> <li>Protecting Children and other vulnerable persons from being harmed or exploited by gambling.</li> </ol>
<p><b>6. List of background documents:</b></p> <p>Application Form and supporting documents, Appendix 1  Birmingham City Council Licensing Enforcement no objection confirmation, Appendix 2  Current Gaming Machine Permit, Appendix 3  Gaming Machine Categories, Appendix 4  Site Location Plans, Appendix 5</p>
<p><b>7. Options available</b></p> <ol style="list-style-type: none"> <li>Grant the application</li> <li>Refuse the application</li> <li>Grant the application in respect of; <ol style="list-style-type: none"> <li>A smaller number of machines than is specified in the application</li> <li>A different category of machines from that specified in the application, or</li> <li>both</li> </ol> </li> </ol> <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /  
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT  
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION  
ON THE PREMISES)

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

To:  
Birmingham City Council  
Licensing Section  
Crystal Court  
Aston Cross Business Village  
50 Rocky Lane  
Aston, Birmingham

**Section A – Applicant Details**

1. Name of Applicant

**JD Wetherspoon Plc**

2. Date of Birth or Company registration No. as applicable

**1709784**

3. Address / registered office of applicant

**Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL**

4. Telephone number (daytime) of applicant

5. E-mail address of applicant

6. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

.....  
.....

**SECTION B – Premises Details**

1. Name of premises

Black Horse...

.....  
..

2. Address of premises

Bristol Road South, Northfield, Birmingham, B31 2QT

.....

3. Telephone number of premises

.....  
...

4. E-mail address of premises (where available)?

.....

5. Licensing Act 2003 Premises Licence Number

3416/3.....

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

Please indicate what you would like to do:

a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines of category C and / or D. *If you choose this option then please complete section F.*

☐

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

☐

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

☒

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

☐

### SECTION D – Grant and variation requests

1. How many gaming machines are you currently authorised to provide and how many do you wish to provide? Please complete the boxes in the table.

Category machine	Number currently authorised to provide	Number wish to provide
C	...6...	7
D	.....	.....
Total	.....	...7...

2. If you are authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided ☒

Reasons why existing permit cannot be provided

.....  
.....

### Section E – Transfer request

1. Name of person requesting the transfer

JD Wetherspoon plc

.....  
...

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

Requested ☐

Granted ☐

3. Please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

☐

Reasons why existing permit cannot be provided

.....  
.....  
.....  
.....

**Section F – Fee and Signature(s)**

**1. I enclose**

*In all cases*

- *the relevant fee*

✓

**2. I confirm that**

- the premises where the machines are proposed to be located are licensed to supply alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises (without the requirement that alcohol is served only with food).  
✓
- I am aware of and will abide by the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission.  
✓
- All staff will be trained as to the limits of any stakes and prizes and the requirements of the Act, Guidance and any appropriate codes of practice or conduct  
✓

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

Dated

15.05.23

.....

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

Name (please print)...Jennie Odell on behalf of JD Wetherspoon plc

.....

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £50. If you wish to have more than 2 gaming machines then the fee payable is £100 by an existing operator or £150 in all other cases.

To Vary the Permit £100

To Transfer the Permit £25

**GUIDANCE NOTES: APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /  
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT  
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)**

1. This form is to be used for the NOTIFICATION of up to 2 gaming machines of categories C and / or D under Section 282 of the Gambling Act 2005, or the GRANT / VARIATION / TRANSFER of a gaming machine permit under Section 283 and Schedule 13 of the Gambling Act 2005.
2. All references to 'Premises Licence' refer to a Premises Licence under the Licensing Act 2003 authorising the sale of alcohol for consumption on the premises.
3. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. The gaming machines must be located on these licensed premises and there must be a bar for serving alcohol to customers on the premises, without the requirement that alcohol is served only with food.
6. The permit's duration is indefinite as it is linked to the Premises Licence. There is a first annual fee payable 30 days after the grant of the permit and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50.
7. Two types of gaming machines can be located in alcohol licensed premises. These are:
  - Category C: Maximum stake = 50p / Maximum prize = £25
  - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. The holder of a licensed premises gaming machine permit must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of such a code of practice please contact your local licensing officer at the council address provided.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.

