

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 12th June 2023
Subject:	Gambling Act 2005 Licensed Premises Gaming Machine Permit
Premises	Elizabeth of York, 12A St Mary's Row, Moseley, Birmingham, B13 8JG
Ward affected:	Moseley
Contact Officer:	David Kennedy, Principal 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 have permission to operate a total of 5 Category C Gaming Machines, at the premises.

2. Recommendation:

The Sub-Committee is requested to consider the application to operate a total of 5 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 29th March 2023.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p>5. Relevant background/chronology of key events:</p> <p>JD Wetherspoon Plc submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 29th March 2023 for the Elizabeth of York, 12A St Mary's Row, Moseley, Birmingham, B13 8JG.</p> <p>The application, including supporting documents, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.</p> <p>The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 4 Category C machines. See attached Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Ensuring that Gambling is conducted in a fair and open way Protecting Children and other vulnerable persons from being harmed or exploited by gambling.
<p>6. List of background documents:</p> <p>Application Form and supporting documents, Appendix 1 Birmingham City Council Licensing Enforcement no objection confirmation, Appendix 2 Current Gaming Machine Permit, Appendix 3 Gaming Machine Categories, Appendix 4 Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <ol style="list-style-type: none"> Grant the application Refuse the application Grant the application in respect of; <ol style="list-style-type: none"> A smaller number of machines than is specified in the application A different category of machines from that specified in the application, or both <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

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

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

To:
Licensing Team
Birmingham City Council
PO Box 17831
Birmingham
B2 2HJ

Section A – Applicant Details

1. Name of Applicant

JD Wetherspoon Plc

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

1709784

3. Address / registered office of applicant

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

4. Telephone number (daytime) of applicant

5. E-mail address of applicant

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

.....
.....

SECTION B – Premises Details

1. Name of premises

Elizabeth of York

.....
..

2. Address of premises

12a St Mary's Row, Moseley Birmingham, B13 8JG

.....

3. Telephone number of premises

.....

...

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

.....

.....

5. Licensing Act 2003 Premises Licence Number

2547/2.....

SECTION C – What do you want to do?

Please indicate what you would like to do:

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

☐

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

☐

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

☒

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

☐

SECTION D – Grant and variation requests

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

Category machine	Number currently authorised to provide	Number wish to provide
C	...4...	...5...
D
Total5...

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

Existing permit provided ☒

Reasons why existing permit cannot be provided

.....
.....

Section E – Transfer request

1. Name of person requesting the transfer

JD Wetherspoon plc

.....
...

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

Requested

☐

Granted ☐

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

Existing permit provided ☐

Reasons why existing permit cannot be provided

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

Section F – Fee and Signature(s)

1. I enclose

In all cases

- *the relevant fee* ✓

2. I confirm that

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

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

Dated29th March 2023
.....

Signed by or on behalf of the applicant

Name (please print)...Jennie Odell

.....

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

To Vary the Permit £100

To Transfer the Permit £25

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

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

Official Use Only

Date of receipt:

Signature and name of staff who received:

Date of receipt of fee:

Signature and name of staff who received fee:

Application accepted / returned (please delete as appropriate)

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

Appendix 1 continued – Supporting Documents

From: Jennie Odell

Sent: 03 May 2023 13:41

To: Licensing

Subject: RE: GA2005 - Licensed Premises Gaming machine Permit Variation RE: Elizabeth of York, 12a St Mary's Row, Moseley Birmingham, B13 8JG

