

**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, 22 MARCH 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 - 42**

**3 LICENSING ACT 2003 PREMISES LICENCE – GRANT THE SITE**  
**OFFICE BAR, THE BASEMENT, 32 – 34 WATER STREET,**  
**BIRMINGHAM, B3 1HL**

Report of the Acting Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 10:00am on Tuesday 22 March 2016

**43 - 56**

**4 GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES**  
**GAMING MACHINE PERMIT THE HAZELWELL, PINEAPPLE ROAD,**  
**STIRCHLEY, BIRMINGHAM, B30 2RS**

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

**57 - 70**

**5 GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES**  
**GAMING MACHINE PERMIT FOX INN, WALMLEY ROAD, SUTTON**  
**COLDFIELD, B76 1NP**

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

6     **GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES**  
**GAMING MACHINE PERMIT THE DRAGON INN, UNIT 201, ARCADIAN**  
**CENTRE, HURST STREET, BIRMINGHAM, B5 4TD**

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

7     **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.

# 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 22<sup>nd</sup> March 2016</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>The Site Office Bar, The Basement, 32 – 34 Water Street, Birmingham, B3 1HL</b>
<b>Ward affected:</b>	<b>Ladywood</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, 0121 303 9896, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on and off the premises) to operate from 10:00am until 12:01am (Sunday to Thursday) and 10:00am until 01:00am (Friday and Saturday).

To permit the provision of Regulated Entertainment consisting of live music and recorded music, to operate indoors only, from 10:00am until 12:01am (Sunday to Thursday) and 10:00am until 01:00am (Friday and Saturday).

Premises to remain open to the public from 10:00am until 12:30am (Sunday to Thursday) and 10:00am until 01:30am (Friday and Saturday).

Other dates and times as specified in the application.

### 2. Recommendation:

To consider the representations that have been made and to determine the application.

### 3. Brief Summary of Report:

An application for a Premises Licence was received on 2<sup>nd</sup> February 2016 in respect of The Site Office Bar, The Basement, 32 – 34 Water Street, Birmingham, B3 1HL.

Representations have been received from Environmental Health, as a responsible authority, and from other persons.

### 4. Compliance Issues:

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

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

**5. Relevant background/chronology of key events:**

Andrew Charles Heath applied on 2<sup>nd</sup> February 2016 for the grant of a Premises Licence for The Site Office Bar, The Basement, 32 – 34 Water Street, Birmingham, B3 1HL.

A representation has been received from Environmental Health, as a responsible authority. See Appendix 1.

Representations have been received from other persons. See Appendices 2 – 12.

The application is attached at Appendix 13.

Site Location Plans at Appendix 14.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

**6. List of background documents:**

Copy of the representations as detailed in Appendices 1 – 12

Application Form, Appendix 13

Site Location Plans, Appendix 14

**7. Options available**

To Grant the licence in accordance with the application.

To Reject the application.

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

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

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

## Appendix 1



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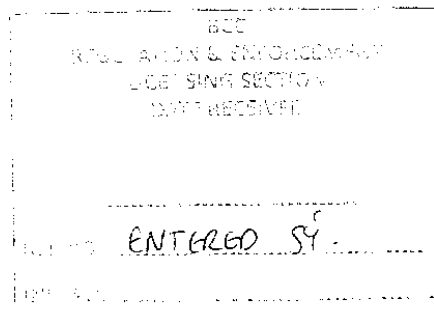
To:	Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ	Date: 29 <sup>th</sup> February 2015
From:	Paul R Samms, Environmental Protection Officer Environmental Health, 581 Tyburn Road, Birmingham, B24 9RX	
CC:		Ref:
Subject:	Application for Premises License – Licensing Act 2003 Address: Site Office Bar, 32-35 Water Street, Birmingham, B3 1HL.	

I, Paul R Samms, as a representative of Environmental Health, formally raise a representation on the above application.

My representation(s) concern the likely effect of the grant of the licence on the promotion of the following licensing objective: **the prevention of public nuisance**

I am concerned that the grant of the licence would undermine the licence objective for the prevention of public nuisance.

I am liaising with the applicant to try to seek a way to address the issue. I will be in contact with you in the week or so with further information about my representation.



SHOOSMITHS

6th Floor  
Colmore Square  
38 Colmore Circus Queensway  
Birmingham  
B4 6SH

24<sup>th</sup> February 2016

Licensing Department  
Birmingham City Council  
Licensing Section  
P.O Box 17013  
Birmingham  
B6 9ES

Sent Via Email: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

Dear Sirs,

**Premise Licence Application- Ref- 94712**

**Location- The Site Office Bar, The Basement, 32-34 Water Street, Birmingham**  
**Representation-**

We make this representation on behalf of our above named clients who reside at , The Rifle Maker, 32-34 Water Street, Birmingham- the location where this application relates.

Our client's would like this letter to be registered as a representation against the granting of the application for a premises licence.

The representation is made in relation to the following of the licensing objections:

- 1. Prevention of Public Nuisance**
- 2. Prevention of Crime and Disorder**
- 3. Public Safety**

Having consulted Birmingham City Council's Statement of Licensing Policy ["SLP"], we understand that the policy at paragraph 6.8 confirms that "the Council will approach each application on its own individual merits having regard to the representations received, the Guidance and this policy, and with the aim of properly promoting the licensing objectives, which it recognises are paramount considerations". It is the view of our client's, that the above listed licensing objectives cannot be upheld with the granting of this licence.

**The Premises:**

The premises is situated in a complex of six luxury loft apartments, four of which have been bought and are occupied. These were renovated last year and sold to buyers who were able to move into the apartments in December 2015.

T 03700 86 87 88 W [www.shoosmiths.co.uk](http://www.shoosmiths.co.uk)

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SHO0023



Certificate No. FS 31500

The complex is directly adjoined to two neighbouring residential buildings (Derwent Foundry and Viceroy House), containing 102 apartments. The area has been significantly redeveloped with a large number of buildings being converted into residential apartments, and others in the pipeline.

Contained within the application the applicant states that, "The applicant has operated the bar on a number of Temporary Event Notices in 2015 with no known complaints". Our clients have been made aware that a fellow resident had made a complaint in relation to a Temporary Event Notice ["TEN's"], which took place in October 2015. It is therefore not correct for the applicant to state otherwise.

## **1. The Prevention of Public Nuisance**

Our clients are deeply concerned at the level of prospective noise which will emanate from the basement bar, if a licence were to be granted for the premises. Not only emanating in sound, but also vibrating through the building. The building itself was built in the early 1900s and although it has been renovated to a very high standard, the exterior brick work remains the same. It is therefore not equipped with noise reduction solutions that you would expect to see if a bar were to be situated in a residential area. The applicant alludes to having installed sound proofing in the basement area, but no evidence of this has been seen, or technical assessment as to how this will actually reduce sound/vibration. Our clients have been made aware that during that operation of the TEN's, residents from the adjoining building were kept awake by the music noise and vibrations of the music base. It is our client's view, that this would be worse for them, given that they reside in the same building directly above.

It is clear from the plan that there is only one entrance to the premises. This therefore causes concerns in relation to the customers entering and leaving the premises, as this will cause additional noise levels. The customers will also be using the same one door, to go outside onto the street for smoking. The entrance door is located only approximately 5 metres from the main entrance door to the residential loft apartments, where our clients reside. This will therefore mean that there is going to be people standing around smoking at the entrance area to the apartments. This presents all kinds of issues, and causes a nuisance to the residents of the building. There are also terraces directly above the entrance door, which will mean any residents enjoying the outside area of their property, will experience an exacerbated level of noise and smoke nuisance from those outside the door way.

This area outside the entrance where people will smoke, is likely to be littered with cigarette ends from those discarding their used cigarettes, as there is no bin or facility to dispose of them. This potential littering will cause a nuisance to the residents.

Our clients have been made aware that during a series of TEN's at the premises there were issues with broken glass being left outside the entrance, when customers had been allowed to bring glasses/bottles outside with them. This is of grave concern to our clients, as not only is it a public nuisance, and danger to them and their dog, but also to guests of the residents and also members of the public using the pavement/road.

The premises does not have any customer parking. This therefore means that the customers will have to find alternative places to park. There is a small carpark opposite the premises, which is a privately owned car park for a nearby commercial premises. As this is a daytime business it is likely that customers will try to use this, as the street parking in the area is residents only. Or, they will disregard the Traffic Regulation Order and park contrary to it on the street. Either way, with no parking at the premises it is likely that customers who wish to park nearby are going to do so in a way that will cause a nuisance to residents. There is also going to be the added nuisance of taxis pulling up outside the premises, waiting with their engines running directly outside the residential building, and using horns to get attention, this causing a noise nuisance to the residents. This will take place directly below the front windows and terraces of the residential properties.

When customers leave the premises between midnight and 01:00 hours, the area is quiet. It is therefore likely that the noise of customers leaving, especially those who have consumed alcohol and will be generally louder than normal, and would cause a nuisance to those residents in the nearby proximity. The applicant alluded to putting up signs to ask customers to leave quietly. But without any supervision from door staff it is unlikely to happen.

The communal bins are located in the ground floor residential car park area of the building. There is no information as to where the bins, in particular the glass recycling bins of the premises will be kept. It is therefore a concern of our clients that the glass/bottle rubbish from the premises will be taken to the communal bin area, which will only be accessed by carrying the rubbish up the stairs and out of the main entrance, and then down to the residents' car park. The sound of emptying glass/bottle bins creates a very loud noise, which will cause a nuisance to the residents. In the operating schedule the applicant states that bins will be emptied between 10:00 and 19:00 hours. During the TEN's our clients have been made aware that this did not happen, but happened after the events had finished, in the early hours of the morning. Our clients therefore have no confidence that if this were to be made a condition of the premises licence, that this condition would be adhered to.

There is no reference in the operating schedule to how the noise levels will be managed. The applicant has applied for a licence to cover 'live music', 'recorded music' and 'the performance of dance'. There is no identifiable area marked on the plan as to where live music would be played from. There is no reference in the operating schedule to whether or not any sound reduction equipment would be used. There are severe concerns in relation to the nuisance that the playing of music in any form would cause to the residents.

Our clients are concerned about the hours which have been applied for within the application. This is a heavily populated residential area, and to have a premises of this nature open on weekdays until midnight and on Fridays/Saturday until 01:00am would cause a severe public nuisance. The residents of this building cannot be expected to be disturbed on a week night until midnight, when they are likely to be trying to sleep, and going to work in the morning. The residents have a right to a private life (Article 8 - ECHR) and allowing such lengthy opening times, would prevent them from exercising this right.

## **2. The Prevention of Crime and Disorder**

There is no indication on the applicants plan as to where the CCTV cameras will be positioned within the premises that they are going to install. Our clients would accept the presence of CCTV does act as a deterrent for crime and disorder but does not prevent it. There is no mention in the application of there being any SIA door staff at the premises. This would therefore leave the premises and staff vulnerable if any incidents were to occur within the premises. Although the layout of the premises is not clear, and the location of the bar is not defined on the plan, what is clear, is that there are walls within the small area, and therefore there will be areas that are not visible from the bar area. If there are no SIA door staff monitoring the customers, then this will leave the areas vulnerable to crime and disorder, not only inside the premises but outside also. It will also make it more difficult to manage who is allowed entry to the premises and the refusal of service to anyone. Customers will have already come down the stairs into the bar and be in the premises, before an assessment by bar staff would take place as to whether they are going to be served.