**Official Use Only**

**Date of receipt: .....**

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

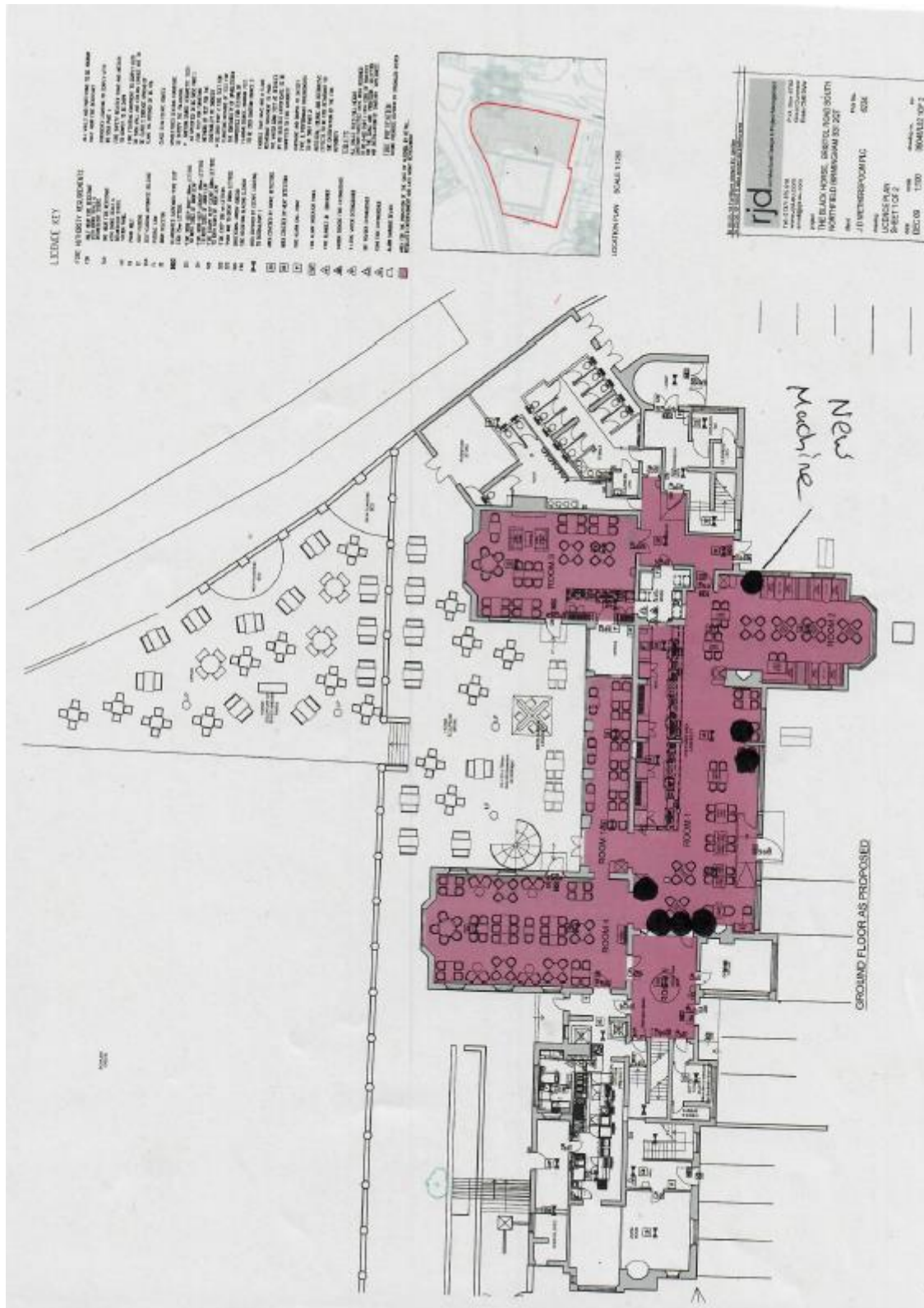
**Date of receipt of fee: .....**

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

**Application accepted / returned (please delete as appropriate)**

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





## JD Wetherspoon PLC

### Licensed Premises Gaming Machines

#### Policy and Procedure Overview

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

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

To ensure that no persons under the age of 18 are permitted to play on our gaming machines, we abide by a Challenge 21/25 policy in all of our premises. Under this policy, all of our employees are trained to ask any customer who appears to be under the age of 21/25 years to provide valid proof of age that they are over the age of 18. When in use, Door Supervisors are also fully briefed on our policy and what is expected of them in the implementation of the same.

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

- Valid National passport (any nationality)
- Valid Photographic Drivers' Licence
- United Kingdom 'PASS' accredited age identification card with photograph.
- UK Military ID
- Valid photographic European ID
- Ireland Age Card (Republic of Ireland only)
- NI Electoral Identity Card (Northern Ireland only)

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

All employees receive induction training on our Challenge 21/25 policy when they commence employment with the Company and then receive regular refresher training. All employees complete video training, quizzes and sign a letter to confirm that they have had this training and understand their responsibilities. Records of all training is retained centrally at head office via our online training platform. Staff training records are regularly reviewed by the pub management team and members of our Retail Audit department to ensure that the training system is being satisfactorily completed.

Staff compliance with our Challenge 21/25 policy is tested by a number of means:

1. Management review of a 'refusals log' which records when and how often bar staff are recording when a sale has been refused.
2. Independent mystery visitors who are aged 18 and 19 years are sent into our pubs to test compliance with our Challenge 21/25 policy.

Our Challenge 21/25 policy is also actively promoted within the premises using self-adhesive signs at every entrance and on/around gaming machines.

