

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 03 NOVEMBER 2021 AT 11:30 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 12

4 GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT VILLAGE GREEN, MARSH HILL, ERDINGTON, BIRMINGHAM, B23 7DS

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 11:30am.

5 OTHER URGENT BUSINESS

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

**5A OTHER URGENT BUSINESS - VARIATION APPLICATION SUBMITTED
BY KATHLEEN WESTWOOD IN RESPECT OF 23A ST MARYS ROW,
MOSELEY, BIRMINGHAM B13 8HW**

Report of the City Solicitor.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 3rd November 2021
Subject:	Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit
Premises	Village Green, Marsh Hill, Erdington, Birmingham, B23 7DS
Ward affected:	Stockland Green
Contact Officer:	Shaid Yasser, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

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

This application seeks to vary the existing permission to add a further 2 Category C Gaming Machines, which if granted, would enable them to operate a total of 6 Category C Gaming Machines at the premises.

2. Recommendation:

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

3. Brief Summary of Report:

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 15th October 2021.

4. Compliance Issues:**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

5. Relevant background/chronology of key events:

Select Gaming Ltd, on behalf of Greene King Brewing & Retailing Limited, submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 15th October 2021 for Village Green, Marsh Hill, Erdington, Birmingham, B23 7DS.

The application, including the accompanying plan, is attached at Appendix 1.

Birmingham City Council Licensing Enforcement visited the premises on 18th October 2021 and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.

The premises already have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits a total of 4 Category C machines. See Appendix 3.

Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.

Site Location Plans at Appendix 5.

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.

The licensing objectives are:

- a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- b. Ensuring that Gambling is conducted in a fair and open way
- c. Protecting Children and other vulnerable persons from being harmed or exploited by gambling.

6. List of background documents:

Application Form and Plan, Appendix 1
Birmingham City Council Licensing Enforcement no objection confirmation, Appendix 2
Current Gaming Machine Permit, Appendix 3
Gaming Machine Categories, Appendix 4
Site Location Plans, Appendix 5

7. Options available

- a) Grant the application
- b) Refuse the application
- c) Grant the application in respect of;
 - (i) A smaller number of machines than is specified in the application
 - (ii) A different category of machines from that specified in the application, or
 - (iii) both

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).

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

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

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

Licensing Team Birmingham City Council Licensing Section PO Box 17013 Birmingham B6 9ES	
SECTION A – What do you want to do? 1. Please indicate what you would like to do a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D <i>(if you choose this option then please complete sections D and E)</i> <input type="checkbox"/> b) Apply to convert an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines) <i>(if you choose this option then please complete sections B, D and E)</i> <input type="checkbox"/> c) Apply for a new licensed premises gaming machine permit <i>((if you choose this option then please complete sections B, D and E)</i> <input type="checkbox"/> d) Apply to vary an existing licensed premises gaming machine permit <i>(if you choose this option then please complete sections B, D and E)</i> <input checked="" type="checkbox"/> e) Apply to transfer an existing licensed premises gaming machine permit <i>(if you choose this option then please complete sections C, D and E)</i> <input type="checkbox"/>	

SECTION B – Application for grant (includes <u>conversion</u>, <u>new</u> and <u>variation</u> applications) 2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table) <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <th style="width: 25%;">Category machine</th> <th style="width: 25%;">Number currently authorised to provide</th> <th style="width: 25%;">Number wish to provide (new or variation)</th> </tr> <tr> <td>C</td> <td>4</td> <td>6</td> </tr> <tr> <td>D</td> <td>0</td> <td>0</td> </tr> <tr> <td>Total</td> <td></td> <td>6</td> </tr> </table> 3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided. <div style="text-align: right;">Existing permit provided*</div> <div style="text-align: left;"><i>(reasons why existing permit cannot be provided)</i></div>	Category machine	Number currently authorised to provide	Number wish to provide (new or variation)	C	4	6	D	0	0	Total		6	
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)											
C	4	6											
D	0	0											
Total		6											

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

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

Section E – Fee and Signature(s)