There is also no mention in the application as to what the ratio of staff to customers will be, given that the application does not indicate any SIA door staff are going to be employed, if an incident were to occur, given that there is only one entrance and exit, the bar staff and other customers would be left vulnerable.

During the TEN's it was witnessed by residents, that there were people using the car park opposite the premises to take drugs. This causes our clients grave concern, as not only may the customers be intoxicated from purchasing alcohol from the premises, but they may be under the influence of other illicit substances.



### **3. Public Safety**

Given that the entrance to the premises is in such close proximity to the entrance of the residential building, our clients are concerned that there will be groups of people hanging around outside late at night, in the dark by the entrance, using the area to stand and smoke. This would be very intimidating to residents who are coming back to their residential apartments. Given the quiet area, it would also make them vulnerable especially if they were alone.

Our clients have concerns as to the layout of the premises in relation to their only being one stair case in and out. Given that there are no other exits from windows etc. identified on the plan, our clients would consider this a fire risk.

The application suggests that there will be a capacity of 60 people. There is nothing to evidence in the application that this figure was given by the Fire Authority and whether a fire risk assessment has been conducted. Furthermore, there is also no ventilation shown on the plan, which causes an additional public safety risk.

Due to there being no SIA door staff at the entrance, monitoring of the capacity count will fall to the bar staff. Our clients would suggest that this is unfeasible for them to be monitoring the capacity, whilst carrying out their role behind the bar. They will also not know at any one time who is outside smoking.

#### **Additional Points to Consider:**

The "SLP" that Birmingham City Council has adopted, at paragraph 6.13 states, "Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission, or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and schemes". We would seek clarification as to whether these discussions have taken place and what was the outcome of those discussions? Our clients raise the point that if there is no planning permission for such a premises to exist in this building, why does the premises need a licence as it is inoperable?

Our clients are deeply troubled and concerned by the application that has been made. The premises is in an area which is predominantly residential buildings, and is directly below residential apartments of which our clients reside. It is clear from the area that this venue will be a 'destination venue' which will cause additional footfall and people to come to the area, given that there are no other premises of this nature in the direct area. Contained in the "SLP" at paragraph 20.3.1 is a suggestion that 'the Council may consider the direct impact of a premises licence or club premises certificate, on those persons living or working in the area concerned'. Our clients would encourage you to seriously consider the residents living above and in close proximity to this premises.

It is the view of our clients that the premises would not be able to promote the licensing objectives for the reasons identified above, and as such feel that the licensing subcommittee should refuse the grant of the licence.

Yours faithfully,



Shoosmiths LLP

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**From:** n>  
**Sent:** 09 February 2016 15:35  
**To:** Licensing  
**Subject:** 32 water st

It has come to my attention that an application for a premise licence at 32 water street (rifle makers development) for a bar/nightclub in the basement of the property.

There have been previous events held here and caused significant noise disturbance and complaints have been filed with the council. The main disturbances have been the bass of the music thudding throughout the building and neighbouring building, taxis/engines running in water street, crowds in water street smoking shouting outside the premises, being anti social and littering outside the premises which could lead to environmental issues.

I'm very unaware why this development is allowed to go ahead next to an exclusive development where it could have an impact of desirability of the apartments in the area not to mention negative short term effect.

I would like to object to the above address to hold a licence.

Yours faithfully

Address: Derwent Foundry, Mary Ann Street, Birmingham B3

Entered

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**From:**  
**Sent:** 12 February 2016 15:47  
**To:** Licensing  
**Cc:**  
**Subject:** RE: Licensing Act 2003 (Grant) RE: The Site Office Bar.

Thank you for your email.

I would therefore like to make a formal representation on application number 94712, under the Licensing Act 2003. Please take this email as my formal representation.

This representation falls under 2 of the licensing objectives;

- 1) The prevention of crime and disorder; and,
- 3) The prevention of public nuisance.

I purchased an apartment in the Derwent Foundry Development last year and have lived in this property since May 2015. My apartment faces out onto Water Street - all of my windows (bedrooms and living room etc) open out onto Water Street and my balcony overlooks Water Street. My apartment is also adjacent to the Rifle Maker development (in which The Site Office resides in its basement).

I filed a complaint in October 2015 to Birmingham City Council in relation to The Site Office, when it was operating as a temporary events bar. The reason for my complaint was as follows;

- the bass of the music thudding throughout the building, keeping residents awake all night
- people shouting/arguing in the street when outside smoking in the middle of the night
- people smashing glasses outside in the street
- people actively taking drugs across the road from the bar
- increased number of taxis in the street, along with engines running for long periods of time and horns being beeped
- more shouting in the street as people leave the bar
- the noise of the bar staff clearing out the bar and emptying all glass bottles into the builders skip - again in the early hours of the morning.

As you will appreciate from the above, this has clearly caused a public nuisance to all of the residents that live on Water Street, which comprises 3 developments in very close proximity to The Site Office Bar (Rifle Maker, Derwent Foundry and Viceroy House). Not only has this caused a nuisance with the noise, it is a breeding ground for crime and disorder, evidenced by the shouting and arguments occurring in the street, bottles being smashed and drugs being taken.

We were told by the developer of Rifle Maker that The Site Office would no longer continue to operate as a bar following the redevelopment of the Rifle Maker into luxury apartments. We are therefore deeply troubled to have seen this licence application.

We strongly object to any bar or nightclub being opened in this development. Not only will this have an adverse short term effect on us, all of the residents and the area in which we live (with all of the problems listed above) but it will also have a long term impact on the desirability of the apartments in this area.

Water Street is becoming increasingly residential and we have already experienced several problems with The Tunnel Club (complaints have been filed to the council and our contact is Gerg Jambor). The Site Office will only exacerbate noise problems even further.

I trust the above is sufficient detail on why I am making this representation, however, should you require any further information please let me know.

I am on holiday from Wednesday 17th February returning 3rd March. As representations must be made by 1st March, if you require any further information from me, please contact me before Wednesday 17th February

Kind regards

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**From:**  
**Sent:** 26 February 2016 23:51  
**To:** Licensing  
**Subject:** Re: Licensing Act 2003 (Grant) RE: The Site Office Bar, The Basement, 32-34 Water Street, Birmingham, B3 1HL

Hello

We have seen a copy of the representation that has been drafted by Shoosmiths LLP on behalf of our neighbours dated 25<sup>th</sup> February 2016.

We would like to emphasise our representation is in line with those comments, and concur with the points made within that representation, and support it fully.

We therefore confirm that we do not believe the licensing objectives, in particular, the prevention of public nuisance, the prevention of crime and disorder and public safety, will be upheld for the reasons identified within that letter.

Regards

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**From:**  
**Sent:** 22 February 2016 16:47  
**To:** Licensing  
**Subject:** Objection to Licence No.. 8860 Application No. 94712, 'The Site Office Bar'.

I am writing as a resident to object to the granting of a license for the supply of alcohol and the provision of entertainment in the basement of Rifle Maker building, Water Street, Birmingham.

The licensing laws refer to the principle of natural justice, the right to be heard and the avoidance of bias. I would strongly argue that in this context residents face a very raw deal if a license is granted.

Specifically re Rifle Maker, this property houses six of Birmingham's most expensive apartments. The development as it stands can rightly claim to be an excellent example of urban regeneration, something that both Birmingham Council and the Jewellery Quarter Development Trust are keen to promote.

Adding a bar/club with a very late, 7-day license and **no provision for smokers** guarantees that residents will suffer noise, nuisance and litter well into the night, most nights of the week. There is already ample evidence of this from other nearby premises granted similar licenses.

The Tunnel Club has a license to sell alcohol 24-hours a day and also has no proper provision for smokers . When the club is open, smokers congregate on the street in an illegally constructed area, sometimes until 7am in the morning. This venue is within 50 yards of Rifle Maker and is already a source of stress to residents. ('public nuisance')

At the opposite end of Water Street, the Actress and Bishop has a 4am licence at weekends and 2am the rest of the week.

There simply has to be a balance. The JQ is not short of pubs, restaurants and clubs. Just putting signs up around St Paul's Square saying 'Quiet - residents area' is a futile gesture. If a license is granted at Rifle Maker this will be another example of businesses being given priority over residents. And this will be to the ultimate detriment of Birmingham, the JQ and the numerous hostelrys seeking greater local footfall as fewer people choose to live in such an anti-social environment.

Returning to the 'natural justice' theme, Birmingham City Council has to respect the rights of residents from whom it receives high rate band council tax. A decision to grant a license at Rifle Maker would negatively impact residential values there and the quality of life of those same council tax payers. Technically, my objection falls under the condition 'prevention of public nuisance'.

Rifle Maker, 32-34, Water Street, Birmingham, B3

Entered  
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**From:**  
**Sent:** 22 February 2016 20:24  
**To:** Licensing  
**Subject:** Objection to Licence at 32 Water Street, Birmingham, B3

To The Licensing Authority  
Birmingham City Council  
Ashted Lock  
Building 1-3, Ground Floor  
Birmingham Science Park Aston  
Dartmouth Middleway, Aston  
Birmingham  
B7 4AZ

22nd February 2016

To whom it may concern,

I live next door to 32 Water Street (Rifle Maker development) and have seen that an application for a Premises Licence is being made for a bar/nightclub in the basement of the property; supplying alcohol and providing entertainment up until 12am Sunday to Thursday and until 1am on a Saturday.

This is something that I would like to object to in the strongest possible terms.

First of all I am extremely disappointed that I was only informed of this after a neighbour noticed the application in the window, so we could have missed out on our opportunity to object and raise concerns. This is especially disappointing as I have previously raised on a number of occasions concerns regarding the lock in events that were taking place in the basement at 32 Water Street due to the noise, disturbances and litter caused. I was advised that this was only going to be a short term issue and would cease once the flats had been completed.

So I know myself and other residents have already over the past year put up with a number of issues and disturbances caused by events next door on the assurance that this was only a short term problem.

Therefore I feel strongly that if this licence was to be granted, then I and the neighbourhood would suffer from noise, disturbance, and anti-social behaviour.

I am also extremely concerned with the proximity of the proposed bar and in particular the entrance, as my flat is situated above what has been used as the main entrance (see below). So this has caused real issues in terms of noise, loud music and smoke from when people have been congregating outside until early hours of the morning. This has meant we have had to keep our windows closed and if a bar was to open every night of the week we will clearly be impacted.



Due to these issues I don't believe that the applicant can fulfil/comply with the licencing objectives - 1. The prevention of crime and disorder or 3. Prevention of public nuisance.

I would also like to point out that we already have issues with noise and anti-social behaviour from the two bars (Stirlings and The Tunnel Club) at either end of Water Street, adding an additional bar will just exasperate these issues.

