

# 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 21<sup>st</sup> June 2016</b>
<b>Subject:</b>	<b>Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>Hare and Hounds, Kingsbury Road, Minworth, Sutton Coldfield, B76 9DD</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 3 Category C Gaming Machines and 2 Category D Machines.

<b>2. Recommendation:</b>
The Sub Committee is requested to consider an application to operate a total of 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 11 <sup>th</sup> April 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.

<b>5. Relevant background/chronology of key events:</b>
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Mitchells and Butlers Leisure Retail Ltd submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 11<sup>th</sup> April 2016 for the Hare and Hounds, Kingsbury Road, Minworth, Sutton Coldfield, B76 9DD.

The application, including supplementary information in support of the application, is attached at Appendix 1.

Birmingham City Council Licensing Enforcement visited the premises on 21<sup>st</sup> April 2016, and confirmed that they have no objection to the application. Their report is attached at Appendix 2.

A copy of the current Gaming Machine Permit issued under the Gambling Act 2005, which permits 2 Category C machines and 2 Category D machines, is attached at 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.

<b>6. List of background documents:</b>
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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

<b>7. Options available</b>
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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).

## Appendix 1

Birmingham City Council  
**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 LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)  
*Please refer to guidance notices at the back of this form before completing*

SECTION A – What do you want to do	
1. Please indicate what you would like do	
a) <b>Notify</b> licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D (If you choose this option please complete sections D and E)	<input type="checkbox"/>
b) Apply to <b>convert</b> an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (ie for more than 2 gaming machines) (if you choose this option then please complete sections B, D and E)	<input type="checkbox"/>
c) Apply for a <b>new</b> licensed premises gaming machine permit (if you choose this option then please complete sections B, D and E)	<input type="checkbox"/>
d) Apply to <b>vary</b> an existing licensed premises gaming machine permit (if you choose this option then please complete sections B, D and E)	<input checked="" type="checkbox"/>
e) Apply to <b>transfer</b> an existing licensed premises gaming machine permit (if you choose this option then please complete sections C, D and E)	<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 provided? (please complete the boxes in the table)		
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C	2	3
D	2	2
TOTAL	4	5
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.		<input checked="" type="checkbox"/>
Existing permit provided * (reasons why existing permit cannot be provided)		

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

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED
Ah
REF NO ... 118631
INITIALS ... E100

Birmingham City Council  
**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 LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)  
*Please refer to guidance notices at the back of this form before completing*

<b>SECTION C – Application for permit transfer</b> (ie, where a transfer has been requested for the Licensing Act 2003 premises licence)	
4. Name of person requesting the transfer  	
5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:	Requested <input type="checkbox"/> Granted <input type="checkbox"/>
6. Please provide your existing permit, or provide reasons stating why it cannot be provided Existing Permit provided <input type="checkbox"/>	<input type="checkbox"/>
Reasons why existing permit cannot be provided	

<b>SECTION D – General Information</b>
7. Name of Premises: Hare & Hounds
8. Address of Premises: Kingsbury Road, Minworth, Sutton Coldfield, B76 9DD
9. Telephone number of Premises:
10. Name of existing Premises Licence holder: Mitchells and Butlers Leisure Retail Ltd
11. Address of Premises Licence holder (if different from 8 above): 27 Fleet Street, Birmingham, B3 1JP
12. Telephone number (daytime) of Premises Licence holder:
13. E-mail address of Premises Licence holder (where available):
14. Name, address, telephone and e-mail of agent (eg Solicitor) if submitted on behalf of the applicant: Michelle Peach, Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS
15. Licensing Act 2003 Premises Licence Reference (ie number): 398 / 8

Birmingham City Council  
**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 LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)  
*Please refer to guidance notices at the back of this form before completing*

**SECTION E – Fee and Signature(s)**

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

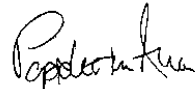


I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)

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

Dated: 08 April 2016

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



Print Name: Poppleston Allen – Solicitors for & on behalf of the applicant

**Official Use Only**

Date of receipt .....

