

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 C

WEDNESDAY, 07 DECEMBER 2016 AT 09:30 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 **MINUTES**

3 - 14

To confirm and sign the Minutes of the meeting held on 9 November 2016.

4 **GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES**
GAMING MACHINE PERMIT - BOTTLE OF SACK, BIRMINGHAM ROAD,
SUTTON COLDFIELD, B72 1DD

15 - 38

Report of the Acting Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 09:30am on Wednesday 7th December 2016.

5 **GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES**
GAMING MACHINE PERMIT - HORNET, 991 ALUM ROCK ROAD,
WASHWOOD HEATH, BIRMINGHAM, B8 2LZ

39 - 56

Report of the Acting Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 11:00am on Wednesday 7th December 2016.

6 **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

LICENSING SUB-COMMITTEE C 9 NOVEMBER 2016
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON WEDNESDAY, 9 NOVEMBER 2016 AT 0930 HOURS, IN COMMITTEE ROOM 1, COUNCIL HOUSE, BIRMINGHAM

PRESENT: - Councillor Buchanan in the Chair;

Councillors Dring and Eustace

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Victoria Williams – Committee Services

NOTICE OF RECORDING

1/091116

The Chairman advised the meeting, and the Sub-Committee noted, that members of the press/public may record and take photographs except where there were confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

2/091116

Apologies were submitted on behalf of Councillor Leddy. It was noted that Councillor Dring was the nominated Member.

PLAYERS, 240 BROAD STREET, BIRMINGHAM, B1 2HG – LICENSING ACT 2003 - PREMISES LICENCE REVIEW

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No 1)

Presenting the Application for the Review

Councillor Gareth Moore.

On Behalf of the Premises Under Review

Mr C Grunert – John Gaunt and Partners, Solicitors.

Mr J Cadona – Premises Licence Holder/Director – Players.

Making Representations

Mr M Croxford – Head of Environmental Health

Mr R Davey – Environmental Health Officer

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Councillor Gareth Moore indicated that, although he was a Councillor, he was attending the meeting as a member of the public. However, it was noted that he had submitted the application for review in his capacity as a Councillor.

He stated the grounds for review and highlighted the information in support of the application, including photographs of fly posters in various locations, statistics provided by Amey regarding the number of placards that had been removed as detailed in appendix 1 and street cleansing data as set out in appendix 2 of the review application now submitted.

He expressed concern that some of the posters shown in the photographs had advertised cheap alcohol. Others had specifically targeted A Level students.

Councillor Gareth Moore considered that Players were in breach of the Licensing Policy. He requested that, in order to promote the licensing objectives, the premises licence be revoked on the grounds of public safety and the prevention of public nuisance or that, at the very least, some form of additional conditions could be agreed. However, he had been unable to speak with Players prior to the meeting and understood that they did not consider it appropriate to add extra conditions to their licence.

In response to questions from Members of the Sub-Committee, Councillor Moore made the following points:-

1. He recognised that there was a procedure to be followed regarding the removal of fly posters, the fact that not all illegal fly posters were erected by/on behalf of licenced premises and that conditions could not be imposed on those organisations in the same manner. However, he hoped that if licenced premises raised the profile by removing their illegal fly posters that other organisations might follow suit.
2. He expressed concern that illegal fly posters had been put up in the first place. Preventative measures needed to be implemented to address the problem. Ultimate responsibility lay with the Premises Licence Holder.
3. The information detailed in appendices 1 and 2 was general in nature and did not solely relate to licenced premises.
4. All photographs had been taken in the vicinity of Six Ways, Erdington.

5. With regard to fly posting, he considered that licence holders should act more responsibly than other organisations and companies such as kitchen suppliers.
6. Licence holders had a duty to abide by the Licensing Act 2003. It was not unreasonable to impose extra conditions relating to fly posting.

Messrs Croxford and Davey, Environmental Health, made representations highlighting the salient points set out in the report including the history of flyposting associated with Players and drew Members' attention to the slightly amended recommended conditions, compared to those set out on page 8 of the agenda papers, that they considered should be added to the licence and a copy of which was tabled at the meeting:-

(See document No 2)

In response to a question Messrs Croxford and Davey briefly explained the procedure and costs involved regarding the removal of fly posters.

The following agreement, between the promoter CP90 Events Limited and Inspired Leisure Limited, operators of Players, was submitted:-

(See document No 3)

Messrs Cadona and Grunert, on behalf of the premises under review, made the following points:-

1. There was no evidence to suggest that Players were aware that the illegal fly posting had occurred. No-one had contacted Players prior to today's meeting regarding the matter. It was unfortunate that there had not been more partnership working beforehand.
2. Illegal fly posting created an adverse image, was counter-productive and anti-social.
3. This was the first time that Players had been the subject of a review.
4. The modification of the conditions was unnecessary.
5. With regard to illegal flyposting, Players should not be held responsible for what had happened or might occur in the future. Concern was expressed that a breach of conditions could incur a heavy fine.
6. Players Bar was a successful family run business.