Hi Bhapinder

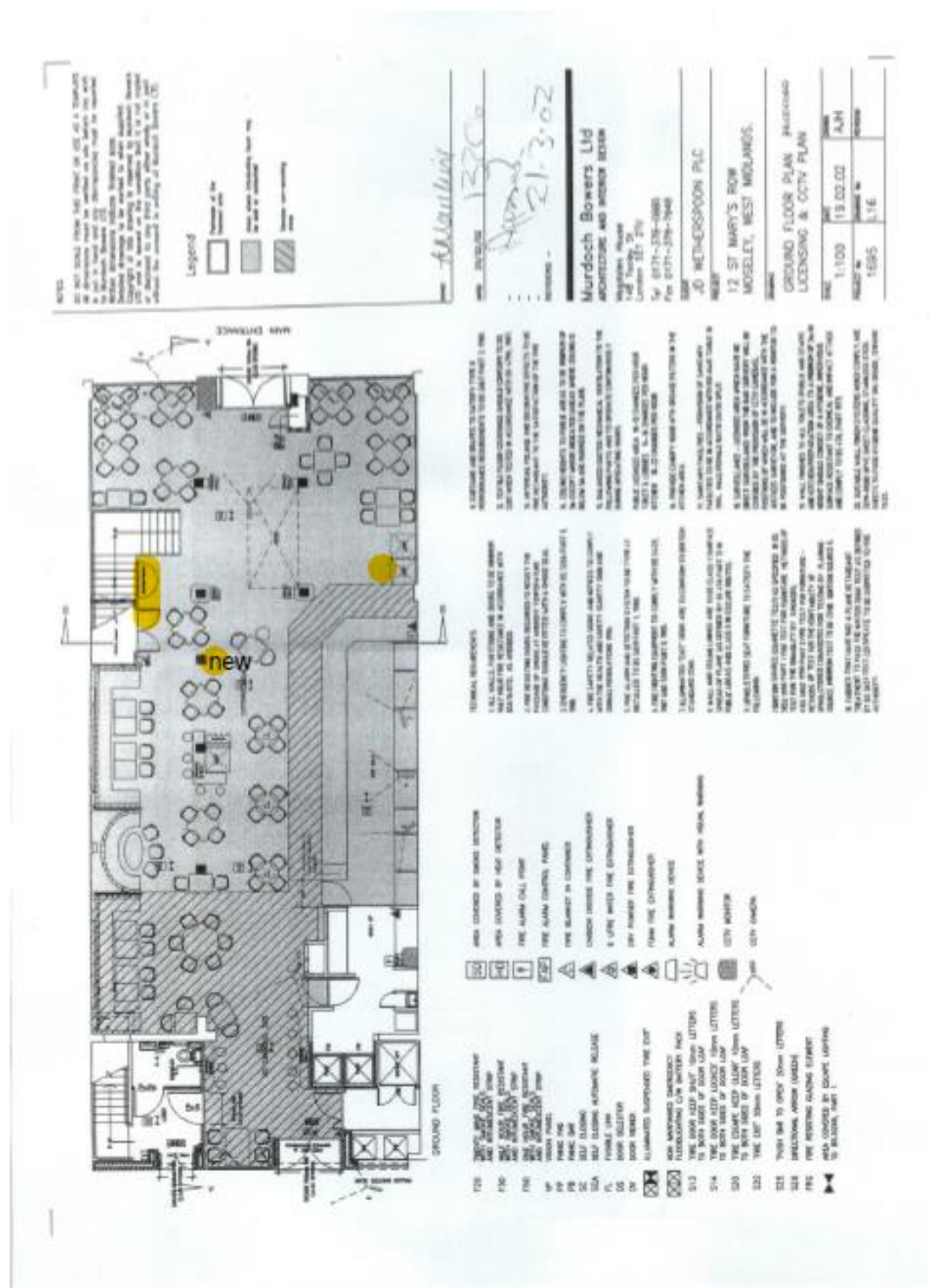
Thank you for your email, I have asked the pub to mark up the locations of the current machines 4 machines and where the additional 5th machine will be which is what they discussed with the Licensing Officer when they visited the pub.

There are currently 3 machines altogether in a row and the 4th machine is by the bar and the additional 5th machine will be against a pillar facing towards the bar and can be seen at all times.

I have also attached a copy of the Company's Policy in relation to Gaming Machines which may assist with our application at the hearing.

Kind Regards

Jennie Odell
Licensing Paralegal
JD Wetherspoon plc



JD Wetherspoon PLC

Licensed Premises Gaming Machines

Policy and Procedure Overview

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

JD Wetherspoon PLC
Updated: January 2022

From: Gary Callaghan
Sent: 25 April 2023 09:01
To: Arvinder Loyal
Cc: Licensing
Subject: Variation for additional Gaming Machine

RE: Elizabeth of York
12A St Marys Row, Birmingham, B13 8JG

Hi Arvi

I have no objection to the variation for an additional gaming machine, I have done a sight visit and the machine will be placed near to the other 3 machines already in place and in the middle of the bar area , so that bar staff can clearly see who is playing the machines, the premises have roving managers on duty and glass collectors to also monitor the situation, as such I am satisfied that they can promote the Gambling Act 2005 objectives Please see attached paperwork and photos taken of the current set up

Regards
Gary

Gary Callaghan
Licensing Enforcement Officer
Birmingham City Council Licensing Enforcement