Please if you require any further information let me know.

Kind Regards

Entered  
BN

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**From:**  
**Sent:** 24 February 2016 02:33  
**To:** Licensing  
**Subject:** Application Number 94712

Re. License Number 8860  
Application Number 94712  
The Site Office Bar

We would like to lodge an objection to this application on the grounds of causing public nuisance.  
Noise from smokers on the street outside the premises the main concern.

Best regards,

Viceroy House  
Water Street



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**From:**  
**Sent:** 24 February 2016 20:12  
**To:** Licensing  
**Cc:**  
**Subject:** Objection to alcohol licence application

Viceroy House  
65 Water Street  
Birmingham  
B3

**REF. Licence number 8860. Application number 94712. The Site Office Bar, Basement, 32-34 Water Street, Birmingham.**

Dear Sir/Madam

We are writing to object to the above alcohol licence application in the strongest possible terms.

Having tolerated the noise disturbances from large groups of drinkers congregating and smoking outside 32-34 Water Street over the last 18 months, at what we understood to be a temporary bar that would cease to exist once the above 'high-end' flats were occupied, we are not satisfied to see the bar/club become a permanent fixture on Water Street.

In addition to the aforementioned shortcoming that the licence applicant has no adequate provision for smokers, we wish to raise concerns over the noise associated with the sorting and collecting of refuse material like glass bottles being tipped into recycling bins that will seriously jeopardise the peace and quiet that local residents are entitled to. These tasks which are often carried out at 'closing time' will see anti-social noise disturbances beyond midnight Sunday to Thursday and even later on Fridays and Saturdays.

The area will undoubtedly also see a marked increase in noisy diesel taxis at all times of the day and particularly late at night on what is currently a quiet residential road with no other licensed premises on our stretch of Water Street. The drivers of these vehicles often have no regard for local residents, sound horns and are likely to park inconsiderately causing noise problems and access problems to our garages which border the street almost directly opposite the proposed bar. The passengers can often be noisy and inconsiderate also and the wider issue of parking for the patrons of the bar has also not been addressed and will lead to nuisance from carelessly, illegally and inconsiderately parked vehicles on the surrounding yellow lines and residents parking areas.

Furthermore, the street litter associated with such venues quickly turn the street into a rubbish dump. There are already often glass bottles and glasses smashed on the road and pavement, cigarette ends and polystyrene food containers and food - adding to the area's rodent problems. This litter problem is only going to get worse with the granting of this licence and Birmingham City Council have demonstrated already that they have little resources to deal with the clean up effectively as it is now. The refuse containers from the Cucina Rustica restaurant and Sterling bar on Ludgate Hill are already an eyesore and the area cannot tolerate any further destruction of the street scene and associated nuisance.

We trust that you understand our concerns and will not grant an alcohol licence to this venue and applicant.

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54.

**From:**  
**Sent:** 28 February 2016 22:00  
**To:** Licensing  
**Cc:**  
**Subject:** Premise Licence Application number 94712

Dear Licensing Department

We have seen a copy of the representation that has been drafted by Shoosmiths LLP on behalf of our neighbours, dated 25<sup>th</sup> February 2016. We would like to make a representation in line with those comments, and concur with the points made within that representation, and support it fully. We therefore confirm that we too would like to make a formal representation, and do not believe the licensing objectives, in particular, the prevention of public nuisance, the prevention of crime and disorder and public safety, will be upheld for the reasons identified within that letter.

We make the following statement in light of recent personal experience:

We purchased and moved into our apartment in the Rifle Maker Building on Friday 18th December 2015. It was apparent that an event was taking place in the basement of the building; noticeable from the music, loud voices and groups of people smoking outside the basement entrance to the property. I was approached by an employee of the Developer around 01.00am 19th December 2015 informing me that the event would be ending soon and that this was the last time these events would be held. The activities did not end for some time afterwards, when inside our new flat we clearly heard the music from the basement and the voices of people in the street were audible.

As you will appreciate from our experience on our first evening in our new property, this has clearly caused a nuisance to us and potentially to other residents that live in the three developments in very close proximity to this potential venue, Rifle Maker, Derwent Foundry and Viceroy House.

To restate, we were informed by an employee of the Developer of the Rifle Maker, that this basement area would no longer continue to operate as a licensed venue following the moving in of all the purchasers. We are, therefore, deeply concerned to have seen this licence application as our terrace is situated directly above the entrance of the basement subject to the application.

In summary, we strongly object to any bar or nightclub being opened in this development on the grounds of, prevention of public nuisance, prevention of crime and disorder and public safety. As, with the problems identified, it will have an adverse effect on us, other residents, the area in which we live and the potential long term impact on the apartments in this rapidly developing residential area.

Kind regards,

ENTGRED  
SY.

---

**From:**  
**Sent:** 29 February 2016 14:44  
**To:** Licensing  
**Subject:** LICENCE NUMBER 8860, APPLICATION NUMBER 94712 - THE SITE OFFICE BAR

To the Licensing Authority

**RE: LICENCE NUMBER 8860, APPLICATION NUMBER 94712**

**THE SITE OFFICE BAR**

Please accept this letter/e-mail as an **objection** to the application by Andrew Charles Heath for a New Grant of a Premises Licence For: The Site Office Bar, The Basement, 32-34 Water Street, Birmingham B3 1HL.

Residing and owning a property at 65 Water Street for the past two years, we have within this time experienced disturbances from the above mentioned address when it had a temporary licence. When the venue was open there was additional noise experienced from individuals shouting in the street whilst smoking and from individuals leaving the premises and loitering in the street, with some stopping to place glasses on our window sill which is at street level. On a separate occasion we experienced some aggravation when trying to drive along the street to park our car, as individuals who were standing outside the temporary bar felt it was their right to stand/walk in the street and not let us pass. Additionally we can only imagine that there will be an increase in traffic/taxis in the street if this site is granted permission to operate.

As owners of a property in Water Street we have invested in this area and only feel it is our right to be allowed to enjoy our home in peace without unnecessary disturbance.

St Paul's Square and the surrounding areas have a wealth of bars, restaurants and clubs to offer, hence we do not see the need for an all-day bar/club (bearing in mind that the intention is to sell alcohol from the premises from 10:00am daily including weekends) at this site.

Yours sincerely

Viceroy House, 65 Water Street, Birmingham B3

ENTERED  
59.

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**From:** . . .  
**Sent:** 28 February 2016 15:26  
**To:** Licensing  
**Subject:** Objection to Licence No.. 8860 Application No. 94712, 'The Site Office Bar'.

Dear Sir or Madam,

I am writing to object to the application for a licence for The Site Office Bar, The Basement, 32 - 34 Water Street, Birmingham B3 . I live in . . . , Viceroy House, Water Street, Birmingham B3 1HA which is directly opposite the proposed bar. This area is now predominantly residential and the granting of a licence for supply of alcohol on and off the premises and provision of entertainment will cause considerable distress to local residents. I object to this application on the basis it will cause public nuisance:

- a) There is no allocated smoking area for this bar which means that smokers will stand outside on the pavement causing noise and litter.
- b) If a licence is granted for music/dancing no matter how well soundproofed the building is, noise will affect local residents when the doors open for people to go in and out of the bar. The constant comings and goings of visitors/smokers means that the statement that doors are kept shut at all times is completely unworkable.
- c) There must already be problems with noise around the St. Paul's Square bars as notices have been put on lampposts asking people to be considerate when leaving bars/restaurants late at night. We all know that this is a futile request when people have consumed alcohol. People will also be picked up outside by taxis so there will be banging of car doors until late at night.
- d) Granting a late night licence for seven days a week means that there is no respite whatsoever from noise. How can people be expected to sleep, especially during the summer months when windows are open, if there is constant late night noise? Most residents will work 9 - 5 hours during the week but will be disturbed until well past midnight. They will probably be lucky to get 6 hours sleep before setting off to work the next day.
- e) Any premises that has a licence for late night drinking will experience problems with inebriated customers no matter how well trained the staff. I am sure these people will be asked to leave the premises so will spill onto the pavement where they may vomit, cause noise and start fights. Having CCTV cameras doesn't stop this behaviour it only monitors it!

I appreciate that this is an urban area but I believe the council have a duty to all residents who pay considerable amounts of council tax to ensure that they can live with a reasonable degree of security and peace. If a licence is granted the only option for residents is to complain to the police every time there is an incidence of noise/disruption.

Viceroy House, Water Street, B3 1HA

## Appendix 12

ENTERED  
SF.

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**From:**  
**Sent:** 27 February 2016 23:56  
**To:** Licensing  
**Subject:** Premise Licence Application- Ref- 94712

Dear Sirs,

Premise Licence Application: Ref- 94712

Location: The Site Office Bar, The Basement, 32-34 Water Street, Birmingham

I would like this email to be registered as a representation against the granting of the application for a premises licence. As you may note from my address below I am a resident of the location where this application relates.

I have seen a copy of the representation that has been drafted by Shoosmiths LLP on behalf of my neighbours, dated 25th February 2016. I would like to make a representation in line with those comments, and concur with the points made within that representation, and support it fully. I therefore confirm that I too would like to make a formal representation, and do not believe the licensing objectives, in particular, the prevention of public nuisance, the prevention of crime and disorder and public safety, will be upheld for the reasons identified within that letter.

King Regards,

Rifle Maker Building  
32 - 35 Water Street  
Birmingham

App ref: 94712

Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

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

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

1 **ANDREW CHARLES HEATH**

(insert name(s) of applicant)

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

## Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <b>THE SITE OFFICE BAR</b> <b>The Basement, 32-34 Water Street</b>		BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED <b>02 FEB 2016</b> REF NO <b>£100 c/c payment</b> INITIALS <b>received via telephone</b> Postcode <b>B3 1HL</b> <b>60009458/</b> <b>600023</b>	
Post town	<b>Birmingham</b>		
Telephone number at premises (if any)			
Non-domestic rateable value of premises		<b>No current assessment</b>	

## Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

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

Please tick yes

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

I am making the application pursuant to a

statutory function or ☐

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

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

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>HEATH</b>			First names <b>Andrew Charles</b>		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		<b>The Compound 80 Water Street</b>			
Post town	<b>Birmingham</b>			Postcode	<b>B3 1HL</b>
Daytime contact telephone number			<b>007967-247458</b>		
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)



### Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY  
1 1 03 2016

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

DD MM YYYY  
1 1 1 1 1 1 1 1

**Please give a general description of the premises** (please read guidance note 1)  
 The application is for a small basement unit. The unit is located in the basement of 32-34 Water Street. Built of brick the unit has been tastefully constructed & will be refurbished to a high standard. Capacity limited to 60 persons.  
 The bar is housed in a 3 storey building with exclusive residential apartments newly constructed. The landlord of the basement & building has ensured that sound proofing has been installed to minimise any noise emanating from the bar.  
 The applicant is looking to create an exclusive up market bar,  
 The premise comprises of a small bar serverly, store room, toilet facilities, and fixed & lose wooden seating with tables.  
 The applicant is in the process of acquiring planning consent for the premises to operate as a bar.  
 The applicant has operated the bar on a number of Temporary Events Notices in 2015 with no known complaints.