Licensing Sub-Committee C – 9 November 2016

In response to questions from Members of the Sub-Committee, Messrs Cadona and Grunert made the following points:-

1. Mr Cadona advised that staff held weekly meetings and acknowledged that the matter of fly posting could be brought to their attention. Staff could be asked to be more vigilant and flag up with management any instances of fly posting of which they became aware in the future.
2. Players should not be held responsible for the actions of the promoter. There was no evidence to suggest that Players were aware that the illegal fly posting had occurred.
3. Players were aware that the events were being promoted but did not know that it was being done in an illegal manner.
4. Players would have addressed the issue if they had been aware that fly posting was taking place.
5. Environmental Health had not contacted Players regarding illegal fly posting.
6. If an incident of fly posting occurred in the future, Players would make every effort to deal with the matter within 48 hours. Additional conditions were unnecessary.
7. Players gave clear instructions to promoters of what was expected and if they had been aware of the illegal fly posting appropriate action would have been taken.

All parties summed up and made final submissions and at 1129 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, Committee Lawyer and Committee Manager, withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1157 hours and a summary of the decision of the Sub-Committee was announced. All parties were advised that the full decision would be forwarded to them within five working days. The full decision is set out as follows:-

3/091116 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Inspired Leisure Limited, in respect of Players, 240 Broad Street, Birmingham, B1 2HG upon the application of Councillor Gareth Moore, this Sub-Committee hereby determines to modify the conditions attached to the Premises Licence,

through the inclusion of the following additional conditions:-

Additional Permanent Conditions

1. The premises licence holder shall, as far as is reasonably practicable, ensure that events held at the premises are not in any way promoted by the use of illegal fly-posting or unauthorised advertisements attached to street furniture.
2. The premises licence holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly-posting and/or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The premises licence holder shall maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority on request.
3. The premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainment or the premises, in particular:
 - a) no display of advertisements should take place on street furniture;
 - b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the licensee has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to a responsible authority on request.
4. The premises licence holder shall remove any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council, its agent(s) or West Midlands Police of an illegal advertisement being displayed. Such removal shall take place within 48 hrs of receiving the said notice.

The Sub-Committee's reasons for imposing these additional conditions on a **permanent basis** on to the Premises Licence, are due to concerns raised by Councillor Gareth Moore within his review application dated 20 September 2016, as supported by Environmental Health, Birmingham City Council, as a Responsible Authority, in relation to the promotion of the prevention of public nuisance licensing objective, through unlawful fly posting around the City of Birmingham.

Furthermore, the Sub-Committee noted that the premises were either engaged in, or had failed to take reasonable measures to prohibit the use of fly posting around the City of Birmingham as evidenced within the review application, contrary to the Licensing Authority's own Statement of Licensing Policy, specifically:-

"20.7 Fly posting and Promotional Material

20.7.1 As a leading entertainment centre Birmingham often faces the widespread problem of illegal or nuisance fly posting, and littering from promotional material. This

can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.

20.7.2 Existing legislation seeks to address this problem, however, it often proves ineffective in preventing this type of nuisance advertising. The Council is also concerned that some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting which occurs.

20.7.3 The Council expects responsible licence holders to ensure the licensing objectives are properly promoted when advertising regulated entertainment at their premises. For this reason it considers licence holders should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance or result in criminal offences give rise to crime and disorder.

20.7.4 Where they are engaged, Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material: and to maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule the Council will impose conditions to this effect when its discretion to do so has been engaged."

The Sub-Committee therefore considers the additional conditions imposed to be appropriate, reasonable and proportionate to address the concerns raised.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the other persons.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

**AMUSEMENT 13, 16 KENT STREET, DIGBETH, BIRMINGHAM, B5 6RD –
LICENSING ACT 2003 - PREMISES LICENCE REVIEW**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No 4)

David Kennedy, Licensing Section, advised that all parties had agreed to the conditions being modified. Therefore, no-one was present.

The Sub-Committee was advised that if it disagreed with that course of action and did not accept the proposed modified conditions, it would be necessary to arrange another meeting to consider the application when all parties would have the opportunity to attend and put forward their case.

Members agreed to accept the proposed modified conditions and the decision of the Sub-Committee is set out as follows:-

4/091116 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Empire Star Limited, in respect of Amusement 13, 16 Kent Street, Digbeth, Birmingham, B5 6RD upon the application of Councillor Gareth Moore, this Sub-Committee hereby determines to modify the conditions attached to the Premises Licence, through the inclusion of the following additional conditions:-

Additional Permanent Conditions

1. The premises licence holder shall, as far as is reasonably practicable, ensure that their premises are not in any way promoted by the use of illegal fly-posting or unauthorised advertisements attached to street furniture.
2. The premises licence holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly-posting and/or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The premises licence holder shall maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority on request.
3. The premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainment or the premises, in particular:
 - a) no display of advertisements should take place on street furniture;
 - b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the licensee has

first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to a responsible authority on request.