Please can someone call me to take payment for the FEE ☐

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

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

Dated 12th October 2021

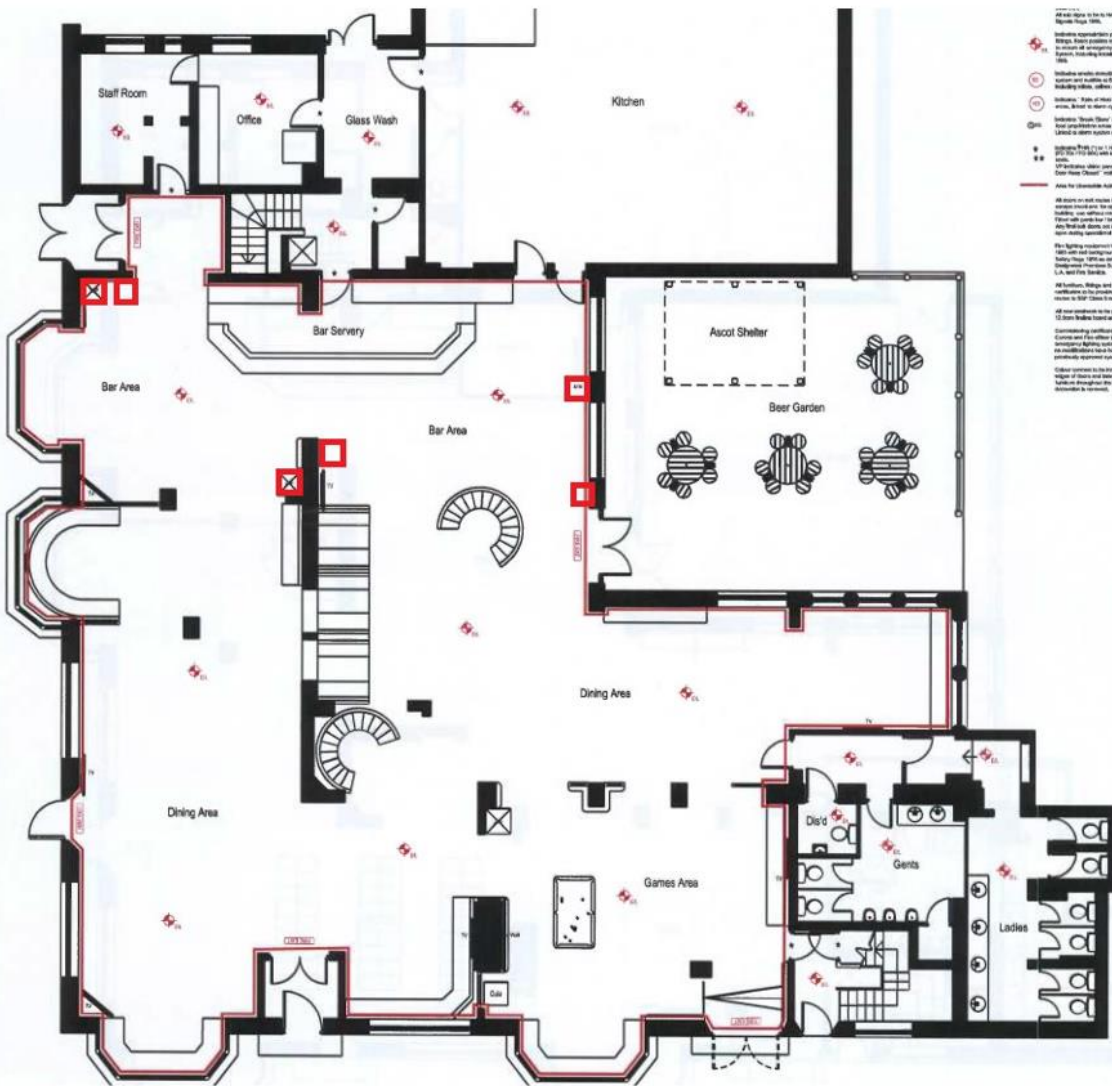
Signed (by or on behalf of Licensing Act 2003 Premises Licence holder)