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

☐
☐
☐
☐
☒
☒
☐
☐
☐

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

☒

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

In all cases complete boxes K, L and M  
A

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

**B**

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

C

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

**D**

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon	10:00hrs	00:01hrs	<b>Please give further details here</b> (please read guidance note 3)		
Tue	10:00hrs	00:01hrs			
Wed	10:00hrs	00:01hrs	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	10:00hrs	00:01hrs			
Fri	10:00hrs	01:00hrs	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) New Year's Eve through to 01.00hrs New Year's Day		
Sat	10:00hrs	01:00hrs			
Sun	10:00hrs	00:01hrs			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)	
Mon	10:00hrs	00:01hrs		
Tue	10:00hrs	00:01hrs		
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)	
Wed	10:00hrs	00:01hrs		
Thur	10:00hrs	00:01hrs		
			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) New Year's Eve through to 01.00hrs New Year's Day	
Fri	10:00hrs	01:00hrs		
Sat	10:00hrs	01:00hrs		
Sun	10:00hrs	00:01hrs		

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors <input checked="checked" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	10:00hrs	00:01hrs			
Tue	10:00hrs	00:01hrs			
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed	10:00hrs	00:01hrs			
Thur	10:00hrs	00:01hrs			
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) New Year's Eve through to 01.00hrs New Year's Day		
Fri	10:00hrs	01:00hrs			
Sat	10:00hrs	01:00hrs			
Sun	10:00hrs	00:01hrs			



**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10:00hrs	00:01hrs		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00hrs	00:01hrs	<b>Please give further details here</b> (please read guidance note 3)		
Wed	10:00hrs	00:01hrs			
Thur	10:00hrs	00:01hrs	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri	10:00hrs	01:00hrs			
Sat	10:00hrs	01:00hrs	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5) New Year's Eve through to 01.00hrs New Year's Day		
Sun	10:00hrs	00:01hrs			

I

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

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)		On the premises <input type="checkbox"/>
					Off the premises <input type="checkbox"/>
					Both <input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Mon	10:00hrs	00:01hrs			
Tue	10:00hrs	00:01hrs			
Wed	10:00hrs	00:01hrs			
Thur	10:00hrs	00:01hrs			
Fri	10:00hrs	01:00hrs			
Sat	10:00hrs	01:00hrs			
Sun	10:00hrs	00:01hrs			
			<b><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
			New Year's Eve through to 01.00hrs New Years Day		

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

Name <b>Andrew Charles HEATH</b>	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

**Non**

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00hrs	00:30hrs	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b></p> <p>New Year's Eve through to 01.30hrs New Year's Day</p>
Tue	10:00hrs	00:30hrs	
Wed	10:00hrs	00:30hrs	
Thur	10:00hrs	00:30hrs	
Fri	10:00hrs	01:30hrs	
Sat	10:00hrs	01:30hrs	
Sun	10:00hrs	00:30hrs	

## M

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

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

- Management will ensure all staff receive adequate training on a regular basis, relating to the four licensing objectives, general licensing regulations/Conditions including Fire regulations.
- Documented staff training will be given regarding the retail sale of alcohol and the prevention of underage sales.

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

- Customers will not be permitted to carry open bottles or glasses beyond the licensed area.
- A CCTV system shall be installed, maintained and operated at the Premises. The CCTV cameras and recording equipment must be of sufficient quality to work in normal lighting levels inside the Premises at all times. CCTV footage will be stored for a minimum of 31 days and provided to the Police upon request.
- The premises will maintain an incident book and refusals register, both of which can be inspected by any member of a responsible authority at any time.
- Staff will be given on-going training including identification of anti-social or unusual behaviour

**c) Public safety**

- Adequate Lighting will be provided in all public areas and outside
- Management will ensure that the external areas of the premises are monitored to prevent any anti-social behaviour, public nuisance and ensure litter caused by the premises is kept to a minimum.
- Electric, gas and relevant equipment are to be checked and maintained in working order and tested Annually.

**d) The prevention of public nuisance**

- Noise reduction measures to address the public nuisance objective, including:
  - Soundproofing of the premises.
  - Doors to be kept shut at all times
  - No drinks outside,
  - Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
- Staff will also ensure customers are reminded they are close to residential units when leaving, and request the customers respect that.
- Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- No bins or rubbish to be kept outside, and bottles to be stored in recycling bin after 10am and before 7pm only. This will help to reduce the levels of noise produced by the premises.

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

- To adopt the "Challenge 25" age policy
- Management will ensure all employees are fully trained and aware of the challenge 25 rule.
- There will be a provision of sufficient staff to protect children from harm with training on appropriate behaviour.
- The premises licence holder shall ensure that staff are fully conversant with the legal prohibitions in relation to the sale of alcohol to under 18s

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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

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

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

Signature	Carl Moore
Date	Monday 1 <sup>st</sup> February 2016
Capacity	Authorised Agent, C.N.A. Risk Management Ltd

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

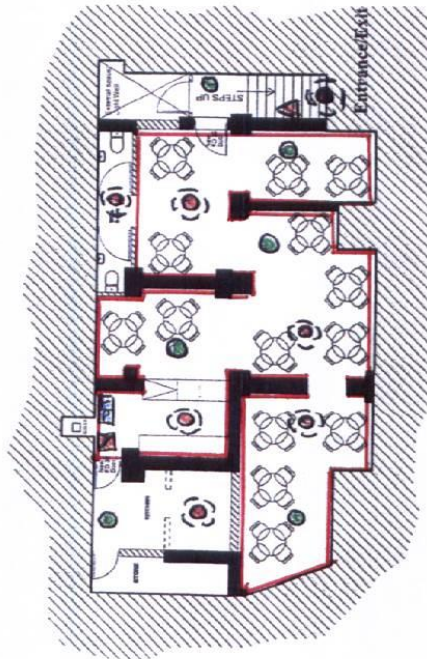
Signature	
Date	
Capacity	

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

**Carl Moore  
C.N.A. Risk Management Ltd  
P.O.Box 13293  
Great Barr**

Post town	Birmingham	Postcode	B42 9BP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Within Red Line shows licensed area



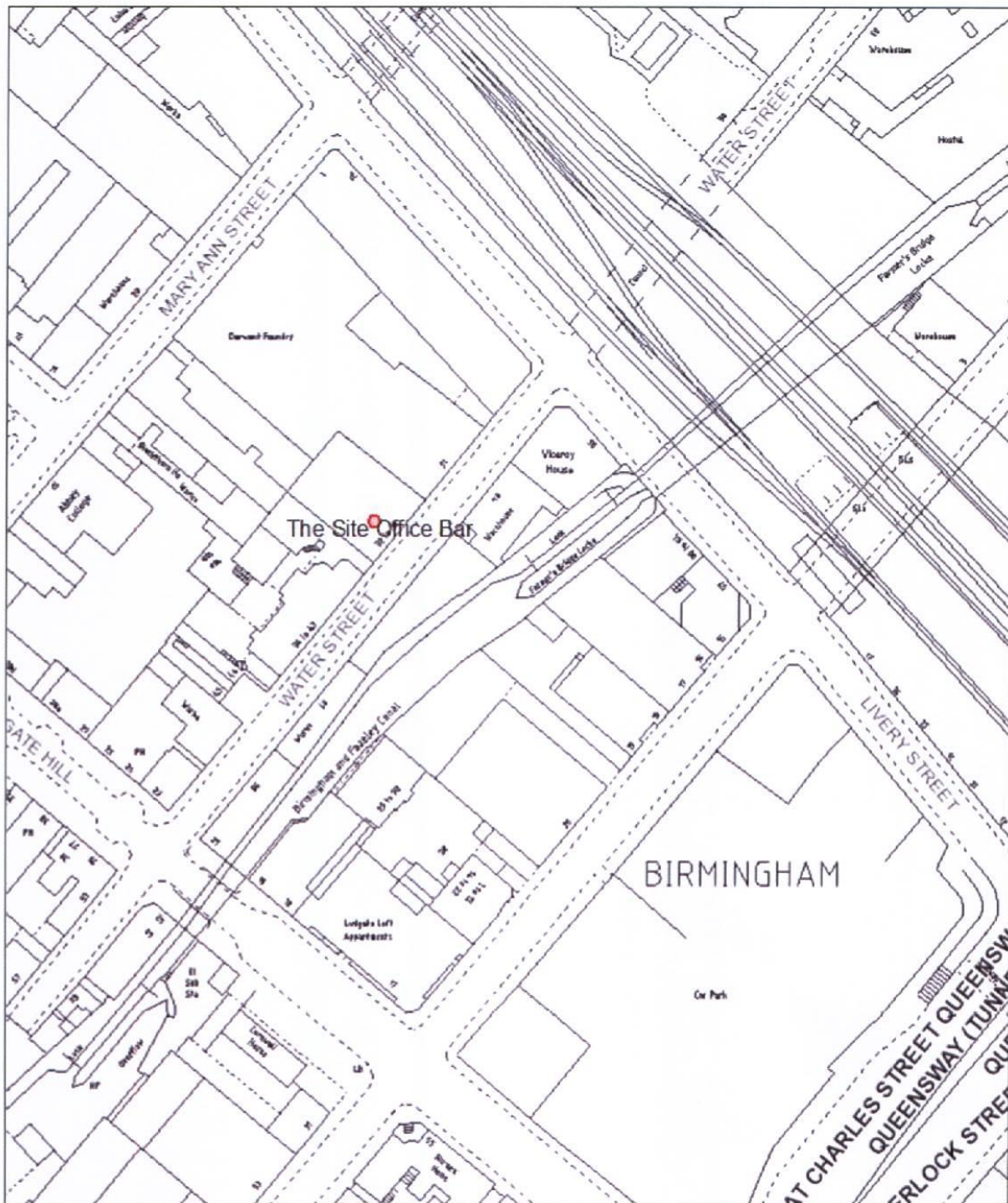
# Fire Equipment

-  = Fire Panel
-  = Call Point
-  = Booster
-  = Smoke Detector
-  = Smoke C/W Sounder Beacon

The Site Office  
Basement, 32-34 Water Street,  
Birmingham

Application for the Grant of a  
New Premises License at the  
above address

license	2017-1024	revision	A
date	11/08/2016	date	21/01/2016
drawn by	PH	checked by	



**Birmingham City Council**

Map Created By:

Date of Map Creation: 04/03/2016

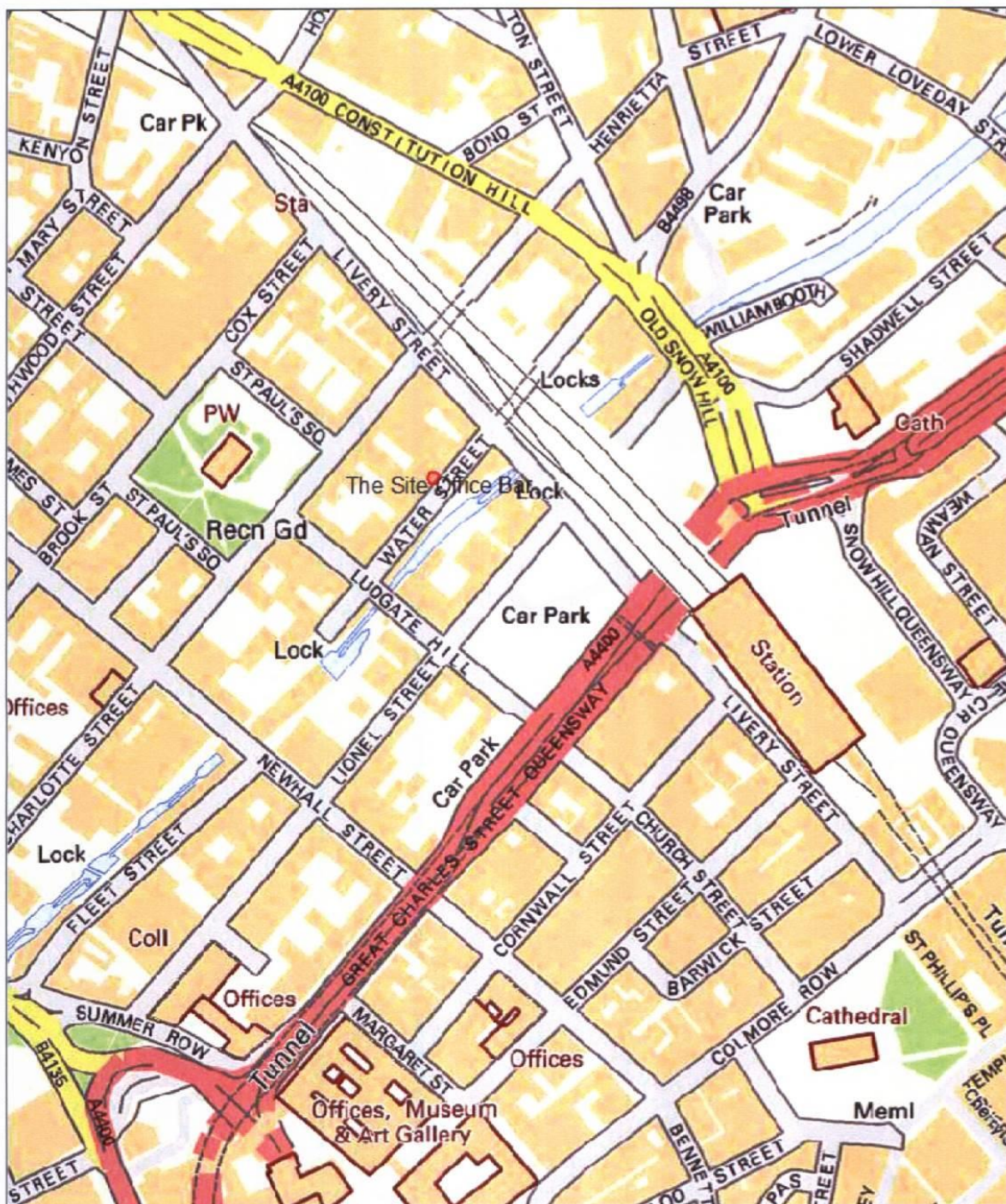
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<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 22<sup>nd</sup> March 2016</b>
<b>Subject:</b>	<b>Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>The Hazelwell, Pineapple Road, Stirchley, Birmingham, B30 2RS</b>
<b>Ward affected:</b>	<b>Bournville</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 4 Category C Gaming Machines and 1 Category D Machine.

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

<b>3. Brief Summary of Report:</b>
An application for the variation of a Licensed Premises Gaming Machine Permit was received on 8 <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>Mitchells &amp; Butlers Leisure Retail Limited submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 8<sup>th</sup> February 2016 for The Hazelwell, Pineapple Road, Stirchley, Birmingham, B30 2RS.</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 11<sup>th</sup> February 2016, and confirmed that they have no objections to this application. Their report is attached at Appendix 2.</p> <p>A copy of the current Gaming Machine Permit issued under the Gambling Act 2005, is attached at Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Locations Plan 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>
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<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> <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:  
VARIATION  
(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, 50 Rocky Lane  
Aston  
Birmingham  
B6 5RQ



**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 or D  
(if you choose this option then please complete sections D and E) ☐

BCC  
REGULATION & ENFORCEMENT  
LICENSING SECTION  
DATE RECEIVED

08 FEB 2015

REF NO

117361 E100 City

INITIALS

b) Apply for a **new** licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☐

c) Apply to **vary** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☒

d) Apply to **transfer** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections C, D and E) ☐

NB: Please ensure that all relevant parts of the form are fully completed

**SECTION B – Application for Grant (includes 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	3	4
D	1	1
Total	4	5

3. If you are currently authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided (if it is lost/stolen you must report it to the police and apply to the Licensing Authority for a copy licence).

Existing permit provided\*

(please state the reason if 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:  
VARIATION**

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

<p><b>Section C – Application for permit transfer</b> (i.e. where a transfer application has been made for the Licensing Act 2003 premises licence)</p> <p>4. Name of proposed transferee of Gaming Machine Permit .....</p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <p align="right">Applied for <input type="checkbox"/></p> <p align="right">Granted <input type="checkbox"/></p> <p>6. Please provide the existing Gaming Machine permit, or provide reasons stating why it cannot be provided (if it is lost/stolen you must report it to the police and apply to the Licensing Authority for a copy licence). Existing permit provided <input type="checkbox"/></p> <p>(please state the reason if existing permit cannot be provided) .....</p>	
<p><b>Section D – General Information</b></p> <p>7. Name of Premises.....Hazelwell .....</p> <p>8. Address of Premises Pineapple Road, Stirchley, Birmingham, B30 2RS</p> <p>9. Telephone number of Premises..... ..</p> <p>10. Name of existing Premises Licence holder ..... Mitchells &amp; Butlers Leisure Retail Limited.....</p> <p>11. Address of Premises Licence holder (if different from 8 above) 27 Fleet Street, Birmingham, B3 1JP</p> <p>12. Telephone number (daytime) of Premises Licence holder .....</p> <p>13. E-mail address of Premises Licence holder (where available) .....</p> <p>14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant Poppleston Allen Solicitors, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS</p> <p>15. Licensing Act 2003 Premises Licence Number .....2336 / 4.....</p>	



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

(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 **Birmingham City Council**.)



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

**I can confirm that the premises are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises (without the requirement that alcohol is served only with food) and that there is a bar for serving alcohol to customers on the premises**

**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 .....05 February 2016.....

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

Print Name Poppleston Allen Solicitors for and on behalf of the applicant..

**NB: Authorisation must be obtained from the person or organisation who holds the Premises Licence issued under the Licensing Act 2003 (Please see below)**

I Authorise: .....SEE ATTACHED SHEET.....

to act as my agent to apply for a Notification of 2 Machines or a Gaming Machine Permit.

Name of Premises Licence Holder: ..... SEE ATTACHED SHEET .....

Signature: ..... SEE ATTACHED SHEET .....

\* If you wish to have a maximum of 2 gaming machines then the Notification fee payable is £50.

If you wish to have more than 2 gaming machines then a permit is required and the relevant statutory fees payable are:

£150 for new applications

£100 for a variation

£ 25 for a transfer

NB the statutory fee for a copy permit is £15

### CAT C PERMIT APPLICATION STATEMENT

The above application will enable a Video AWP machine to be sited that conforms to legal requirements and Gambling Commission guidance. It is a relatively new product in the leisure industry. The machine has a suite of games. The machine can have new games either downloaded over a phone line or by replacing the hard drive.

It is the intention to replace an existing non CAT C machine, so the actual number of machines sited in the outlet remains the same.

As a company we constantly look at supplying our guests with the latest innovation in electronic leisure. In recent years we have utilised such machines as Golf games and Touch Screen strategy games, these initially proved popular but over recent times there has been a steady decline in their usage. Our guests like to see new products and the Video AWP is a new development that is proving popular with both male and female guests and interestingly does not really appeal to regular AWP players. The ability to utilise video graphics on features means a longer game and more fun and entertainment.





## Appendix 2

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

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

#### **Introduction**

Principles to be applied:

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

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

#### **Background Information**

The applicant Mitchells & Butlers Leisure Retail Limited, 27 Fleet Street, Birmingham, B3 1JP has submitted an application to increase the number of gaming machines currently permitted at their premises trading as:-

##### **The Hazelwell, Pineapple Road, Stirchley, Birmingham, B30 2RSE**

The applicant Mitchells & Butlers Leisure Retail Limited currently holds a Licensed Premises Gaming Machine Permit number 515/4 allowing up to 4 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 - 3
- Number of category D gaming machines - 1

The applicant 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 - 4
- Number of category D gaming machines - 1

#### **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 Hazelwell - 11<sup>th</sup> February 2016**

The applicant is currently making the permitted number and category of gaming machines available at the premises (3 category C, 1 category D).

The gaming machines are all sited in close proximity of the bar and clearly visible to member of the bar staff.

Members of staff spoken to during the visit were aware of the minimum age of 18 for players using the category C machines, the requirement for the gaming machines to be supervised at all times in order to prevent under age gambling and need to carry out ID checks if concerned about the possible age of a person(s) playing any of the category C gaming machines.

During a telephone conversation with the Area Manager he indicated that if the application to increase the number of category C gaming machines was successful the additional category C gaming machine would replace a quiz machine current being made available for use at the premises. This quiz machine was again being sited in clear view the bar.

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

### **Recommendations**

No matters for concerns were identified during the visit to the premises on the 11<sup>th</sup> February 2016 in relation to the existing 4 gaming machines being made available for use. The Licensing Enforcement Team would therefore have no concerns if the Licensing Sub Committee is minded to grant the application submitted.