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

All machines are situated in a place where their use can be supervised and in front of the bar where possible to increase visibility.

Information shall be made available to customers on how to gamble responsibly and how to access information about and find help in respect of problem gambling. The Gamcare Charity's details are made available by way of a sticker on each of the gaming machines.

JD Wetherspoon ensures that there is always a duty manager working on every shift. This means that there is always a senior member of the team on duty to assist with the monitoring and supervision of persons using the machines should customer interaction be required.

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

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

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

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

JD Wetherspoon prides itself on provide safe, well run premises for all people to enjoy themselves in. Over our estate of over 800 pubs we spend considerable time and resources ensuring they are all well equipped with adequate and appropriate CCTV coverage.

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

All of our AWP machines are located in well supervised areas and are regularly monitored by staff and door staff.

**JD Wetherspoon PLC  
Updated: January 2022**

**From:** Janice Morrison  
**Sent:** 18 May 2023 20:42  
**To:** Arvinder Layal ; Licensing  
**Subject:** Gambling Act 2005 : Black Horse, Bristol Road South, Northfield, B31 2QT

Hi Arvi,

The **Black Horse**, Bristol Road South, has been visited and I have no objection to the variation application to increase the number of CAT C machines from six to seven.

I am satisfied the Gambling Act 2005 objectives are being adhered to; all CAT C machines are sited in view of the bar; there is no ATM on the premises and procedures are in place to prevent underage gambling.

Kind regards,

Janice Morrison  
Licensing Enforcement Officer

---

General Licensing Regulation & Enforcement

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: 411 / 3

This licensed premises gaming machine permit authorises:

JD Wetherspoon plc

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

Black Horse, Bristol Road South, Northfield, Birmingham, B31 2QT

Number of Category C Gaming Machines authorised by this permit:	<b>6</b>
Number of Category D Gaming Machines authorised by this permit:	<b>0</b>