Print Name Amanda Luckman

*

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

Appendix 1 continued – Plan



LICENSING ENFORCEMENT JOB – GAMBLING APPLICATIONS	
Name of Premises	VILLAGE GREEN
Address of Premises	Marsh Hill Erdington Birmingham B23 7DS
Correspondence Address/Contact Details	Amanda Luckman TEL NO - E-MAIL – Amanda.luckman
Application Type	GRANT Number of Machines Requested <input type="text" value="6"/> Type of Grant <input type="text"/> VARIATION <input checked="" type="checkbox"/> Machine increase from and to <input type="text"/> TRANSFER (Comments Only – No inspection Required) PROVISIONAL <input type="checkbox"/> SMALL SOCIETY LOTTERY
Date Received & Representations	<input type="text" value="15/10/2021"/> Note: Representation period for the above type of applications under GA2005 starts on the day the application is received by the Licensing Section: Rep period Start Date: 15/10/2021 Rep period End Date: 12/11/2021
Require Inspection and confirm if advertisement is being displayed -	
Officer Dealing with Application	Arvinder K Loyal
MAPPS Number	N/ A
Date and Time of Visit	18 th October 2021 at 12:30pm.
Name of Officer Visiting	Sharon Watts
Objection	Objections <input type="checkbox"/> No Objections <input checked="" type="checkbox"/> Please attach Report as necessary and send to licensing@birmingham.gov.uk
Further Comments - Please see attached application as received by e-mail. Sopra Ref/No – 123020 application seeks to increase number of machines to 6. Currently authorised 4	

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: 854 / 3

This licensed premises gaming machine permit authorises:

Greene King Brewing & Retailing Ltd

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

Village Green, Marsh Hill, Erdington, Birmingham, B23 7DS

Number of Category C Gaming Machines authorised by this permit:	4
Number of Category D Gaming Machines authorised by this permit:	0