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

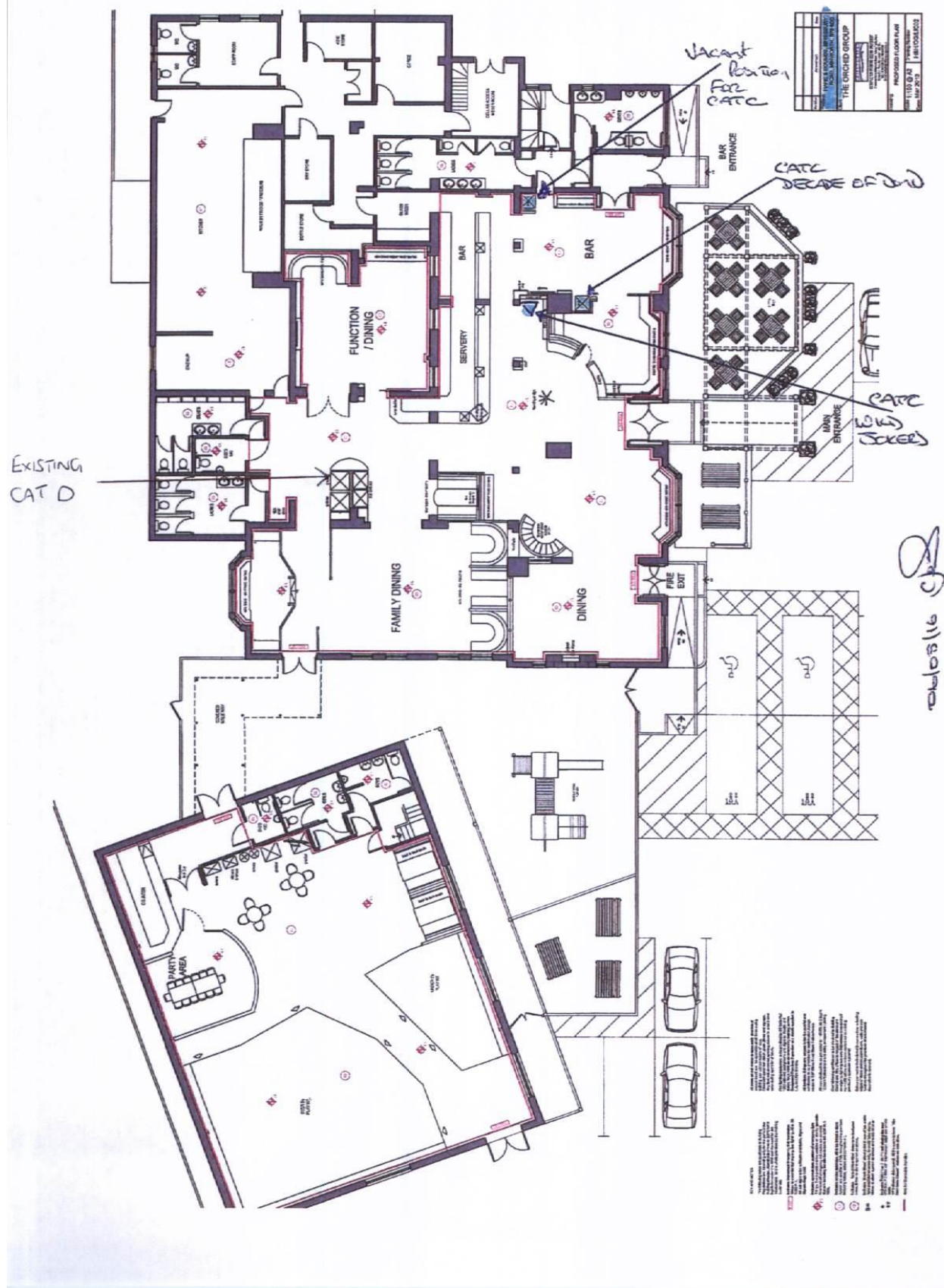
Date of receipt of fee .....