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

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

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

**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: 515 / 4**

This licensed premises gaming machine permit authorises:

Mitchells and Butlers Leisure Retail Limited

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

The Hazelwell, Pineapple Road, Stirchley, Birmingham, B30 2RS

Number of Category C Gaming Machines authorised by this permit:	<b>3</b>
Number of Category D Gaming Machines authorised by this permit:	<b>1</b>

Date on which this permit takes effect or is renewed:  
24/10/2014

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)



Map Created By:

Notes

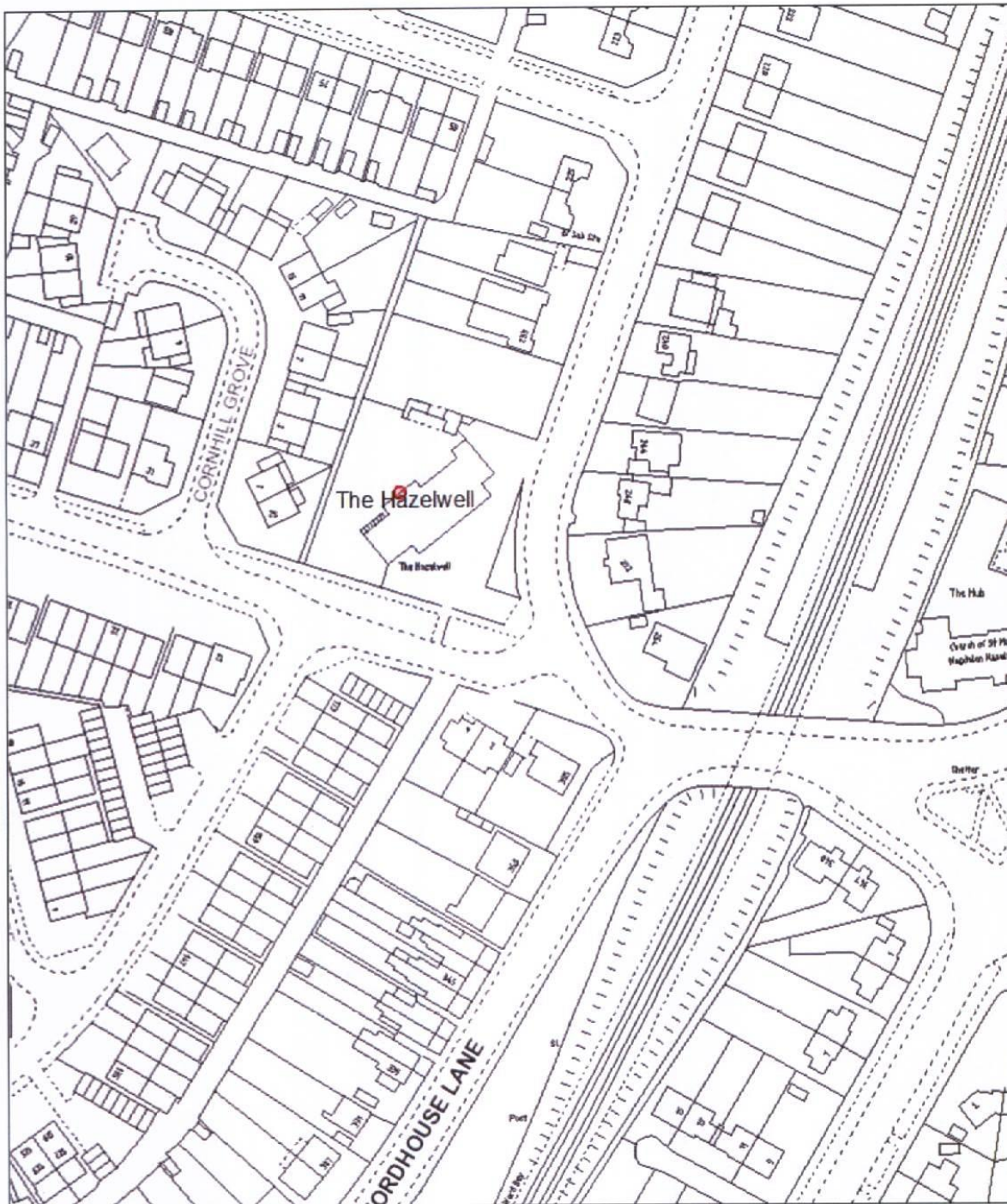
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**Birmingham City Council** Map Created By:

Date of Map Creation: 08/03/2016

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<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 22<sup>nd</sup> March 2016</b>
<b>Subject:</b>	<b>Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>Fox Inn, Walmley Road, Sutton Coldfield, B76 1NP</b>
<b>Ward affected:</b>	<b>Sutton New Hall</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 4 Category C Gaming Machines and 1 Category D Machine.

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

<b>3. Brief Summary of Report:</b>
An application for the variation of a Licensed Premises Gaming Machine Permit was received on 8 <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>Mitchells &amp; Butlers Leisure Retail Limited submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 8<sup>th</sup> February 2016 for the Fox Inn, Walmley Road, Sutton Coldfield, B76 1NP.</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 10<sup>th</sup> February 2016, and confirmed that they have no objections to this application. Their report is attached at Appendix 2.</p> <p>A copy of the current Gaming Machine Permit issued under the Gambling Act 2005, is attached at Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Locations Plan 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, 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> <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>
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**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
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*Please refer to guidance notes at the back of this form before completing*

To: Birmingham City Council, Licensing Section  
Crystal Court, 50 Rocky Lane  
Aston  
Birmingham  
B6 5RQ



**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 or D  
(if you choose this option then please complete sections D and E) ☐

b) Apply for a **new** licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☐

c) Apply to **vary** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☒

d) Apply to **transfer** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections C, D and E) ☐

NB: Please ensure that all relevant parts of the form are **fully** completed

**SECTION B – Application for Grant (includes 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	3	4
D	1	1
Total	4	5

3. If you are currently authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided (if it is lost/stolen you must report it to the police and apply to the Licensing Authority for a copy licence).

Existing permit provided\*

(please state the reason if 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:  
VARIATION**

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

<p><b>Section C – Application for permit transfer</b> (i.e. where a transfer application has been made for the Licensing Act 2003 premises licence)</p> <p>4. Name of proposed transferee of Gaming Machine Permit .....</p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <p align="right">Applied for <input type="checkbox"/></p> <p align="right">Granted <input type="checkbox"/></p> <p>6. Please provide the existing Gaming Machine permit, or provide reasons stating why it cannot be provided (if it is lost/stolen you must report it to the police and apply to the Licensing Authority for a copy licence). Existing permit provided <input type="checkbox"/></p> <p>(please state the reason if existing permit cannot be provided) .....</p>		
<p><b>Section D – General Information</b></p> <p>7. Name of Premises.....Fox Inn .....</p> <p>8. Address of Premises Walmley Road, Sutton Coldfield, B76 1NP</p> <p>9. Telephone number of Premises.....</p> <p>10. Name of existing Premises Licence holder .....Mitchells &amp; Butlers Leisure Retail Limited.....</p> <p>11. Address of Premises Licence holder (if different from 8 above) 27 Fleet Street, Birmingham, B3 1JP</p> <p>12. Telephone number (daytime) of Premises Licence holder .....</p> <p>13. E-mail address of Premises Licence holder (where available) .....</p> <p>14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant Poppleston Allen Solicitors, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS</p> <p>15. Licensing Act 2003 Premises Licence Number ..... 56 / 3.....</p>		

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

(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 Birmingham City Council.)* ✓

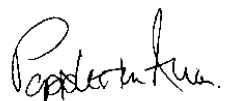
*I understand that I must comply with any Gaming Machine Code of Practice for Alcohol Licensed Premises issued by the Gambling Commission. (see guidance note 8)*

*I can confirm that the premises are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises (without the requirement that alcohol is served only with food) and that there is a bar for serving alcohol to customers on the premises*

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 .....05 February 2016.....

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



Print Name Poppleston Allen Solicitors for and on behalf of the applicant..

**NB: Authorisation must be obtained from the person or organisation who holds the Premises Licence issued under the Licensing Act 2003 (Please see below)**

I Authorise: .....SEE ATTACHED SHEET.....

to act as my agent to apply for a Notification of 2 Machines or a Gaming Machine Permit.

Name of Premises Licence Holder: ..... SEE ATTACHED SHEET .....

Signature: ..... SEE ATTACHED SHEET .....

\* If you wish to have a maximum of 2 gaming machines then the Notification fee payable is £50.

If you wish to have more than 2 gaming machines then a permit is required and the relevant statutory fees payable are:

£150 for new applications  
£100 for a variation  
£ 25 for a transfer

NB the statutory fee for a copy permit is £15

### CAT C PERMIT APPLICATION STATEMENT

The above application will enable a Video AWP machine to be sited that conforms to legal requirements and Gambling Commission guidance. It is a relatively new product in the leisure industry. The machine has a suite of games. The machine can have new games either downloaded over a phone line or by replacing the hard drive.

It is the intention to replace an existing non CAT C machine, so the actual number of machines sited in the outlet remains the same.

As a company we constantly look at supplying our guests with the latest innovation in electronic leisure. In recent years we have utilised such machines as Golf games and Touch Screen strategy games, these initially proved popular but over recent times there has been a steady decline in their usage. Our guests like to see new products and the Video AWP is a new development that is proving popular with both male and female guests and interestingly does not really appeal to regular AWP players. The ability to utilise video graphics on features means a longer game and more fun and entertainment.



## Appendix 2

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

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

#### **Introduction**

Principles to be applied:

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

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

#### **Background Information**

The applicant Mitchells & Butlers Leisure Retail Limited, 27 Fleet Street, Birmingham, B3 1JP has submitted an application to increase the number of gaming machines currently permitted at their premises trading as:-

##### **The Fox Inn, Walmley Road, Sutton Coldfield, B76 1NP**

The applicant Mitchells & Butlers Leisure Retail Limited currently holds a Licensed Premises Gaming Machine Permit number 288/3 allowing up to 4 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 - 3
- Number of category D gaming machines - 1

The applicant 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 - 4
- Number of category D gaming machines - 1

#### **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 Fox Inn - 10<sup>th</sup> February 2016**

The applicant is currently making the permitted number and category of gaming machines available at the premises (3 category C, 1 category D).

The gaming machines are all sited in the bar and lounge area and are clearly visible to members of staff working in the bar or lounge.

After speaking to members of staff during the visit, it was noted that they were aware of the minimum age of 18 for players using the category C machines, the requirement for the gaming machines to be supervised at all times in order to prevent under age gambling and need to carry out ID checks if concerned about the possible age of a person(s) playing any of the category C gaming machines.

During a telephone conversation with the Duty Manager she indicated that if the application to increase the number of category C gaming machines was successful the additional category C gaming machine would replace a quiz machine currently sited in the bar area and would be sited in clear view of the bar.

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

### **Recommendations**

No matters for concerns were identified during the visit to the premises on the 10<sup>th</sup> February 2016 in relation to the existing 4 gaming machines being made available for use. The Licensing Enforcement Team would therefore have no concerns if the Licensing Sub Committee is minded to grant the application submitted.