4. The premises licence holder shall remove any unlawful advertisements of events at their premises where they become aware of them or they are advised by a responsible authority of an illegal advertisement being displayed. Such removal shall take place within 48 hrs of receiving the said notice either to the venue address and the registered office by way of registered post, or by direct contact between the responsible authority and the Designated Premises Supervisor in person or by telephone.

The Sub-Committee's reasons for imposing these additional conditions on a **permanent basis** on to the Premises Licence, are due to concerns raised by Councillor Gareth Moore within his review application dated 15 September 2016, as supported by Environmental Health, Birmingham City Council, as a Responsible Authority, in relation to the promotion of the prevention of public nuisance licensing objective, through unlawful fly posting around the City of Birmingham.

Furthermore, the Sub-Committee noted that the premises were either engaged in, or had failed to take reasonable measures to prohibit the use of fly posting around the City of Birmingham as evidenced within the review application, contrary to the Licensing Authority's own Statement of Licensing Policy, specifically:-

"20.7 Fly posting and Promotional Material

20.7.1 As a leading entertainment centre Birmingham often faces the widespread problem of illegal or nuisance fly posting, and littering from promotional material. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.

20.7.2 Existing legislation seeks to address this problem, however, it often proves ineffective in preventing this type of nuisance advertising. The Council is also concerned that some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting which occurs.

20.7.3 The Council expects responsible licence holders to ensure the licensing objectives are properly promoted when advertising regulated entertainment at their premises. For this reason it considers licence holders should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance or result in criminal offences give rise to crime and disorder.

20.7.4 Where they are engaged, Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material: and to maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule the Council will impose conditions to this effect when its discretion to do so has been engaged."

The Sub-Committee therefore considers the additional conditions imposed to be appropriate, reasonable and proportionate to address the concerns raised.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the other persons.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

**THE RAINBOW LIVE MUSIC VENUE, 29 LOWER TRINITY STREET,
DIGBETH, BIRMINGHAM, B9 4AG – LICENSING ACT 2003 - PREMISES
LICENCE REVIEW**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No 5)

Additional information, regarding the control of fly posting, submitted by the Premises Licence Holder was tabled at the meeting:-

(See document No 6)

Presenting the Application for the Review

Councillor Gareth Moore.

On Behalf of the Premises Under Review

Mr L Coppage, Security/Agent – Rainbow Group.

Mr R McGee, Executive – Rainbow Group.

Mr A Potts, Wright Hassall, Solicitors.

Making Representations

Mr M Croxford – Head of Environmental Health
Mr R Davey – Environmental Health Officer

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

David Kennedy, Licensing Section, informed the Sub-Committee that he understood that all parties had agreed to the conditions being modified.

All parties present confirmed that they accepted the modification to the conditions.

Mr Potts, Wright Hassall, Solicitors, advised that all Rainbow staff would be charged with being vigilant about illegal fly posting and assurance was given that, if any promoter was found guilty, immediate action would be taken. Rainbow would do everything it could to deal with any matter in the future.

At 1318 hours the Sub-Committee adjourned and the Chairman requested, with the exception of the Members, Committee Lawyer and Committee Manager, that all present withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1320 hours and a summary of the decision of the Sub-Committee was announced. All parties were advised that the full decision would be forwarded to them within five working days. The full decision is set out as follows:-

5/091116 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Bow Leasehold Limited, in respect of The Rainbow Live Music Venue, 29 Lower Trinity Street, Digbeth, Birmingham, B9 4AG upon the application of Councillor Gareth Moore, this Sub-Committee hereby determines to modify the Conditions attached to the Premises Licence, through the inclusion of the following additional conditions:-

Additional Permanent Conditions

1. The premises licence holder shall, as far as is reasonably practicable, ensure that events held at the premises are not in any way promoted by the use of illegal fly-posting or unauthorised advertisements attached to street furniture.
2. The premises licence holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly-posting and/or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The premises licence holder shall maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority on request.

3. The premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainment or the premises, in particular:
 - a) no display of advertisements should take place on street furniture;
 - b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the licensee has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to a responsible authority on request.
4. The premises licence holder shall remove any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council, its agent(s) or West Midlands Police of an illegal advertisement being displayed. Such removal shall take place within 48 hrs of receiving the said notice.

The Sub-Committee's reasons for imposing these additional conditions on a **permanent basis** on to the Premises Licence, are due to concerns raised by Councillor Gareth Moore within his review application dated 15 September 2016, as supported by Environmental Health, Birmingham City Council, as a Responsible Authority, in relation to the promotion of the prevention of public nuisance licensing objective, through unlawful fly posting around the City of Birmingham.

Furthermore, the Sub-Committee noted that the premises were either engaged in, or had failed to take reasonable measures to prohibit the use of fly posting around the City of Birmingham as evidenced within the review application, contrary to the Licensing Authority's own Statement of Licensing Policy, specifically:-

"20.7 Fly posting and Promotional Material

20.7.1 As a leading entertainment centre Birmingham often faces the widespread problem of illegal or nuisance fly posting, and littering from promotional material. This can have an impact on the prevention of public nuisance objective and the prevention of crime and disorder objective within the Licensing Act 2003.

