

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 3rd July 2019
Subject:	Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit
Premises	The Billesley, Brook Lane, Kings Heath, Birmingham, B13 0AB
Ward affected:	Brandwood and Kings Heath
Contact Officer:	Shaid Yasser, Senior Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

Officers have delegated authority to grant Permits in respect of up to 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises. This application seeks to have permission to operate 5 Category C Gaming Machines and 1 Category D Gaming Machine.

2. Recommendation:

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

3. Brief Summary of Report:

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 13th May 2019.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p>5. Relevant background/chronology of key events:</p> <p>Regal Gaming & Leisure submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 13th May 2019 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> <ul style="list-style-type: none"> a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. b. Ensuring that Gambling is conducted in a fair and open way c. Protecting Children and other vulnerable persons from being harmed or exploited by gambling.
<p>6. List of background documents:</p> <p>Application Form, Appendix 1 Birmingham City Council Licensing Enforcement confirmation, Appendix 2 Current Gaming Machine Permit, Appendix 3 Gaming Machine Categories, Appendix 4 Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <ul style="list-style-type: none"> a) Grant the application b) Refuse the application c) Grant the application in respect of; <ul style="list-style-type: none"> (i) A smaller number of machines than is specified in the application (ii) A different category of machines from that specified in the application, or (iii) both <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

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

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

Please refer to guidance notes at the back of this form before completing		ECC POLICE AND FIRE FORCEMENT LICENSING SECTION DATE RECEIVED 13 MAY 2019 £100.00 BACS												
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		REF NO INITIALS <u>AL</u>												
a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D (if you choose this option then please complete sections D and E)		<input type="checkbox"/>												
b) Apply to convert an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines) (if you choose this option then please complete sections B, D and E)		<input type="checkbox"/>												
c) Apply for a new licensed premises gaming machine permit ((if you choose this option then please complete sections B, D and E)		<input type="checkbox"/>												
d) Apply to vary an existing licensed premises gaming machine permit (if you choose this option then please complete sections B, D and E)		<input checked="" type="checkbox"/>												
e) Apply to transfer an existing licensed premises gaming machine permit (if you choose this option then please complete sections C, D and E)		<input type="checkbox"/>												
SECTION B – Application for grant (includes <u>conversion</u>, <u>new</u> and <u>variation</u> 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)														
<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th style="padding: 5px;">Category machine</th> <th style="padding: 5px;">Number currently authorised to provide</th> <th style="padding: 5px;">Number wish to provide (new or variation)</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px; text-align: center;">C</td> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px; text-align: center;">5</td> </tr> <tr> <td style="padding: 5px; text-align: center;">D</td> <td style="padding: 5px; text-align: center;">1</td> <td style="padding: 5px; text-align: center;">1</td> </tr> <tr> <td style="padding: 5px; text-align: center;">TOTAL</td> <td style="padding: 5px; text-align: center;">5</td> <td style="padding: 5px; text-align: center;">6</td> </tr> </tbody> </table>			Category machine	Number currently authorised to provide	Number wish to provide (new or variation)	C	4	5	D	1	1	TOTAL	5	6
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)												
C	4	5												
D	1	1												
TOTAL	5	6												
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)		<input type="checkbox"/>												

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

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Section C – Application for permit transfer (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)

4. Name of person requesting the transfer

.....

5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:

Requested

☐

Granted

☐

6. 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 D – General Information

7. Name of Premises..... Billesley

8. Address of Premises..... Brook Lane Kings Heath Birmingham B13 0AB

.....

9. Telephone number of Premises.....

10. Name of existing Premises Licence holder
Greene King Brewing & Retailing Ltd

.....

11. Address of Premises Licence holder (if different from 8 above)
Westgate Brewery Bury St Edmunds Suffolk IP33 1QT

.....

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

Regal Amusement Machine Sales Ltd (t/a Regal Gaming And Leisure), 139 Brookfield Place, Walton Summit Centre, Bamber Bridge, Preston, Lancashire, PR5 6BF

.....

15. Licensing Act 2003 Premises Licence Reference (i.e. number)

.....

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Section E – Fee and Signature(s)

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



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

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

Dated **9th May 2019**

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.

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):

Appendix 1 continued – applicants supporting documents

To: Birmingham Council Licensing Dept

Date: Friday 03rd May 2019

Dear **Bhapinder Nandhra**

Senior Licensing Officer

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED _____ REF NO _____ INITIALS _____
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Re: Permit Application at the Hungry Horse, New Billesley

I enclose a plan showing the proposed position of the additional Category C AWP (highlighted on the plan).

The New Billesley currently has 4 Cat C AWP's which are all made available for customer use, in keeping with the licencing objectives of the Gambling Act and the Gambling Commissions Licenced Codes and Conditions of Practice. In addition to this we are applying for this additional permit to install an additional Cat C AWP into site.