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

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

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

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: 288 / 3

This licensed premises gaming machine permit authorises:

Mitchells and Butlers Leisure Retail Limited

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

Fox Inn, Walmley Road, Sutton Coldfield, B76 1NP

Number of Category C Gaming Machines authorised by this permit: 3

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

Date on which this permit takes effect or is renewed:

20/08/2012

This permit is issued by:

**Birmingham City Council**

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

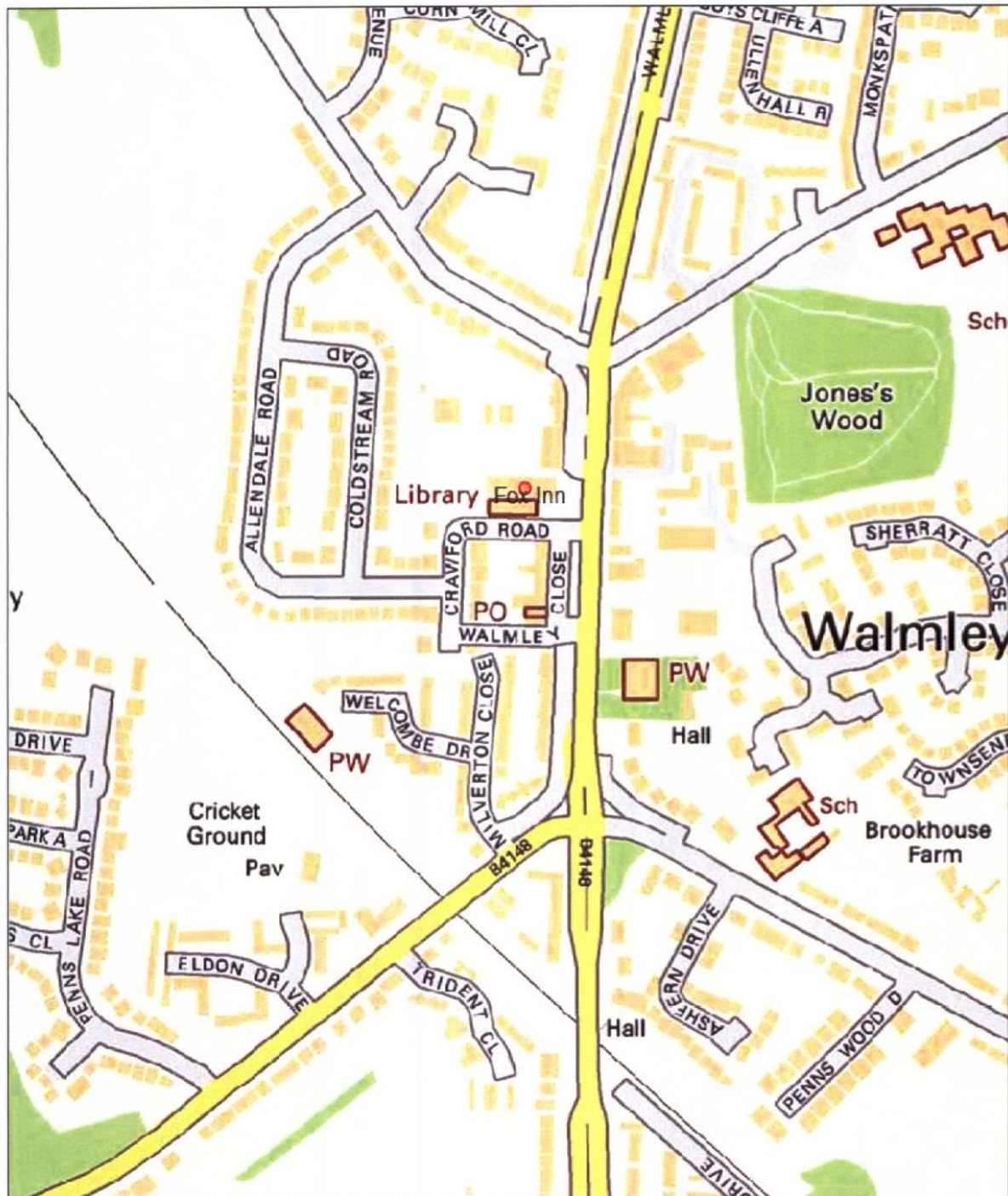
Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

## Appendix 4

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

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

<b>Machine category</b>	<b>Maximum stake (from January 2014)</b>	<b>Maximum prize (from January 2014)</b>
<b>A</b>	Unlimited	Unlimited
<b><u>B1</u></b>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)
<b><u>B2</u></b>	£100	£500
<b><u>B3</u></b>	£2	£500
<b>B3A</b>	£2	£500
<b><u>B4</u></b>	£2	£400
<b><u>C</u></b>	£1	£100
<b><u>D non-money prize (other than crane grab machine)</u></b>	30p	£8
<b><u>D non-money prize (crane grab machine)</u></b>	£1	£50
<b><u>D money prize</u></b>	10p	£5
<b><u>D combined money and non-money prize (other than coin pusher or penny falls machines)</u></b>	10p	£8 (of which no more than £5 may be a money prize)
<b><u>D combined money and non-money prize (coin pusher or penny falls machine)</u></b>	20p	£20 (of which no more than £10 may be a money prize)



Map Created By:

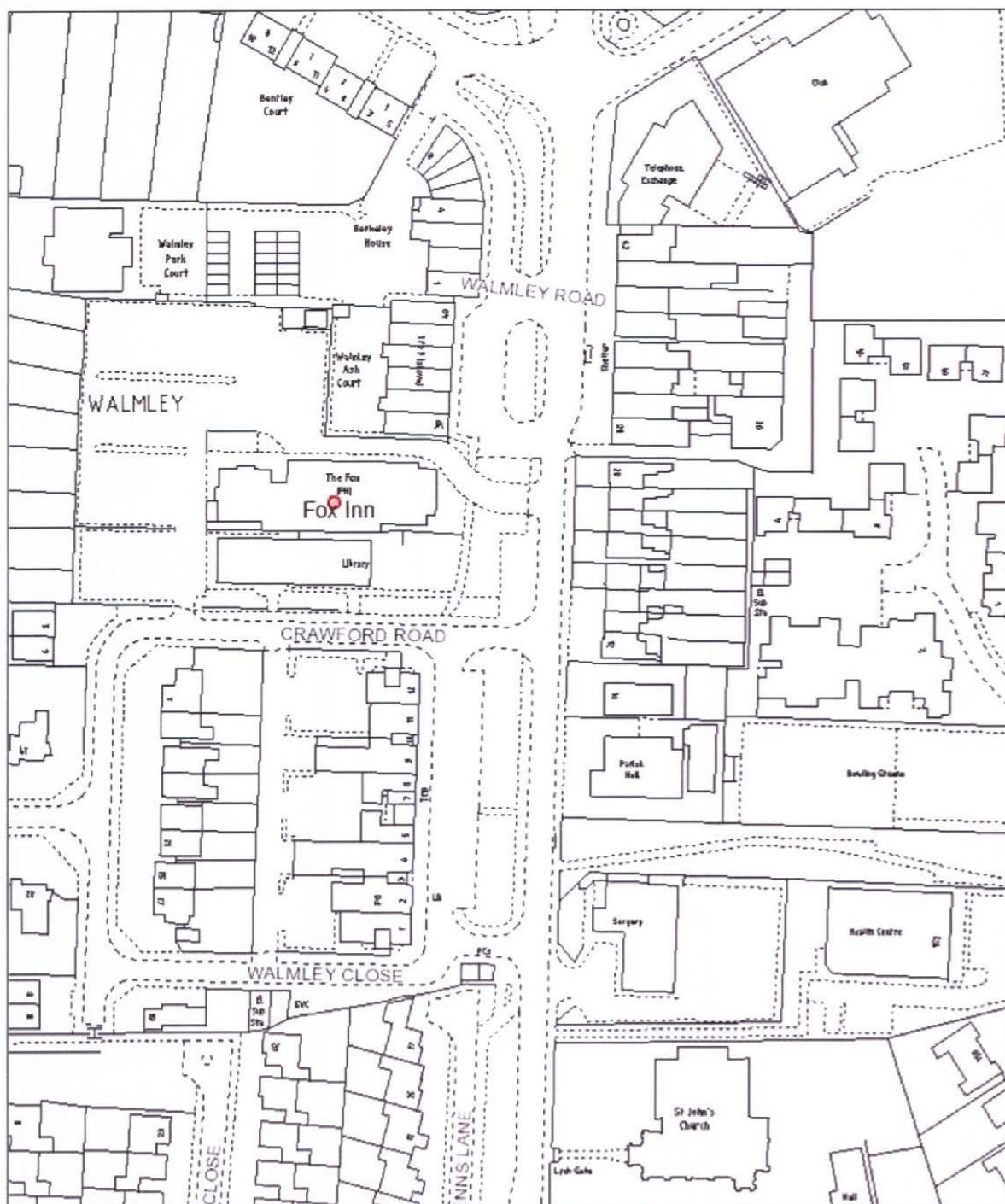
Date of Map Creation: 08/03/2016

Notes

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Scale:  
 1:4,000





**Birmingham City Council** Map Created By:

Date of Map Creation: 08/03/2016

**Notes**



Scale:  
1:1,250

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<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 22<sup>nd</sup> March 2016</b>
<b>Subject:</b>	<b>Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>The Dragon Inn, Unit 201, Arcadian Centre, Hurst Street, Birmingham, B5 4TD</b>
<b>Ward affected:</b>	<b>Nechells</b>
<b>Contact Officer</b>	<b>David Kennedy, Principal Licensing Officer, 0121 303 9896, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

<b>1. Purpose of report:</b>
Officers have delegated authority to Grant Permits in respect of 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises. This application seeks to have permission to operate 5 Category C Gaming Machines.

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

<b>3. Brief Summary of Report:</b>
An application for the variation of a Licensed Premises Gaming Machine Permit was received on 4 <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>JD Wetherspoon Plc submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 4<sup>th</sup> February 2016 for The Dragon Inn, Unit 201, Arcadian Centre, Hurst Street, Birmingham, B5 4TD.</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 12<sup>th</sup> February 2016, and confirmed that they have no objections to this application. Their report is attached at Appendix 2.</p> <p>A copy of the current Gaming Machine Permit issued under the Gambling Act 2005, is attached at Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Locations Plan 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>
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<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> <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:  
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  
P.O. 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 or D  
(if you choose this option then please complete sections D and E) ☐

b) Apply for a **new** licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☐

c) Apply to **vary** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections B, D and E) ☒

d) Apply to **transfer** an existing licensed premises gaming machine permit  
(if you choose this option then please complete sections C, D and E) ☐

NB: Please ensure that all relevant parts of the form are **fully** completed

**SECTION B – Application for Grant (includes 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	.....	.....
Total	.....	...5...

3. If you are currently authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided (if it is lost/stolen you must report it to the police and apply to the Licensing Authority for a copy licence).

Existing permit provided\*

(please state the reason if 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:  
NEW / VARIATION / TRANSFER**

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

<b>Section E – Fee and Signature(s)</b>	
I enclose a sum of (£100.00.)* (cheques should be made payable to <b>Birmingham City Council</b> .)	<input checked="" type="checkbox"/>
<b>I understand that I must comply with any Gaming Machine Code of Practice for Alcohol Licensed Premises issued by the Gambling Commission. (see guidance note 8)</b>	
<b>I can confirm that the premises are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises (without the requirement that alcohol is served only with food) and that there is a bar for serving alcohol to customers on the premises</b>	
<b><u>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.</u></b>	
Dated <u>2/2/16</u>	
Signed (by or on behalf of Licensing Act 2003 Premises Licence holder)..	
Print Name <u>JENNIE ODELL</u>	
<b><u>NB: Authorisation must be obtained from the person or organisation who holds the Premises Licence issued under the Licensing Act 2003 (Please see below)</u></b>	
I Authorise:	
to act as my agent to apply for a Notification of 2 Machines or a Gaming Machine Permit.	