BIRMINGHAM CITY COUNCIL



This form is prescribed by regulation 4 of the Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007

Licensed Premises Gaming Machine Permit

No: 529 / 1

This licensed premises gaming machine permit authorises:

JD Wetherspoon Plc

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

Elizabeth of York, 12A St Mary's Row, Moseley, Birmingham, B13 8JG

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

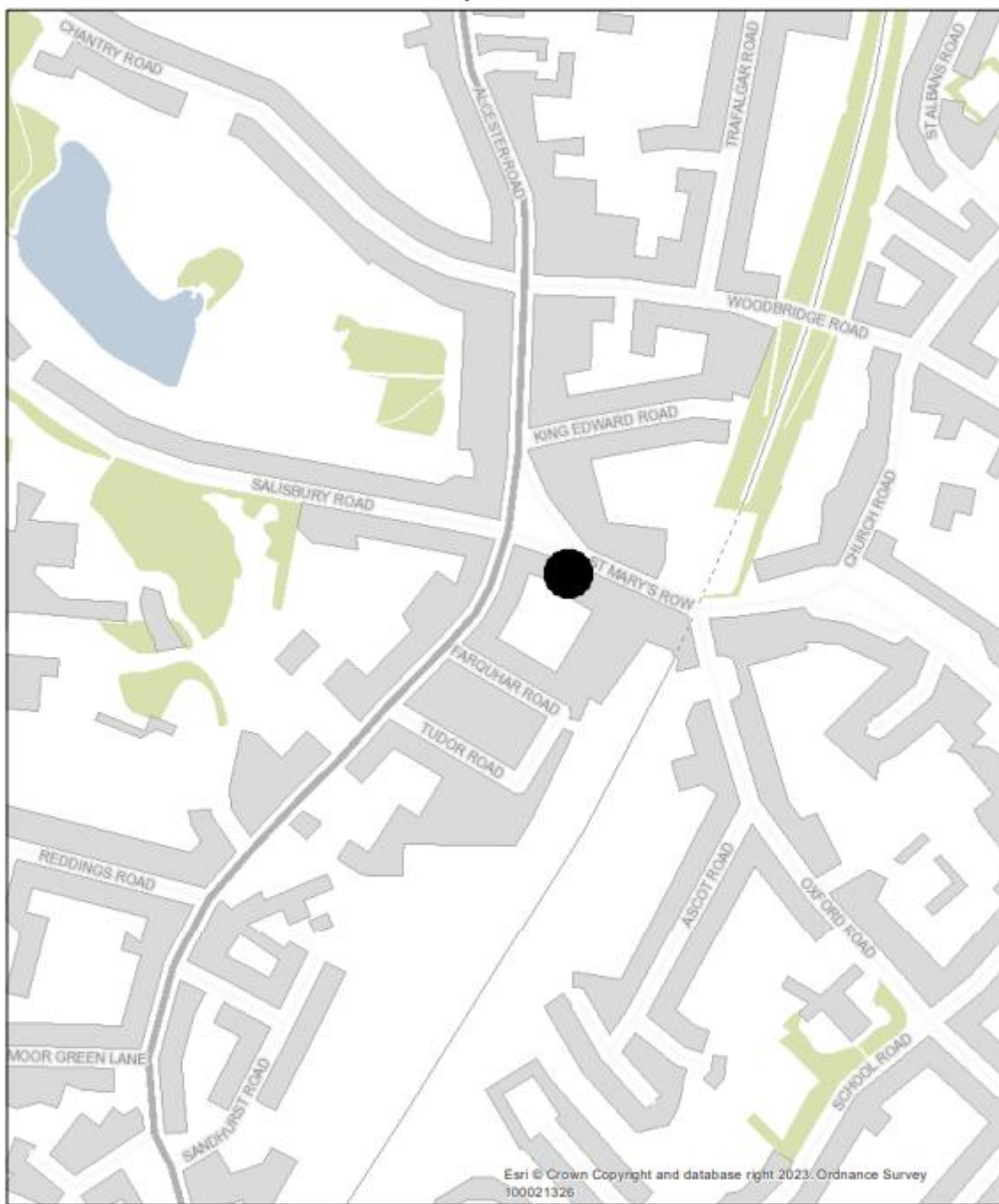
Date on which this permit takes effect or is renewed:
03/06/2010


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

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

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

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



 Birmingham

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