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

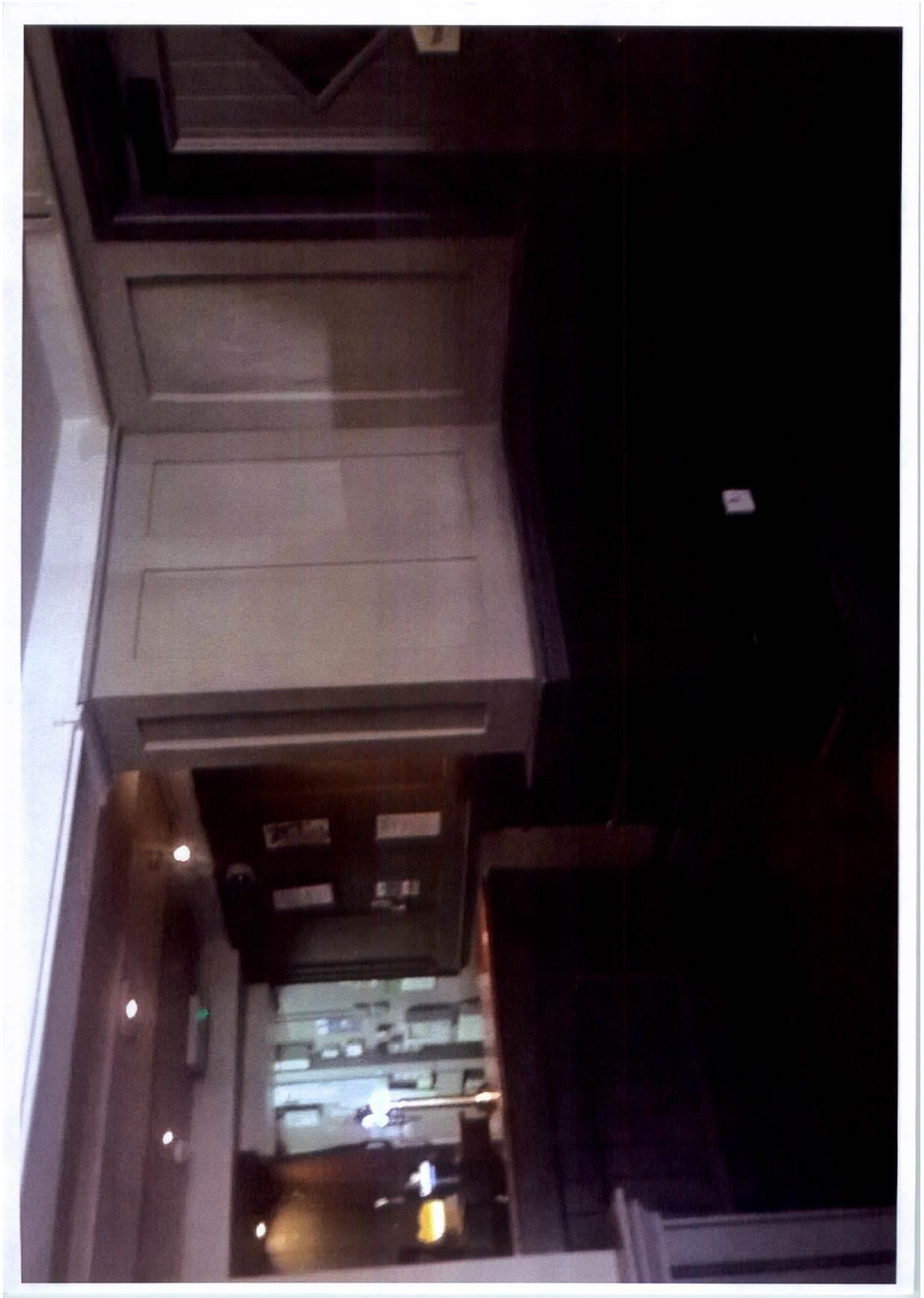
Application accepted / returned (please delete as appropriate)

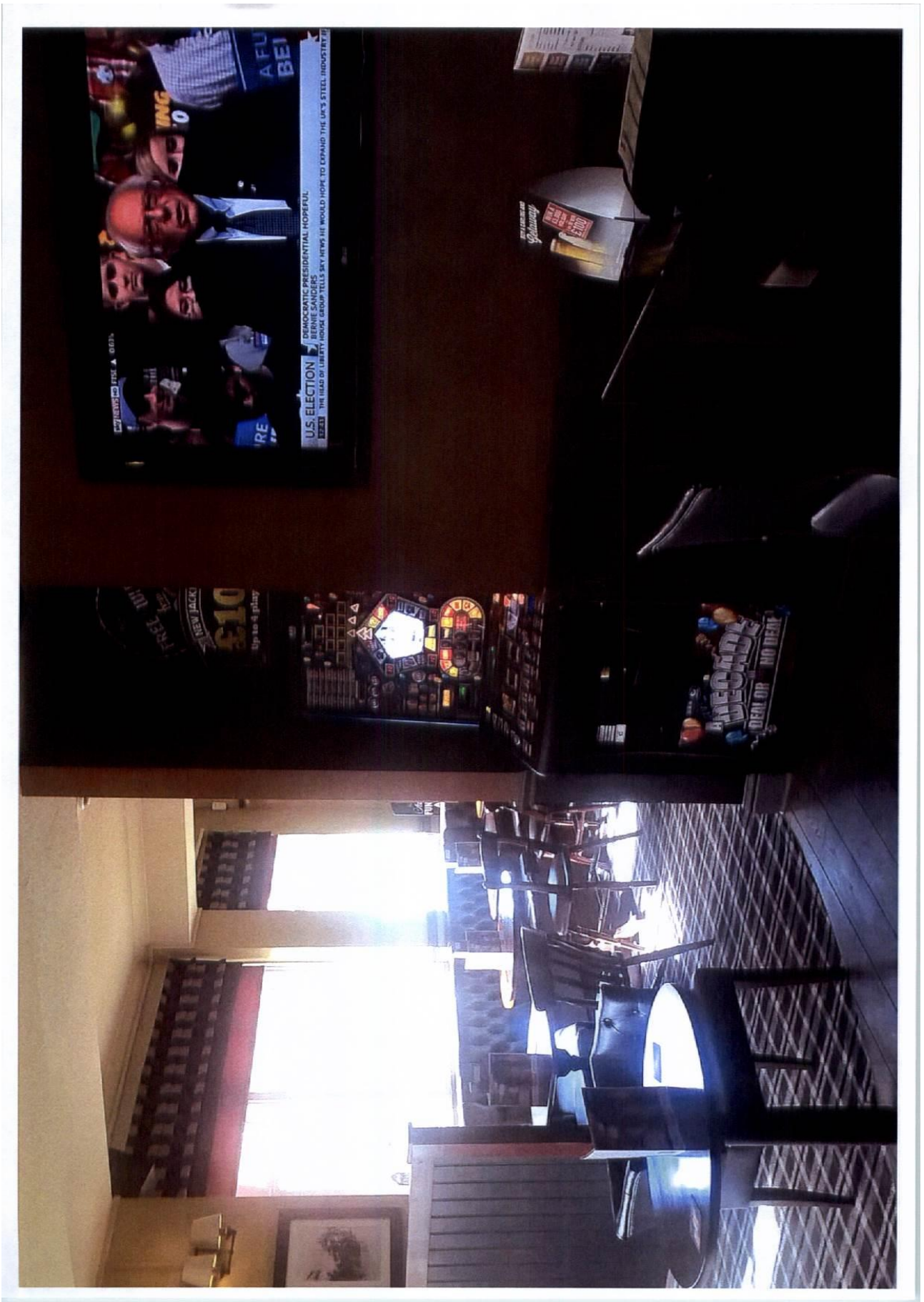
Date of premises licence (Licensing Act 2003) transfer (if applicable) .....