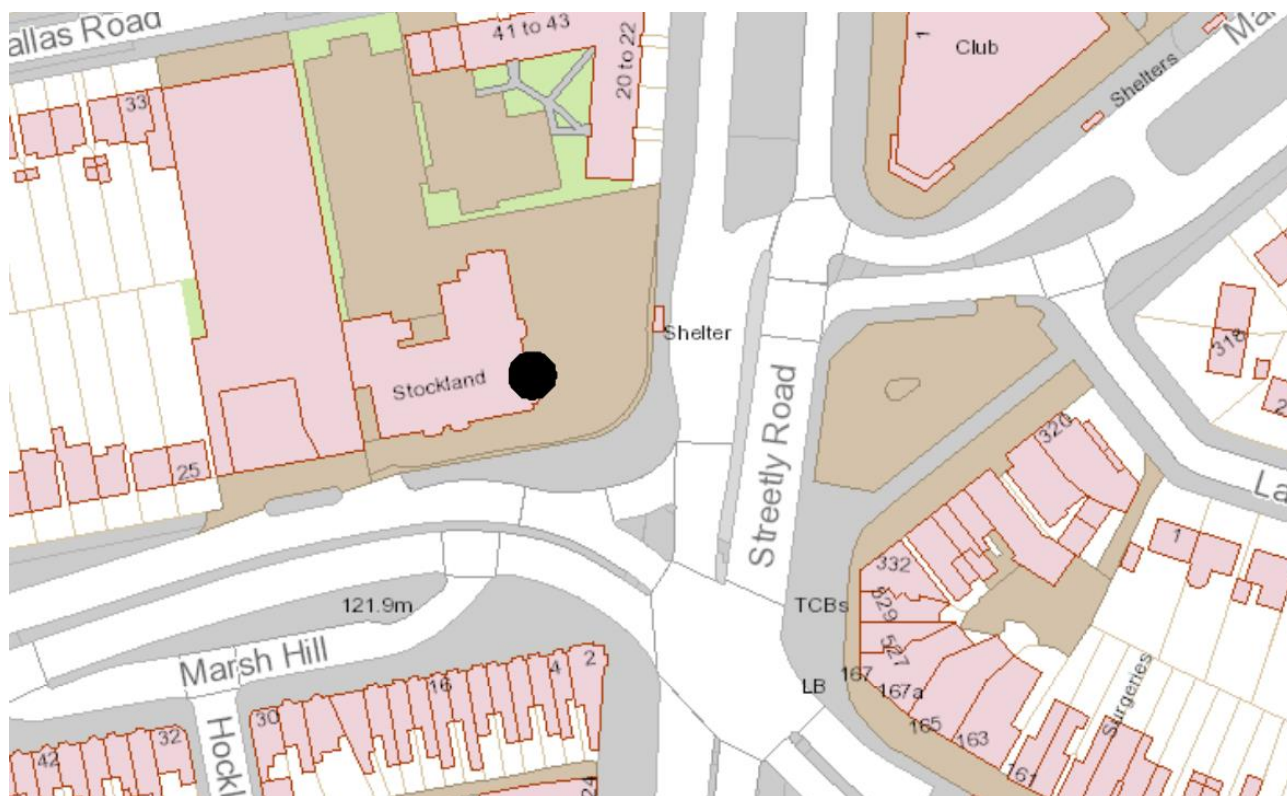
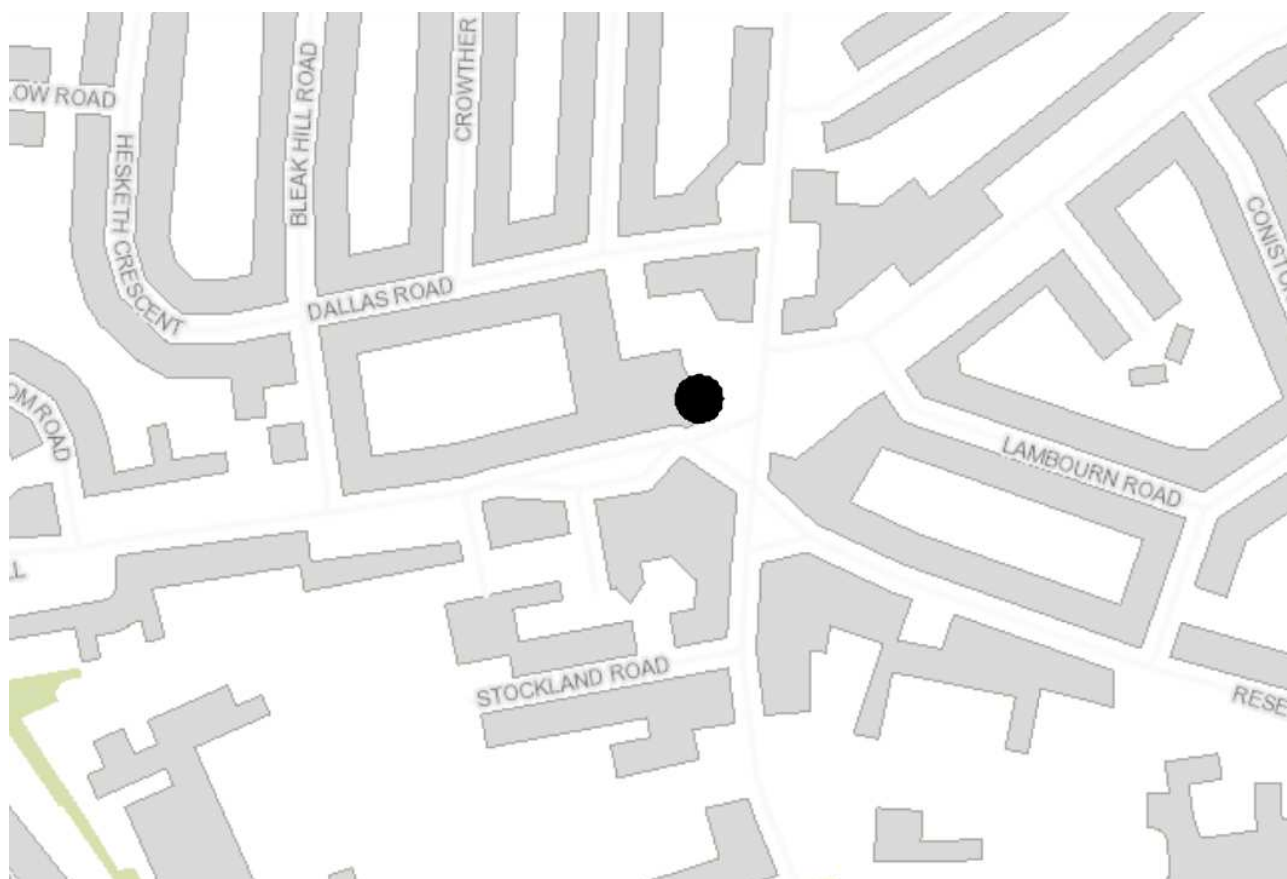
Date on which this permit takes effect or is renewed:
03/11/2017