20.7.2 Existing legislation seeks to address this problem, however, it often proves ineffective in preventing this type of nuisance advertising. The Council is also concerned that some licence holders leave the advertising of regulated entertainment to events promoters and then use this to argue that they are not responsible for any illegal fly posting which occurs.

20.7.3 The Council expects responsible licence holders to ensure the licensing objectives are properly promoted when advertising regulated entertainment at their premises. For this reason it considers licence holders should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance or result in criminal offences give rise to crime and disorder.

20.7.4 Where they are engaged, Premises Licence Holders are encouraged to have explicit agreements or contracts with named individuals or companies used to promote events to address the issue of fly posting and littering from promotional material: and to maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority or Authorised Officer on request. Where appropriate and where consistent with the applicant's operating schedule the Council will impose conditions to this effect when its discretion to do so has been engaged."

The Sub-Committee therefore considers the additional conditions imposed to be appropriate, reasonable and proportionate to address the concerns raised.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the other persons.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

OTHER URGENT BUSINESS

6/091116 No items of other urgent business were submitted.

The meeting ended at 1322 hours.

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CHAIRMAN

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 7th December 2016
Subject:	Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit
Premises	Bottle of Sack, Birmingham Road, Sutton Coldfield, B72 1DD
Ward affected:	Sutton Trinity
Contact Officer	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
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.

2. Recommendation:
The Sub Committee is requested to consider an application to operate a total of 5 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 19 th September 2016.

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 Wetherspoons PLC submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 19th September 2016 for the Bottle of Sack, Birmingham Road, Sutton Coldfield, B72 1DD.</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 29th September 2016, and confirmed that they have no objections to application. Their report is attached at Appendix 2.</p> <p>A copy of the current Gaming Machine Permit issued under the Gambling Act 2005, which permits 4 Category C machines, is attached at Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ul style="list-style-type: none"> a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. b. Ensuring that Gambling is conducted in a fair and open way c. Protecting Children and other vulnerable persons from being harmed or exploited by gambling.
<p>6. List of background documents:</p> <p>Application Form, Appendix 1 Birmingham City Council Licensing Enforcement report, Appendix 2 Current Gaming Machine Permit, Appendix 3 Gaming Machine Categories, Appendix 4 Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <ul style="list-style-type: none"> a) Grant the application b) Refuse the application c) Grant the application in respect of; <ul style="list-style-type: none"> (i) A smaller number of machines than is specified in the application (ii) A different category of machines from that specified in the application, or (iii) both

Appendix 1

**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:
Birmingham City Council
Licensing Section
Crystal Court
Aston Cross Business Village
50 Rocky Road
Aston, Birmingham B6 5RQ

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

Bottle of Sack

2. Address of premises

2 Birmingham Road, Sutton Coldfield, B72 1DD

3. Telephone number of premises

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

5. Licensing Act 2003 Premises Licence Number

2431/3.....

19 SEP 2022
REF NO 003579-7100-CH2
INITIALS R

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.