Appendix 1 continued – Supporting Information submitted by applicant

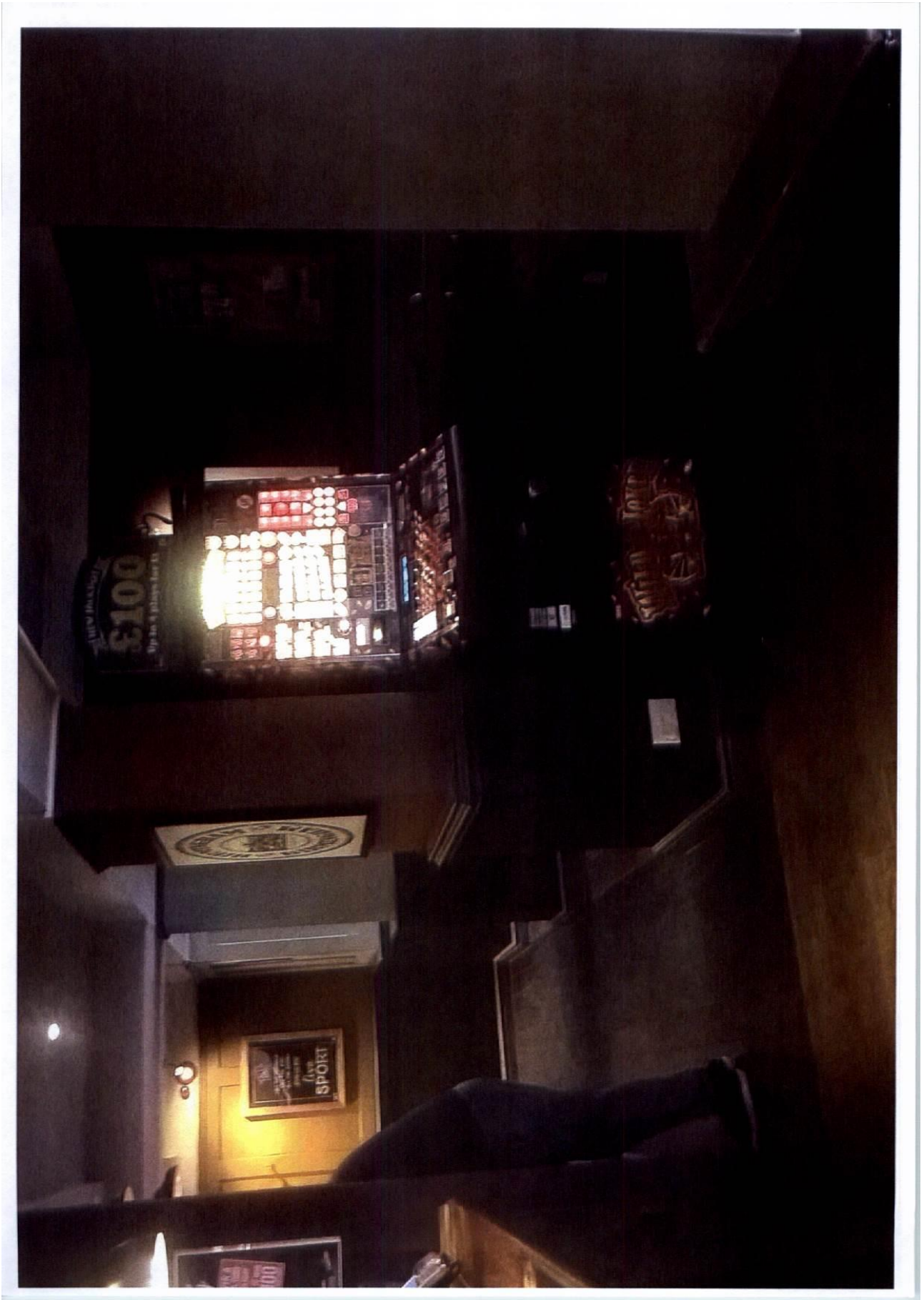












## **CAT C PERMIT APPLICATION STATEMENT**

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.