We are fully aware of our responsibilities to adequately supervise all gaming machines and to this effect we have adopted 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.
- All additional Category C & D gaming machines 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 New Billesley we have in place a think 21/ 25 policy. In terms of Cat D permit, this enables all ages to play the toy crane, with no U18 restriction, due to the nature of the machine.
- All staff are trained that if someone who appears under the age of 21 / 25 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 / 25 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.

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

Yours Sincerely

Lee Murden
Senior Machines Manager – Greene King

From: Sarah Lavender
Sent: 06 June 2019 13:57
To: Licensing
Cc: Arvinder Layal
Subject: RE: RE - GA2005 VARIATION APPN - The Billesley - Brook Lane Kings Heath
Birmingham B13 0AB

Hi Arvi,

I can confirm that I visited the premises in regards to the previous application on 26/03/19.

The addition of the Cat D children's crane machine is not an issue for Licensing Enforcement.

Kind regards

Sarah Lavender
Licensing Enforcement Officer

**Regulation and Enforcement
Licensing Section**
P.O. Box 17013
Birmingham
B6 9ES

"Locally accountable and responsive fair regulation for all achieving a safe, healthy, Clean,
green and fair trading city for residents, business and visitors"

Web address: www.birmingham.gov.uk/licensing | Twitter: [@BCCLicensing](https://twitter.com/BCCLicensing)

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: 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

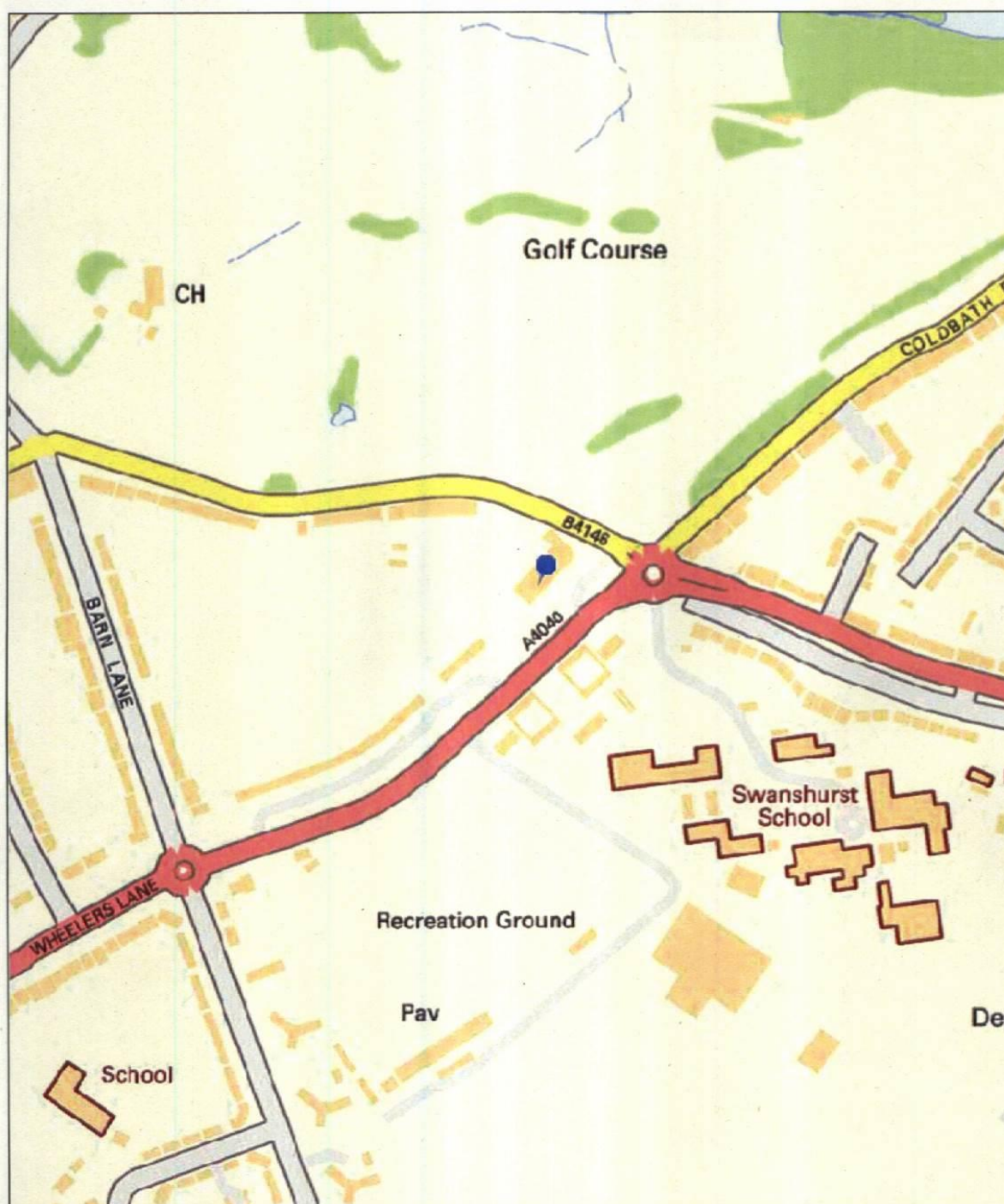
Licensing Section, Crystal Court, Aston Cross Business Village,
50 Rocky Lane, Aston, Birmingham, B6 5RQ