Dated 16/11/16

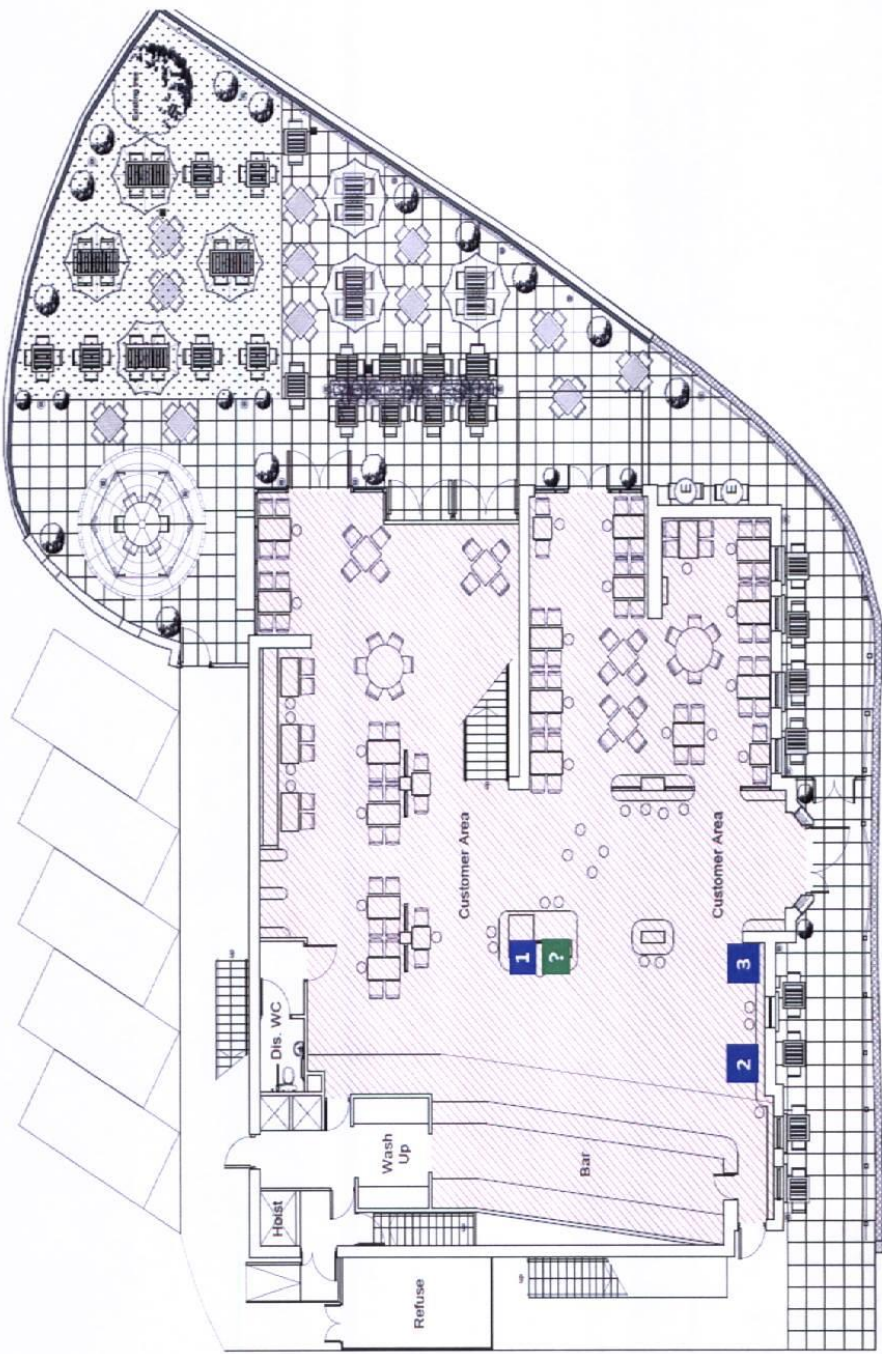
Signed by or on behalf of the applicant

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

3



new machine is marked on the plan as a question mark.

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

JD Wetherspoon PLC has submitted an application to increase the number of gaming machines currently permitted at their premises trading as:-

Bottle of Sack, 2 Birmingham Road, Sutton Coldfield, West Midlands, B72 1QQ

The applicant J D Wetherspoons PLC currently holds a Licensed Premises Gaming Machine Permit number 474/1 allowing up to 4 gaming machines to be made available at the premises.

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

JD Wetherspoons PLC 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.

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 Bottle of Sack - 29th September 2016

During the visit to the premises on 29th September 2016 it could be seen that the pub caters for adults and families, offering food throughout the day and into the early evening. I was advised by the Duty Manager Emma Proctor that evenings are geared towards all adults.

The applicant is currently making a total of 4 category C machines available on their premises. Their current Gaming Machine Permit allows 4 category C machines.

The current gaming machines are sited throughout the premises (see photos appendix 1 – 3). 3 machines are currently downstairs which are visible from the bar area. 1 machine is upstairs which is supervised at all times through their CCTV and regular walkabout staff who have been trained in the Licensing objectives.

ID checks are carried out if a member of staff has concerns about the possible age of persons playing any of the category C gaming machines.

I was informed by Ms Proctor that there were 2 possible sites being considered for a further machine. These being either downstairs where there is currently a fridge (Photo appendix 4). This area is covered by CCTV and walkabout staff. The other possible siting would be upstairs where condiments are currently sited (see Photo Appendix 5), the area also covered by CCTV and walkabout staff.

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 29th September 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 (Appendix 6) 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 promoting the protection of children and other vulnerable persons from being harmed or exploited by gambling.

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.

Appendix 1

Downstairs opposite bar



Appendix 2

Downstair's right side of bar.