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.



# Mitchells & Butlers

## General MAB Policy/ Information Position

### **IT IS UNLAWFUL FOR ANYONE UNDER THE AGE OF 18 TO PLAY ON A GAMING MACHINE (Category C) and SWP machines with gaming on them.**

Please note that a Gaming Machine (Category 'C') is the technical term for your Amusement With Prize (AWP) or Fruit Machine.

#### **1. Purpose**

This MAB policy has been written to support all relevant legislation and to assist compliance with the law.

One purpose of the legislation (contained in the Gambling Act 2005) is to protect children and vulnerable adults from being harmed or exploited by gambling. If an enforcement officer or local authority has an issue with the content of this policy, they should be directed to raise the matter in writing to: The Company Secretary, Mitchells & Butlers Plc, 27 Fleet Street, Birmingham, B3 1JP.

Offences under the new legislation include:-

- Playing on a Gaming Machine (Category 'C') or gaming games on an SWP machine when under the age of 18 Years Old.
- Participating in playing a Gaming Machine (Category 'C') or gaming games on an SWP machine with anyone under the age of 18 years.

#### **2. Policy**

The Company's policy is that of the Law. **IT IS UNLAWFUL FOR ANYONE UNDER THE AGE OF 18 TO PLAY ON A GAMING MACHINE (Category C) OR PARTICIPATE WITH THAT PERSON.**

**As some SWP machines may have gaming games on them it is Mitchells & Butlers Policy that all SWP machines must also be an age controlled with no persons under the age of 18 allowed to play.**

### **3. Implementation**

Overall responsibility for policy implementation rests with the Manager of the licensed premises. When he/she is absent the Duty Manager or other person responsible for the day to day operation of the premises is responsible. All team members are obliged to adhere to the policy, and fully support its implementation.

**In particular the Manager is to:-**

- Ensure that all existing employees are informed of the policy and their role in the implementation and monitoring of the policy.
- Ensure that all new personnel are briefed on the policy at the time of their recruitment/induction.
- Ensure that all team members sign to confirm that they have been trained on the measures that have to be followed and understand their responsibilities.
- An attached record sheet assists with this responsibility and must be completed.

### **4. Signage**

**"No Under 18's to Play" signage is on Category C Gaming Machine(s) and SWP machines**

### **5. Non-Compliance**

In addition to any Legal Action that may arise due to anyone under the age of 18 years playing a Gaming Machine (Category 'C') or participating with such play on the Premises, failure to comply will be subject to action under the Mitchells & Butlers disciplinary procedure.

### **6. Due Diligence Actions.**

The following guidelines have been drawn up for Managers and Team Members so that everyone is aware of the action to be taken if someone under the age of 18 (team member, guest / customer or visitor) plays, or an adult participates in the playing of a Gaming Machine (Category 'C') or SWP machine by a person under the age of 18 on the premises. Any person under 18 years of age playing a Gaming machine (Category 'C') or SWP machine, together with those permitting or participating in play by an under 18 year old are potentially liable to prosecution, a fine and the loss of the site's permit to site Gaming Machines (Category 'C') on the premises.

Mitchells & Butlers Policy is to not allow anyone under the age of 18 to play Category C machines or SWP machines which may have gaming on them and it would be very difficult to police the games being played.

**There is a due diligence defence available if all reasonable steps to determine the individual's age are taken and if it is reasonably believed the individual was over 18.**

**The under age person may be fined up to £1,000. An adult is potentially liable to be fined, on conviction, up to £5,000.**

**General advice on preventing an offence being committed under the terms of the Gambling Act 2005:-**

- ***If appropriate to the site, an age related door entry policy.***
- ***More generally through observation of persons appearing to be under the age of 21 years, such that they can be challenged for their ID if they play a Gaming Machine (Category C) or SWP machine.***
- ***Gaming Machines (Category C) or SWP machines must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision or by other means such as door control. Arrangements must be in place for such supervision.***
- ***Gaming Machines (Category C) or SWP machines must be sited such that players should have to cease playing on the machine to use the ATM. MAB policy is that there should be a minimum of 1 metre between an ATM machine that dispenses cash by use of a card and the gaming machine, although the greater the distance the better.***