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

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

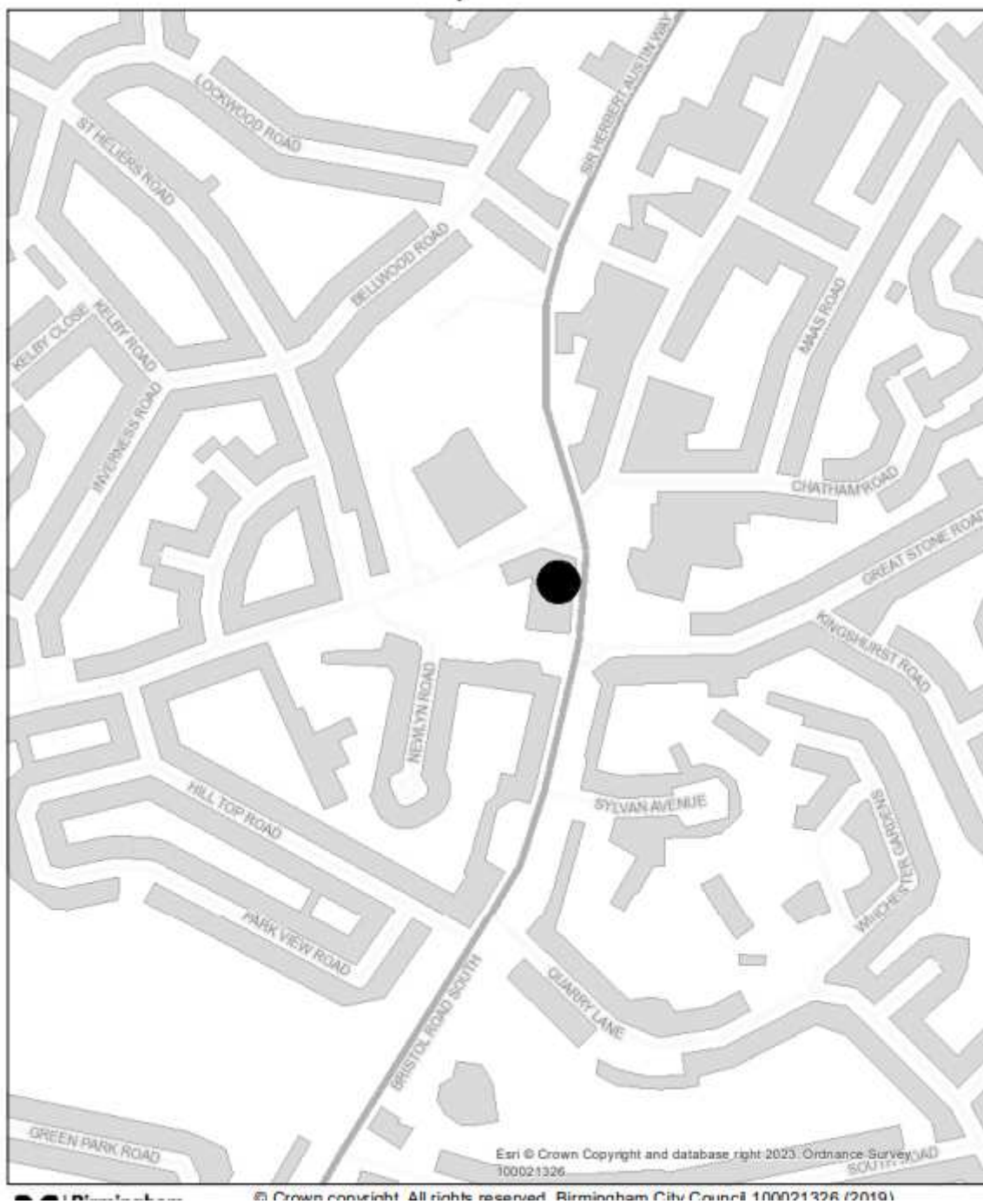


**Gaming Machines (Fruit Machine, Slot Machine) Categories****Summary of gaming machine categories and entitlements**

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

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







# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 3<sup>rd</sup> July 2023</b>
<b>Subject:</b>	<b>Gambling Act 2005 Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>The Spread Eagle, 1146 Warwick Road, Birmingham, B27 6BL</b>
<b>Ward affected:</b>	<b>Acocks Green</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

Officers have delegated authority to grant Permits in respect of up to 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises.