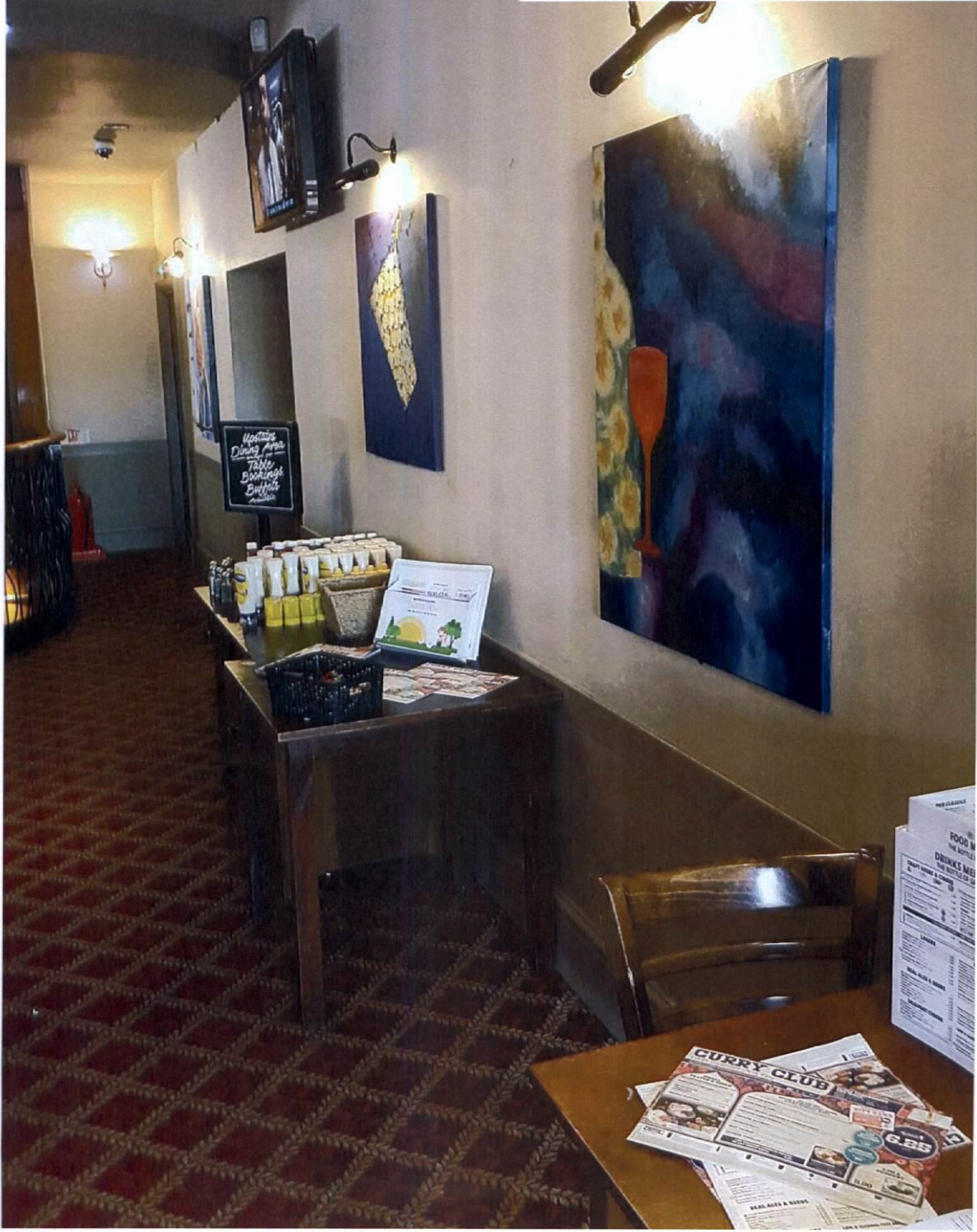
Appendix 3

upstairs area





Appendix 5
proposed siting for 5rh
machine upstairs



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.¹

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.

¹ 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

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

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

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

T 0121 230 6666
F 0121 230 6720
E info@gamblingcommission.gov.uk

Gambling Commission August 2014
ADV 14/07

LPM 1257

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: 474 / 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