**Action to be taken if a person under 18 years of age is identified playing a Gaming Machine (Category C) or SWP machine:-**

- Draw the person's attention to the 'No U-18' signs and advise them that they are committing an offence, or may commit an offence in the case of SWP machines. Politely advise them, and if appropriate, anyone participating with them, that they are breaking the law, or may be breaking the law and must stop playing the gaming machine. There may be non-gaming machines on the premises which they can play instead.
- Advise the persons that it is also an offence for you (as manager or team member) to let them continue playing.
- In the event of them refusing to stop playing they should be asked to leave the premises, should they refuse, then seek the assistance of Duty Management and if necessary invoke incident management procedures.
- In all cases the incident must be reported to the Duty Manager and recorded using the Company's Incident Report Form and forwarded in the usual manner.
- Any un-played credits remaining on the machine should be refunded. A record should be kept of the value of any winnings shown on the machine. These will only be paid to the person concerned if they provide their name, address and signature before leaving the premises and return within 48 hours with appropriate ID showing



they are over 18. Monies paid for un-played credits and, where appropriate, winnings should be recorded in the Sundry Claim log book and signed for by the person receiving the money. This will be presented to the collector in the normal way to allow repayment of money paid out of your till.

*If the person playing is an employee:*

- The above procedure remains the same but in addition disciplinary procedures should be applied.

## **7. Enforcement Officers.**

**The law can be enforced by Police, Gambling Commission or Council Representatives, who have been authorised to carry out this work.**

The Authorised enforcement officers have the power to enter all premises to determine whether the law is being upheld and also assess whether or not those in control of the premises have taken all reasonable precautions to prevent anyone Under the age of 18 playing Gaming Machines (Category 'C') or SWP machines with gaming on them. This will assist in providing due diligence defence.

**Children can and are likely to be used in enforcement operations and test playing by under 18 year olds.**

If you have received a visit from a Legally Empowered official which has resulted in the premises being found to be non-compliant in some way, you should inform your RBM immediately and then call the Business Incident Helpline on 08456 013687.

## **8. Miscellaneous.**

**A set of structured training notes** have been prepared to assist you in briefing your team members at least annually and any new team members as part of their induction and training.

If you have any questions about the attached training session please contact your Retail Business Manager in the first instance, alternatively your Electronic Leisure Manager or Risk & Compliance Manager.

At the end of the training session the Training Record form must be signed by each trained team member and filed in the due diligence manual.

***Mitchells & Butlers  
January 2013***

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

**Hare & Hounds, Kingsbury Road, Minworth, Sutton Coldfield B76 9DD**

The applicant currently holds a Licensed Premises Gaming Machine Permit number 859/3 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 - 2  
Number of category D gaming machines - 2

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 - 3  
Number of category D gaming machines - 2

#### **Gambling Act 2005**

Section 153 of the Gambling Act 2005

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

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

**Paragraph 26.8**

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

**Paragraph 26.9**

Holders of licensed premises gaming machine permits are required to comply with a code of practice issued by the Commission on the location and operation of machines, Code of practice for gaming machines in clubs and premises with an alcohol licence. (Copy of the current code of practice attached to the report at appendix 2)

**Paragraph 26.12**

In determining an application, the licensing authority must have regard to the licensing objectives and to this Guidance. They may also take account of any other matters that are considered relevant to the application. The application does not require notification to the Commission or police before determination, however, licensing authorities are able to specify this as a requirement should they see fit.

**Paragraph 26.13**

The licensing authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the licensing authority must issue the permit as soon as possible after that. Where they refuse the application they must notify the applicant as soon as possible, setting out the reasons for refusal. The licensing authority must not refuse an application, or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.

**Paragraph 26.14**

The permit must specify the person or organisation to which it is issued, the number and category of gaming machines for which the permit has effect, the address of the premises and the date on which it takes effect.

**Paragraph 26.17**

There are no renewal provisions for this class of permit because they are indefinite and continue in force for so long as the premises continues to have an alcohol licence and the holder of the permit continues to hold that licence. The permit can lapse if the holder surrenders it to the licensing authority.

**Paragraph 26.18**

The holder may apply to vary the permit by changing the number and/or category of machines authorised by it.

### **Birmingham City Council Statement of Principles**

A person who holds the "on-premises" alcohol licence may apply to the Licensing Authority for a permit specifying any number of category C or D machines but when considering the application the Licensing Authority will have regard to the licensing objectives, and may also take into account any matters that are considered relevant to the application. These may include:

- ☐ the appropriate siting of gaming machines in areas where children are not normally permitted;
- ☐ the size of the premises;
- ☐ the supervision of gaming machines at all times when the premises is open;
- ☐ notices by each gaming machine specifying no person under 18 years old are permitted to use the gaming machine;
- ☐ age verification checks;
- ☐ ensuring members of staff are appropriately trained;
- ☐ display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

### **Visit to Hare & Hounds - 21<sup>st</sup> April 2016**

The applicant is currently making the permitted number and category of gaming machines available at the premises (2 category C).