This application seeks to have permission to operate a total of 6 Category C Gaming Machines, at the premises.

### 2. Recommendation:

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

### 3. Brief Summary of Report:

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 3<sup>rd</sup> April 2023.

### 4. Compliance Issues:

#### 4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p><b>5. Relevant background/chronology of key events:</b></p> <p>JD Wetherspoon Plc submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 3<sup>rd</sup> April 2023 for The Spread Eagle, 1146 Warwick Road, Birmingham, B27 6BL.</p> <p>The application, including supporting documents, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.</p> <p>The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 5 Category C machines. See attached Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> <li>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>Ensuring that Gambling is conducted in a fair and open way</li> <li>Protecting Children and other vulnerable persons from being harmed or exploited by gambling.</li> </ol>
<p><b>6. List of background documents:</b></p> <p>Application Form and supporting documents, Appendix 1  Birmingham City Council Licensing Enforcement no objection confirmation, Appendix 2  Current Gaming Machine Permit, Appendix 3  Gaming Machine Categories, Appendix 4  Site Location Plans, Appendix 5</p>
<p><b>7. Options available</b></p> <ol style="list-style-type: none"> <li>Grant the application</li> <li>Refuse the application</li> <li>Grant the application in respect of; <ol style="list-style-type: none"> <li>A smaller number of machines than is specified in the application</li> <li>A different category of machines from that specified in the application, or</li> <li>both</li> </ol> </li> </ol> <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /  
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT  
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION  
ON THE PREMISES)

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

To:  
Licensing Service  
Birmingham City Council  
Crystal Court  
Aston Cross Business Village  
50 Rocky Lane  
Aston, Birmingham, B6 9RQ

**Section A – Applicant Details**

1. Name of Applicant

**JD Wetherspoon Plc**

2. Date of Birth or Company registration No. as applicable

**1709784**

3. Address / registered office of applicant

**Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL**

4. Telephone number (daytime) of applicant

5. E-mail address of applicant

6. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

.....  
.....

**SECTION B – Premises Details**

1. Name of premises

The Spread Eagle

.....  
..

2. Address of premises

1146 Warwick Road, Birmingham, West Midlands, B27 6BL

.....

3. Telephone number of premises

.....  
...

4. E-mail address of premises (where available)?

.....  
.....

5. Licensing Act 2003 Premises Licence Number

110/2.....

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

Please indicate what you would like to do:

a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines of category C and / or D. *If you choose this option then please complete section F.*

☐

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

☐

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

☒

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

☐

**SECTION D – Grant and variation requests**

1. How many gaming machines are you currently authorised to provide and how many do you wish to provide? Please complete the boxes in the table.

Category machine	Number currently authorised to provide	Number wish to provide
C	...5...	...6...
D	.....	.....
Total	.....	...6...

2. If you are authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided ☒

Reasons why existing permit cannot be provided

.....  
.....

**Section E – Transfer request**

1. Name of person requesting the transfer

JD Wetherspoon plc

.....  
...

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

Requested ☐

Granted ☐



3. Please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

☐

Reasons why existing permit cannot be provided

.....  
.....  
.....  
.....

**Section F – Fee and Signature(s)**

1. I enclose

In all cases

- the relevant fee

☒

2. I confirm that

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

☒

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

☒

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

☒

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

Dated

3<sup>rd</sup>

April

2023

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

Name (please print).....Jennie Odell on behalf of JD Wetherspoon plc

.....

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £50. If you wish to have more than 2 gaming machines then the fee payable is £100 by an existing operator or £150 in all other cases.