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



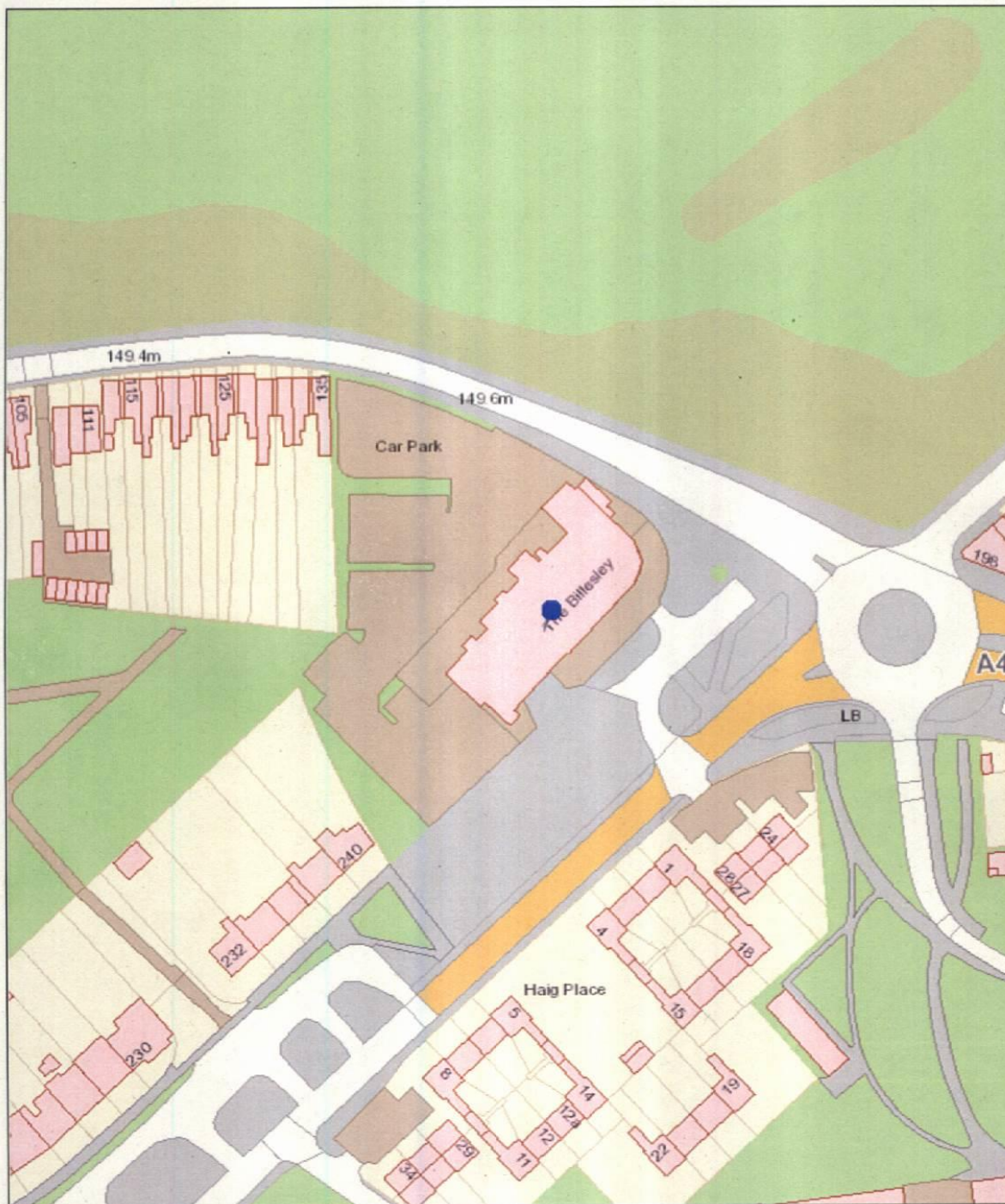
Birmingham City Council Map Created By:

Date of Map Creation: 07/05/2019

Notes

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Scale:
1:4,000



Birmingham City Council

Map Created By:

Date of Map Creation: 07/05/2019

Notes



Scale:
1:1,250

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