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

Members of staff are 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.

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 21<sup>st</sup> April 2016 in relation to the existing gaming machines being made available for use. A plan has been submitted indicating that the extra gaming machine would also be sited in the bar area to enable adequate supervision. 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: 859 / 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

Hare & Hounds, Kingsbury Road, Minworth, Sutton Coldfield, B76 9DD

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

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

Date on which this permit takes effect or is renewed:

23/09/2015

This permit is issued by:

**Birmingham City Council**

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

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



# GAMBLING COMMISSION

## Code of practice for gaming machines in clubs and premises with an alcohol licence

For club gaming permits, club machine permits and alcohol  
licensed premises

August 2014

### 1 For club gaming permits, club machine permits and alcohol

This is the Commission's Code of Practice issued under section 24 of the Gambling Act 2005 (the Act) relating to provision of facilities for gaming machine gambling in accordance with club gaming, club machine and alcohol licensed premises permits. This includes:

- Registrations under Parts II and III of the Gaming Act 1968 which, under transitional provisions, are treated as club gaming and club machine permits respectively
- Club gaming and club machine permits issued under the Club Gaming and Club Machine Permits (Scotland) Regulations 2007
- Premises which have a licence issued by a Licensing Board under section 26(1) or 47(2) of the Licensing (Scotland) Act 2005 authorising the sale of alcohol on the premises.

#### Code provision 1.1

#### Club gaming permits, club machine permits and alcohol

#### Gaming machines in clubs and premises with an alcohol licence

- 1 Compliance with the code of practice should be the responsibility of a designated person:
  - in pubs in England and Wales: the designated premises supervisor (which the Licensing Act 2003 requires as a condition of any alcohol premises licence)
  - in premises which are licensed to serve alcohol for consumption on the premises under the relevant Scottish licence: the premises manager (which the Licensing (Scotland) Act 2005 requires as a condition of the premises licence), or,
  - where an occasional licence is held, a responsible person designated by the holder of the licence
  - in clubs in England and Wales:
    - if an alcohol licence is held, the designated premises supervisor
    - if no alcohol licence is held, a responsible individual to be nominated by the club management or other governing body elected by the members
  - in clubs in Scotland:
    - for a qualifying club under the Licensing (Clubs) (Scotland) Regulations 2007 (SI No 76 of 2007) a person nominated by the club management committee, or other governing body elected by the members, and who is trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007
    - for a qualifying club operating under an occasional licence a responsible person to be nominated by the club management committee or other governing body elected by the members
    - the name and contact details of the nominated person should be made available to the clerk of the relevant licensing board.

## 2 Location and operation of machines

### All permit holders

Compliance with these provisions is a condition of your permit, and failure to do so could result in revocation of the permit.<sup>1</sup>

#### Code provision 2.1

##### Location and operation of machines

###### All permit holders

- 1 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.
- 2 Permit holders must have in place arrangements for such supervision.
- 3 All gaming machines situated on the premises shall be located in a place that requires a customer who wishes to use any ATM made available on the premises to cease gambling at the gaming machines in order to do so. 'ATM' means a machine located on the premises, which enables a person using it to obtain cash by use of a credit or debit card.

## 3 Access to gambling by children and young persons

Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.

#### Code provision 3.1

##### Access to gambling by children and young persons

###### All permit holders

- 1 Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:
  - checking the age of those who appear underage
  - refusing entry to anyone unable to produce an acceptable form of identification.
- 2 Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.
  - Permit holders should only accept identification which:
  - contains a photograph from which the individual can be identified
  - states the individual's date of birth
  - is valid
  - is legible and has no visible signs of tampering or reproduction.
- 3 The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.

<sup>1</sup> Compliance with these provisions is a condition of the relevant permit as a result of the Gambling Act 2005: section 271 for Club Gaming Permits, section 273 for Club Machine Permits, section 282 for alcohol licensed premises using their automatic machine permissions and section 283 for licensed premises Gaming Machine Permits and alcohol licensed premises Gaming Machine Permits.

**Code provision 3.2**

**Access to gambling by children and young persons**

**All permit holders**

- 1 Procedures should be in place for dealing with cases where a child or young person repeatedly attempts to gamble on category B or C machines, including oral warnings, reporting the offence to the Commission and the police, and making available information on problem gambling.

**4 Complaints and disputes**

**Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Commission considers it should be implemented by permit holders.**

**Code provision 4.1**

**Complaints and disputes**

**All permit holders**

- 1 Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises
- 2 A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:
  - a) is not resolved at the first stage of the complaints procedure, and
  - b) relates to the outcome of the complainant's gambling transaction.
- 3 Permit holders should ensure that:
  - customers are told the name and status of the person to contact about their complaint
  - customers are given a copy of the complaints procedure on request or on making a complaint
  - all complaints are handled in accordance with the procedure.