To Vary the Permit £100

To Transfer the Permit £25

**GUIDANCE NOTES: APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /  
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT  
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)**

1. This form is to be used for the NOTIFICATION of up to 2 gaming machines of categories C and / or D under Section 282 of the Gambling Act 2005, or the GRANT / VARIATION / TRANSFER of a gaming machine permit under Section 283 and Schedule 13 of the Gambling Act 2005.
2. All references to 'Premises Licence' refer to a Premises Licence under the Licensing Act 2003 authorising the sale of alcohol for consumption on the premises.
3. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. The gaming machines must be located on these licensed premises and there must be a bar for serving alcohol to customers on the premises, without the requirement that alcohol is served only with food.
6. The permit's duration is indefinite as it is linked to the Premises Licence. There is a first annual fee payable 30 days after the grant of the permit and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50.
7. Two types of gaming machines can be located in alcohol licensed premises. These are:
  - Category C: Maximum stake = 50p / Maximum prize = £25
  - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. The holder of a licensed premises gaming machine permit must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of such a code of practice please contact your local licensing officer at the council address provided.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.

**Official Use Only**

**Date of receipt: .....**

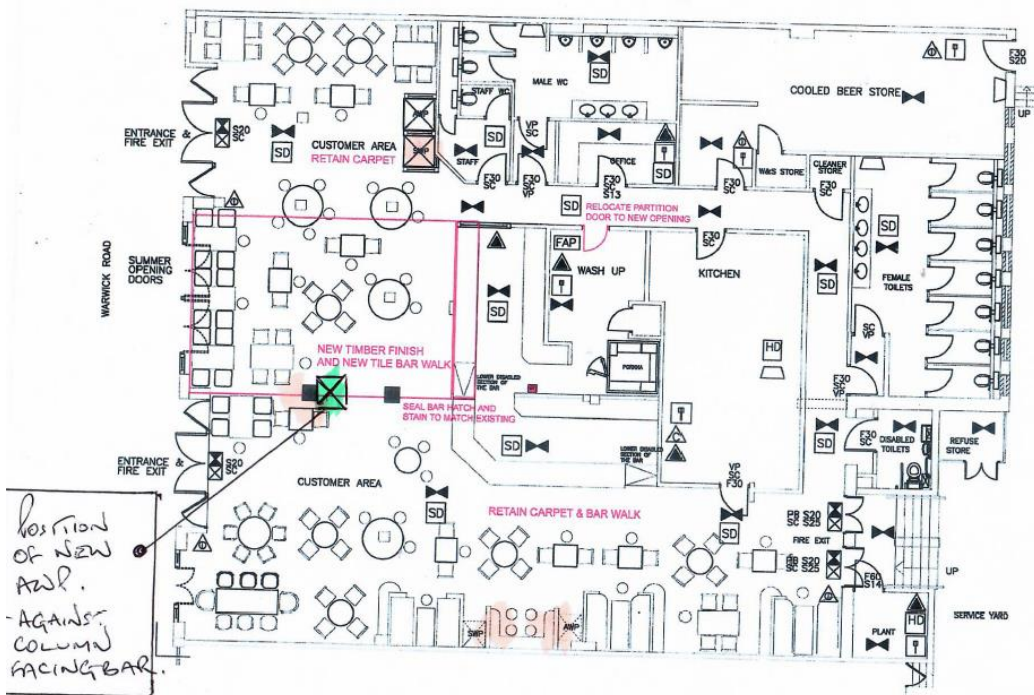
**Signature and name of staff who received: .....**

**Date of receipt of fee: .....**

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

**Application accepted / returned (please delete as appropriate)**

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



**SCHEDULE OF WORKS:**

Remove existing smoke screen partition with stained glass finish and central double doors.

Make good ceiling and replace coving where necessary.

Retain existing structural columns and make good decorations with matching dado rail and coving.

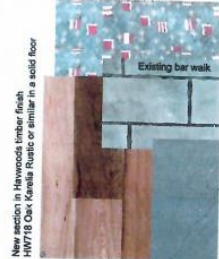
Allow for removal of carpet section and bar tiles to be replaced as indicated. Make good for installation of new timber finish and new tiled bar walk area.