Bottle of Sack, 2 Birmingham Road, Sutton Coldfield, B72 1DD

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:
18/03/2010

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

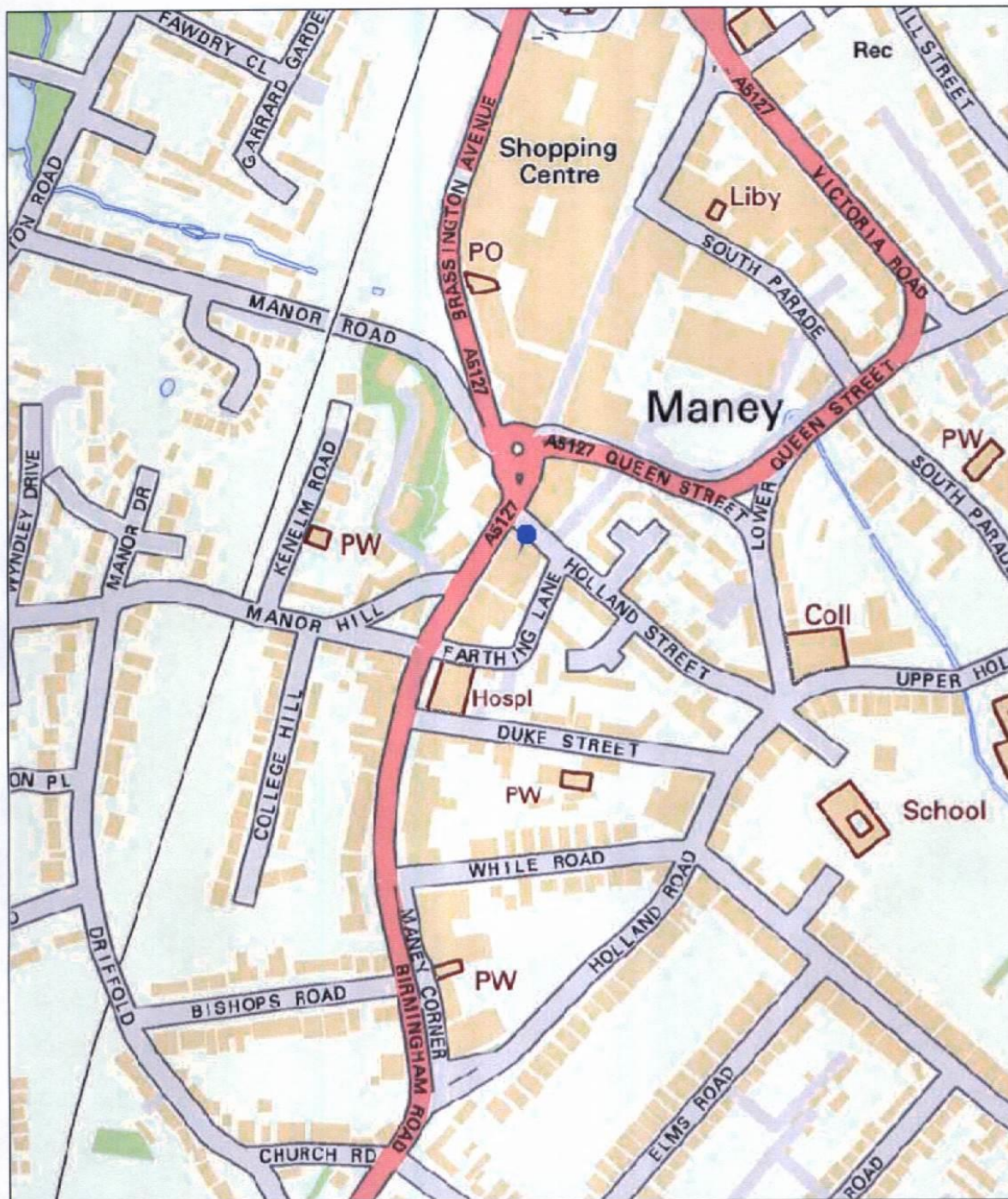
Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

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



Birmingham City Council

Map Created By:

Date of Map Creation: 21/11/2016

Notes



Scale:
1:4,000

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Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 7th December 2016
Subject:	Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit
Premises	Hornet, 991 Alum Rock Road, Washwood Heath, Birmingham, B8 2LZ
Ward affected:	Washwood Heath
Contact Officer	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
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 6 Category C Gaming Machines.

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

3. Brief Summary of Report:
An application for the variation of a Licensed Premises Gaming Machine Permit was received on 6 th October 2016.

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.

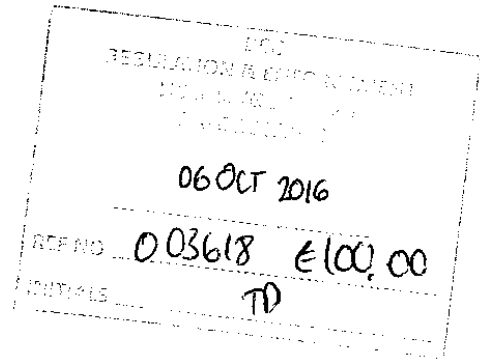
<p>5. Relevant background/chronology of key events:</p> <p>JD Wetherspoons PLC submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 6th October 2016 for the Hornet, 991 Alum Rock Road, Washwood Heath, Birmingham, B8 2LZ.</p> <p>The application, including supplementary information in support of the application, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises on 11th October 2016, and confirmed that they have no objections to application. Their report is attached at Appendix 2.</p> <p>A copy of the current Gaming Machine Permit issued under the Gambling Act 2005, which permits 4 Category C machines, is attached at Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ul style="list-style-type: none"> a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. b. Ensuring that Gambling is conducted in a fair and open way c. Protecting Children and other vulnerable persons from being harmed or exploited by gambling.
<p>6. List of background documents:</p> <p>Application Form, Appendix 1 Birmingham City Council Licensing Enforcement report, Appendix 2 Current Gaming Machine Permit, Appendix 3 Gaming Machine Categories, Appendix 4 Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <ul style="list-style-type: none"> a) Grant the application b) Refuse the application c) Grant the application in respect of; <ul style="list-style-type: none"> (i) A smaller number of machines than is specified in the application (ii) A different category of machines from that specified in the application, or (iii) both

Appendix 1

**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:
Birmingham City Council
Licensing Section
PO Box 17013
Birmingham
B6 9ES



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

Hornet ...

2. Address of premises

991 Alum Rock Road, Birmingham, B8 2LZ

3. Telephone number of premises

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

5. Licensing Act 2003 Premises Licence Number

1319/2.....

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	...5...	...6...
D
Total6...

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 ☐

2

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.