\* If you wish to have a maximum of 2 gaming machines then the Notification fee payable is £50.

If you wish to have more than 2 gaming machines then a permit is required and the relevant statutory fees payable are:

£150 for new applications  
£100 for a variation  
£ 25 for a transfer

NB the statutory fee for a copy permit is £15

**Licensed Premises Gaming Machines**  
**JD Wetherspoon 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 this 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 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 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.

J D 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:

- National passport
- Photographic Drivers' Licence
- United Kingdom 'PASS' accredited age identification card with photograph.

In certain circumstances, other forms of ID are accepted at the discretion of the manager on duty such as international ID cards or military ID cards.

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

All employees receive induction training on our Challenge 21 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. All training records are retained on personnel files and these files 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 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 policy.

Our Challenge 21 policy is also actively promoted within the premises using self-adhesive signs at every entrance, staff wearing 'It's my job to ask' badges and posters throughout the premises.

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.

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

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.

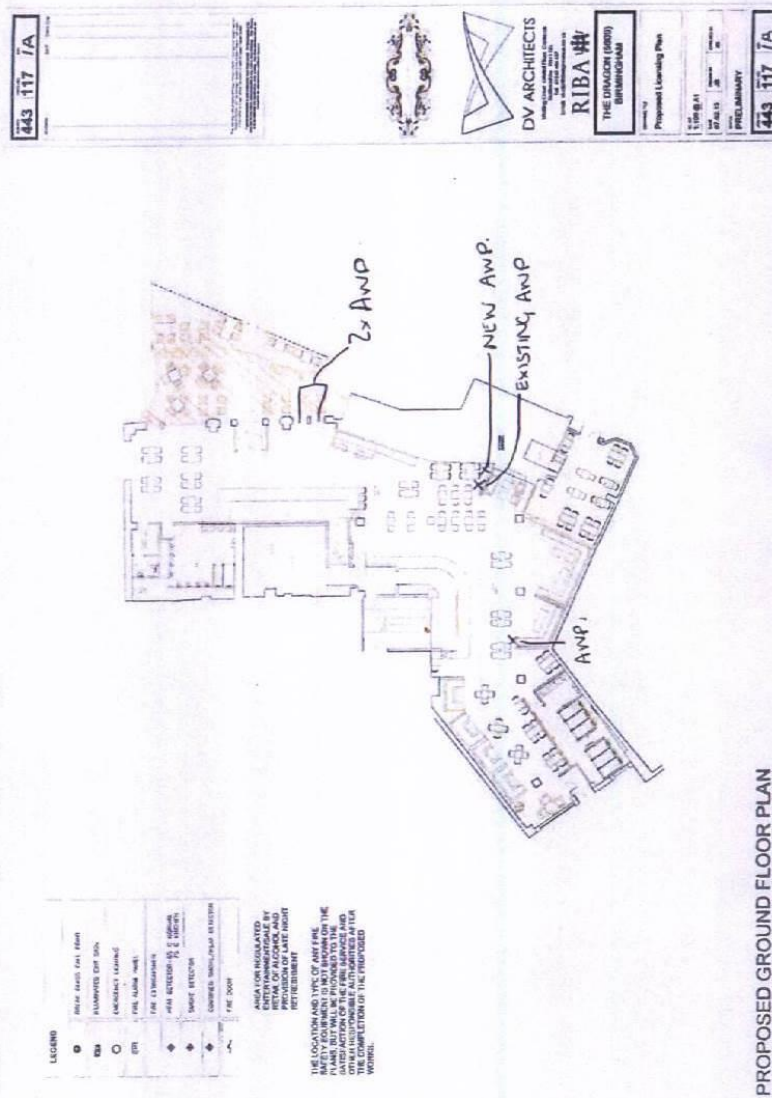
The monitored intruder alarm covers the main entry points when the pub is closed. It is mainly activated by a forced entry into the pub triggering the door contacts or motion detectors. This pub is internally described as having a 'level 1 response' to its alarm system, meaning police response. This 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 780 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 fully open to the public at large and are provided by reputable companies.

**JD Wetherspoon PLC  
September 2010**



## Appendix 2

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

Licensing Enforcement Team report as a responsible authority in respect of an application 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**

The applicant JD Wetherspoon Plc , Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL has submitted an application to increase the number of gaming machines currently permitted at their premises trading as:-

##### **The Dragon Inn, Unit 201 Arcadian Centre, Hurst Street, Birmingham B5 4TD**

The applicant JD Wetherspoon Plc , Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL currently holds a Licensed Premises Gaming Machine Permit number 63/3 allowing up to 4 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 - 4  
Number of category D gaming machines - 0

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

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

#### **Gambling Act 2005**

Section 153 of the Gambling Act 2005

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

---

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

Paragraph 26.8

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

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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.

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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 Dragon Inn - 12<sup>th</sup> February 2016**

The applicant is currently making the permitted number and category of gaming machines available at the premises (4 category C).

The gaming machines are all sited in close proximity of the bar and clearly visible to member of the bar staff.

Members of staff spoken to during the visit were aware of the minimum age of 18 for players using the category C machines, the requirement for the gaming machines to be supervised at all times in order to prevent under age gambling and need to carry out ID checks if concerned about the possible age of a person(s) playing any of the category C gaming machines.

During a visit to the premises on 12<sup>th</sup> February 2016 when I spoke to the duty manager she indicated that if the application to increase the number of category C gaming machines was successful the additional category C gaming machine would replace a quiz machine currently being made available for use at the premises. This quiz machine was again being sited in clear view the bar.

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

### **Recommendations**

No matters for concerns were identified during the visit to the premises on the 12<sup>th</sup> February 2016 in relation to the existing 4 gaming machines being made available for use. The Licensing Enforcement Team would therefore have no concerns if the Licensing Sub Committee is minded to grant the application submitted.

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

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

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

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: 63 / 3

This licensed premises gaming machine permit authorises:

J D Wetherspoon Plc

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

The Dragon Inn, Unit 201- Arcadian Centre, Hurst Street, Birmingham, B5 4TD

Number of Category C Gaming Machines authorised by this permit:	<b>4</b>
Number of Category D Gaming Machines authorised by this permit:	<b>0</b>

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

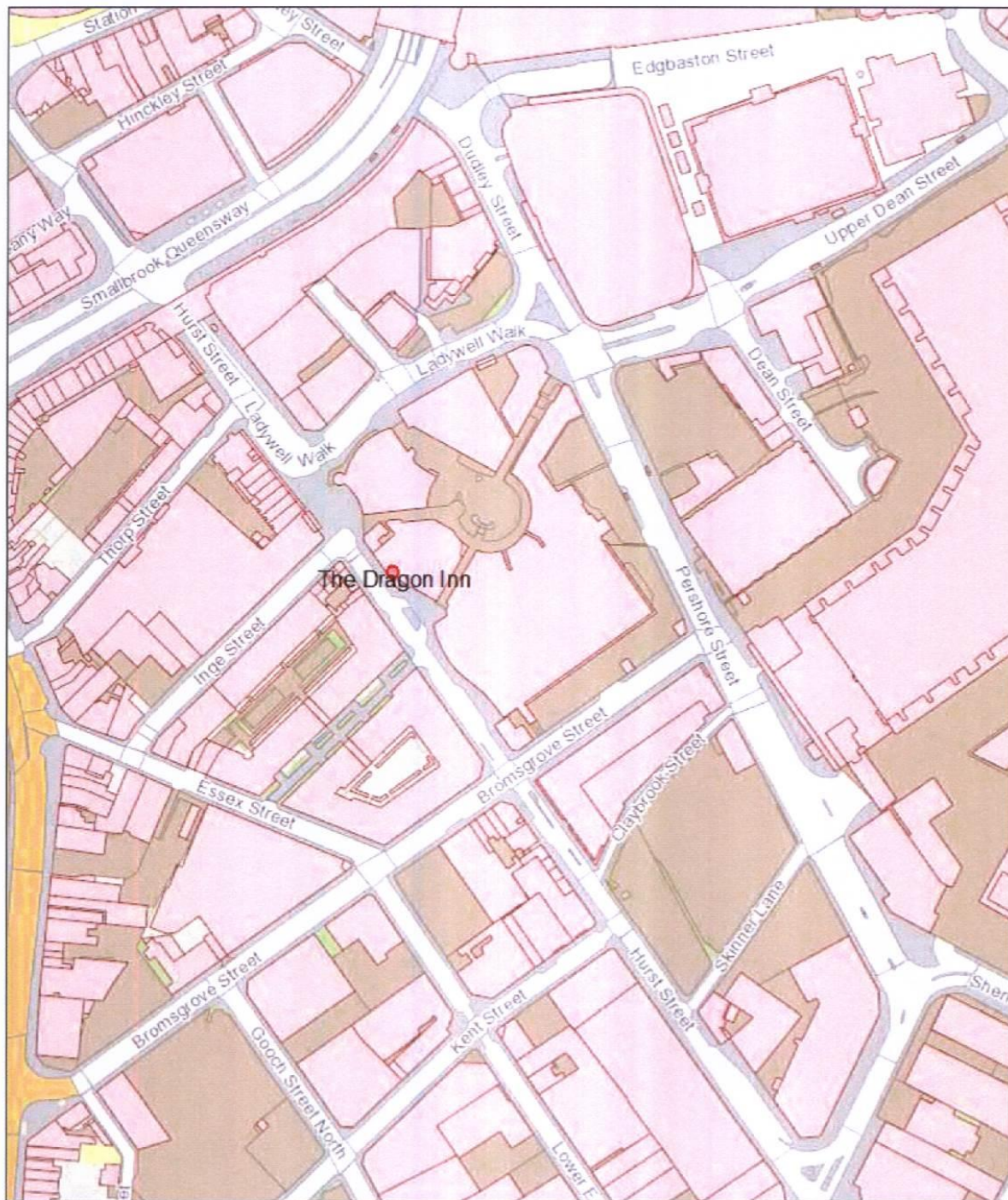
Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

## Appendix 4

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

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

<b>Machine category</b>	<b>Maximum stake (from January 2014)</b>	<b>Maximum prize (from January 2014)</b>
<b>A</b>	Unlimited	Unlimited
<b><u>B1</u></b>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)
<b><u>B2</u></b>	£100	£500
<b><u>B3</u></b>	£2	£500
<b>B3A</b>	£2	£500
<b><u>B4</u></b>	£2	£400
<b><u>C</u></b>	£1	£100
<b><u>D non-money prize (other than crane grab machine)</u></b>	30p	£8
<b><u>D non-money prize (crane grab machine)</u></b>	£1	£50
<b><u>D money prize</u></b>	10p	£5
<b><u>D combined money and non-money prize (other than coin pusher or penny falls machines)</u></b>	10p	£8 (of which no more than £5 may be a money prize)
<b><u>D combined money and non-money prize (coin pusher or penny falls machine)</u></b>	20p	£20 (of which no more than £10 may be a money prize)



**Birmingham City Council**

Map Created By:

**Notes**

Date of Map Creation: 10/03/2016



Scale:  
1:2,500

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Scale:  
 1:1,250