Existing bar hatch to be sealed to match existing and allow for internal shelving. Full bar top and front to be stained and polished.

Allow for full height opening to glass wash and relocate existing door from partition removal. Allow for light frosting to glazed section and make good floor and walls.

Allow to relocate BT point and Cloud Wifi to back of bar area as highlighted.

Existing carpet throughout



New bar walk tiled section  
Vitra Acocks Grey Tile  
CTD 600x300mm

wetherspoon

**THE SPREAD EAGLE, ACOCKS GREEN, PN (0398)**  
**PROPOSED GROUND FLOOR PLAN - REV A**



## JD Wetherspoon PLC

### Licensed Premises Gaming Machines

#### Policy and Procedure Overview

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

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

To ensure that no persons under the age of 18 are permitted to play on our gaming machines, we abide by a Challenge 21/25 policy in all of our premises. Under this policy, all of our employees are trained to ask any customer who appears to be under the age of 21/25 years to provide valid proof of age that they are over the age of 18. When in use, Door Supervisors are also fully briefed on our policy and what is expected of them in the implementation of the same.

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

- Valid National passport (any nationality)
- Valid Photographic Drivers' Licence
- United Kingdom 'PASS' accredited age identification card with photograph.
- UK Military ID
- Valid photographic European ID
- Ireland Age Card (Republic of Ireland only)
- NI Electoral Identity Card (Northern Ireland only)

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

All employees receive induction training on our Challenge 21/25 policy when they commence employment with the Company and then receive regular refresher training. All employees complete video training, quizzes and sign a letter to confirm that they have had this training and understand their responsibilities. Records of all training is retained centrally at head office via our online training platform. Staff training records are regularly reviewed by the pub management team and members of our Retail Audit department to ensure that the training system is being satisfactorily completed.

Staff compliance with our Challenge 21/25 policy is tested by a number of means:

1. Management review of a 'refusals log' which records when and how often bar staff are recording when a sale has been refused.
2. Independent mystery visitors who are aged 18 and 19 years are sent into our pubs to test compliance with our Challenge 21/25 policy.

Our Challenge 21/25 policy is also actively promoted within the premises using self-adhesive signs at every entrance and on/around gaming machines.

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

All machines are situated in a place where their use can be supervised and in front of the bar where possible to increase visibility.

Information shall be made available to customers on how to gamble responsibly and how to access information about and find help in respect of problem gambling. The Gamcare Charity's details are made available by way of a sticker on each of the gaming machines.

JD Wetherspoon ensures that there is always a duty manager working on every shift. This means that there is always a senior member of the team on duty to assist with the monitoring and supervision of persons using the machines should customer interaction be required.

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

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

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JD Wetherspoon prides itself on provide safe, well run premises for all people to enjoy themselves in. Over our estate of over 800 pubs we spend considerable time and resources ensuring they are all well equipped with adequate and appropriate CCTV coverage.

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

All of our AWP machines are located in well supervised areas and are regularly monitored by staff and door staff.

**JD Wetherspoon PLC**  
**Updated: January 2022**

**From:** Sarah Lavender  
**Sent:** 02 June 2023 10:00  
**To:** Arvinder Layal  
**Subject:** The Spread Eagle, Acocks Green - LICENSING-ENFORCEMENT-JOB-SHEETGAMBLING-PREMISES-BLANK (4)

Hi Arvi

After much delay from the premises not confirming the proposed location of the additional machine, I am now happy with the proposed location as submitted on a plan via email and have no objections.

Kind regards

Sarah Lavender  
Licensing Enforcement Officer



## 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: 96 / 2

This licensed premises gaming machine permit authorises:

JD Wetherspoon Plc

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

The Spread Eagle, 1146 Warwick Road, Acocks Green, Birmingham, B27 6BL

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

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

Date on which this permit takes effect or is renewed:

20/07/2022

This permit is issued by:

**Birmingham City Council**

Licensing Section, P.O. Box 17831, Birmingham, B2 2HJ

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

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

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