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

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

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

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



Birmingham City Council

Licensing Sub-Committee C

3 November 2021



Subject: Variation Application Submitted by Kathleen Westwood in respect of 23a St Marys Row, Moseley, Birmingham B13 8HW

Report of: Suzanne Dodd, City Solicitor

Report author: Phil Wright
Group Team Manager
phil.wright@birmingham.gov.uk

Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

- 1.1 To regulate the reporting to Committee on 29 September 2021 of the status of the variation application submitted by Kathleen Westwood in respect of 23a St Marys Row, Moseley, Birmingham B13 8HW which was originally considered by Licensing Sub Committee C on Wednesday 15th September 2021.

2 Recommendations

- 2.1 To rescind the decision made in Resolution No. 5/290921 of this Sub-Committee dated 29 September 2021.
- 2.2 To note the status of the application which is deemed to be invalid due to the applicant's failure to comply with the statutory advertisement requirements and rescind the decision made in Resolution No. 05/150921 of this Sub-Committee dated 15 September 2021.

3 Background

- 3.1 At its meeting on 29 September 2021 it was the intention to submit the public report attached at appendix 1 which was seeking to update the Committee on the status of the variation application submitted by Kathleen Westwood in respect of 23a St

Marys Row, Moseley, Birmingham B13 8HW which was considered by Licensing Sub Committee C on Wednesday 15th September 2021.

- 3.2 Whilst the Licensing Officer was beginning his introduction to the report at the end of the meeting on 29 September the web-streaming of the meeting was stopped. When the Licensing Officer sought clarification if he should continue, he was incorrectly advised by the Committee Manager to continue so consideration of the report was done in private and not in public.
- 3.3 In addition, it has been established that the report did not get uploaded to the Committee Management Information System (CMIS) so members of the public would not be aware of the report and the decision recommended the Sub-Committee and the Members did not have sight of the report.

4 Recommended Proposal

- 4.1 In order to provide the correct transparency about this decision the Sub-Committee is recommended to rescind the decision made in Resolution No. 5/290921 of this Sub-Committee dated 29 September 2021 and note the status of the application which is deemed to be invalid due to the applicant's failure to comply with the statutory advertisement requirements and rescind the decision made in Resolution No. 05/150921 of this Sub-Committee dated 15 September 2021.

5 Appendices

- 5.1 The report of the Interim Assistant Director of Regulation & Enforcement entitled 'Licensing Act 2003 Premises Licence – Variation (Update Report)' at appendix 1.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 29th September 2021
Subject:	Licensing Act 2003 Premises Licence – Variation (Update Report)
Premises:	Premises at 23a St Marys Row, Moseley, Birmingham, B13 8HW
Ward affected:	Moseley
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To update the Committee as to the status of the variation application submitted by Kathleen Westwood in respect of 23a St Marys Row, Moseley, Birmingham B13 8HW which was scheduled to be determined by Licensing Sub Committee C on Wednesday 15th September 2021.

2. Recommendation:

To note the status of the application which is deemed to be invalid due to the applicant's failure to comply with the statutory advertisement requirements and rescind the decision made in Resolution No. 05/150921 of this Sub-Committee dated 15 September 2021.

3. Brief Summary of Report:

Variation application received on 30th July 2021 in respect of the Premises at 23a St Marys Row, Moseley, Birmingham, B13 8HW.

A representation had been received from Planning, as a responsible authority.

The application was listed before Licensing Sub Committee C on Wednesday 15th September 2021 for determination however neither the applicant nor those making representations attended the meeting.

Following the meeting it was established that the applicant had failed to advertise the application in accordance with the statutory requirements thereby disadvantaging other persons whose attention may not have been drawn to the application and who may have wished to lodge a representation.

As the application has not been properly made it is deemed to be invalid.