Gambling Commission August 2014

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**Keeping gambling fair and safe for all**

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

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

Gambling Commission  
Victoria Square House  
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Birmingham B2 4BP

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E [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Gambling Commission August 2014  
ADV 14/07

## Appendix 3

### 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: 859 / 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

Hare & Hounds, Kingsbury Road, Minworth, Sutton Coldfield, B76 9DD

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

Date on which this permit takes effect or is renewed:  
23/09/2015

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

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

## Appendix 4

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

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

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



## Appendix 5



**Birmingham City Council**

Map Created By:

**Notes**

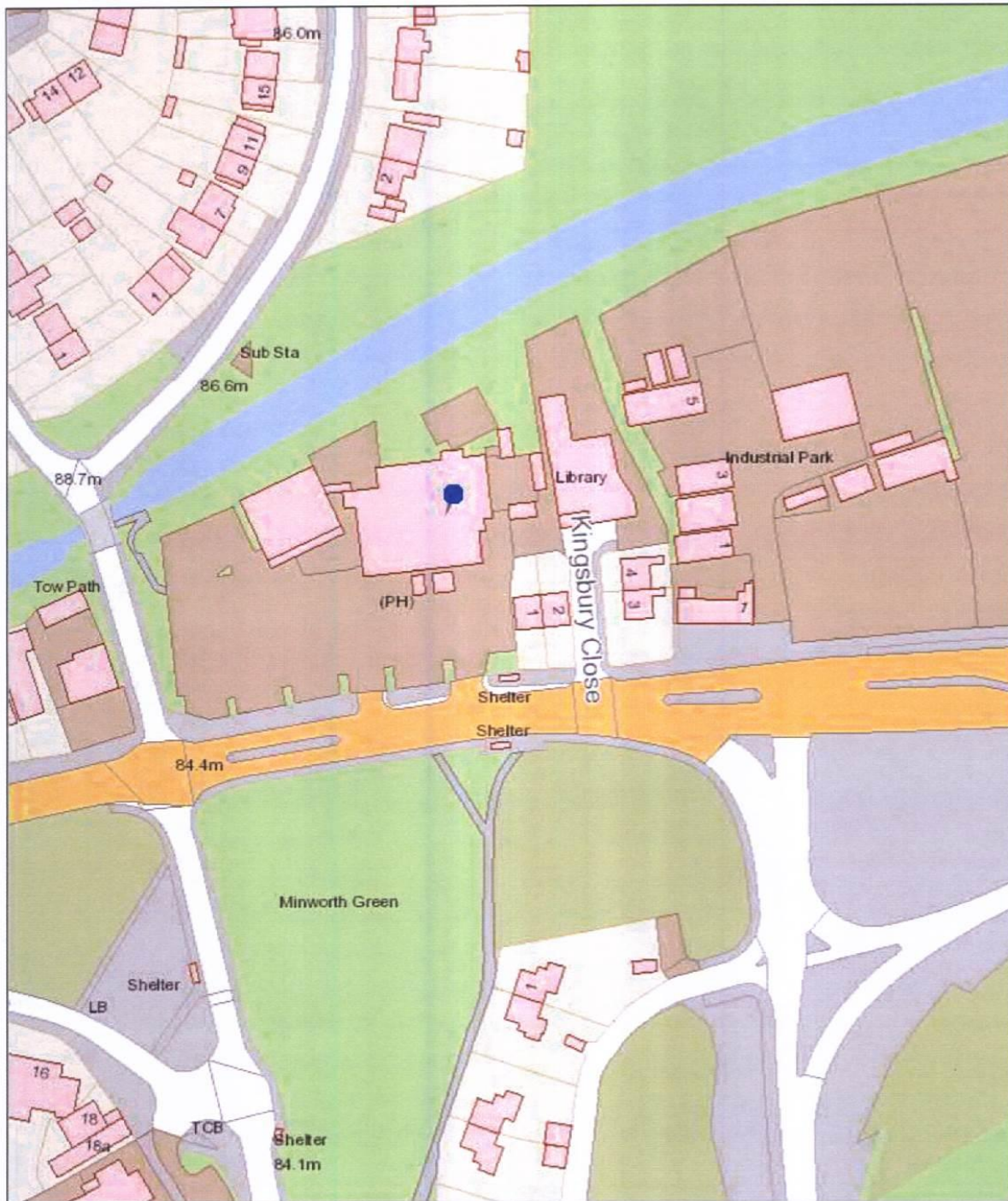
Date of Map Creation: 24/05/2016



Scale:  
1:7,000

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**Birmingham City Council**

Map Created By:

**Notes**

Date of Map Creation: 24/05/2016



Scale:  
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