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:

Kathleen Westwood applied on 30th July 2021 to vary the Premises Licence for the Premises at 23a St Marys Row, Moseley, Birmingham, B13 8HW.

On receipt of an application for variation of a Premises Licence the applicant is sent an acknowledgement reminding them of the statutory requirements, including the advertisement requirements, they must follow to ensure that the application is properly made.

A copy of the acknowledgement is attached at Appendix 1

The application was listed before Licensing Sub Committee C on Wednesday 15th September 2021 for determination due to a representation being lodged by Planning as a responsible authority however neither the applicant nor those making representations attended the meeting.

Following the meeting it was established that the applicant had failed to advertise the application in accordance with the statutory requirements thereby disadvantaging other persons whose attention may not have been drawn to the application and who may have wished to lodge a representation.

A copy of the email from the applicant in which they confirm that the application had not been advertised in accordance with the statutory requirements is attached at Appendix 2.

Due to the statutory timescales associated with advertising applications of this nature there is no ability for this non-compliance to be regularized save for the applicant re-applying.

As the application has not been properly made it is therefore deemed to be invalid.

a.

6. List of background documents:

Copy of acknowledgement sent to applicant confirming statutory requirements Appendix 1

Email from applicant evidencing that application had not be advertised in accordance with the statutory requirements Appendix 2

7. Options available

The Sub Committee is requested to note that as the application has not been properly made it is deemed to be invalid and therefore cannot be determined by the Sub Committee and rescind it's previous decision.

From: Wendy Gayle **On Behalf Of** Licensing Online
Sent: 02 August 2021 12:55
To:
Subject: Variation - 23a St Mary's Row

Dear Sir/Madam

LICENSING ACT 2003- PREMISES LICENCE (VARIATION)
Premises: 23a St Marys Row, Moseley, Birmingham, B13 8HW

I refer to your application for the **Variation** of a Premises Licence which was received in this office on 30th July 2021.

Please note that under the Licensing Act 2003 Regulations (Section 25 and 26), you are required to display a notice detailing the application for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the licensing authority. In your case this would be from 31/7/21 – 27/8/21.

In addition to the Notice advertised at the Premises, you are required to publish a Notice in a local newspaper on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the licensing authority (template of notice attached).

Further details of the information which should be contained in the advertisements can be found on the website of the Home Office at

<http://www.homeoffice.gov.uk/drugs/alcohol/alcohol-licences/>

If you fail to advertise your application in accordance with the regulations then your application will not meet the relevant Legal Requirements and your application will be returned to you. **In order to ensure that you have complied with the legal requirements, please ensure that you provide the Licensing Section with a copy of the newspaper advert and the blue notice within 14 days.**

PLEASE NOTE: IF YOU HAVE MADE YOUR APPLICATION VIA THE GOV.UK PORTAL, THE LICENSING SECTION WILL SERVE THE APPLICATION ON THE RESPONSIBLE AUTHORITIES. IF YOU HAVE MADE YOUR APPLICATION BY EMAIL OR POST, THEN IT IS YOUR RESPONSIBILITY TO SERVE THE APPLICATION ON THE RESPONSIBLE AUTHORITIES. A LIST OF RESPONSIBLE AUTHORITIES CAN BE FOUND ON OUR WEBPAGE.

**Please be aware that our postal address has changed and this must be reflected in your newspaper advertisement and notice. The postal address is: Licensing Section, PO Box 17831
BIRMINGHAM, B2 2HJ.**

If you are in any doubt as to the implication of this letter please contact the Licensing Section immediately.

Yours faithfully

Wendy Gayle
Licensing Officer

From: Kathleen Westwood
Sent: 21 September 2021 09:18
To: Licensing
Subject: Application 1105540 Kathleen Westwood Fao Bhapindra Nandra Urgent

Dear Bhapinder Nandhra

Ref App 1105540
Extended Licensing Hours
23 A St Marys Row
Moseley
B13 8HW
Tel

Thank you so much for contacting me.

I apologise profusely for the delay but my General Manager mislaid my application and I was off sick isolating.

I want to get my ad in the paper this week but please could you send me a template and a copy of what has to be stated abd which news paper you would recommend.

Kind regards and many thanks for your help and support.

Kathleen Westwood