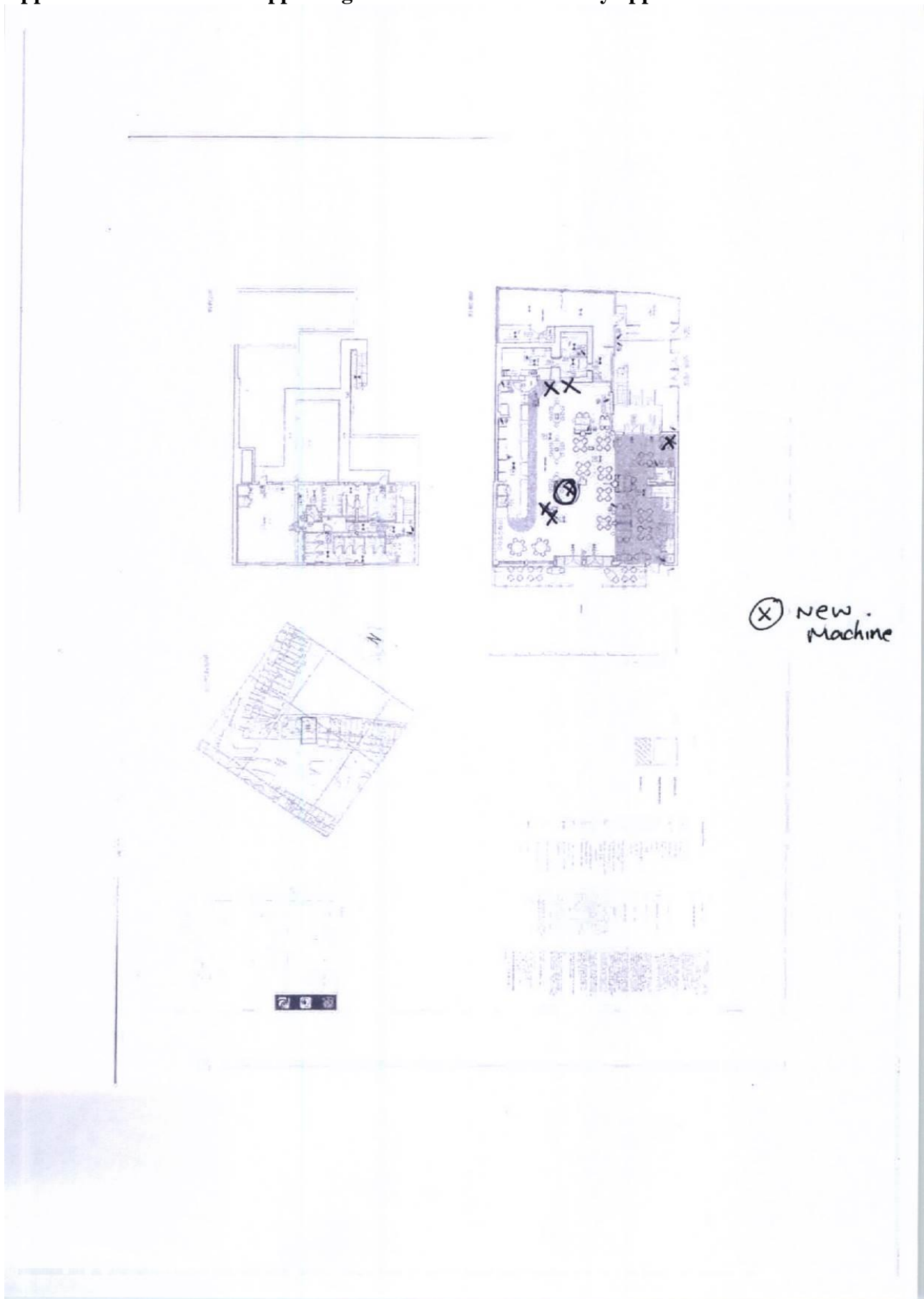
Dated 5/10/16

Signed by or on behalf of the applicant

Name (please print).....JENNIE O'NEILL.....

* 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
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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.

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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:

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All machines are situated in a place where their use can be supervised.

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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.

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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**

Christina McCullough

From: Christina McCullough
Sent: 14 October 2016 13:02
To: Shaïd Yasser
Subject: Hornet, 991 Alum Rock Road, B8 2LZ - Variation Gambling Act
Attachments: HORNET PLACEMENT 1.jpg; hornet 1.jpg; hornet 2.jpg; hornet 3.jpg

Categories: Egress Switch: Unprotected

Further to the recent application to increase the Category C machines at the premises from 5 to 6.

I visited the premises and discussed the matter with the Manager. All of the machines are currently in a position that can be easily viewed from the bar. Two areas were identified as being suitable for the placement of another machine, one of the areas was covered by CCTV and both were easily visible from the bar. I was advised that staff are trained on the aspects of responsible gambling. I am advised that Wetherspoons have policies in place with regards to the safety of children on the premises.

I have attached some photographs of the current location of the machines and one of the proposed areas where the additional machine could be located, if granted.

With the above in mind I do not have any objections to the variation.

Should you require any further information please do not hesitate to contact me.

Christina McCullough
Licensing Enforcement Officer

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

www.birmingham.gov.uk/licensing

Twitter: @BCCLicensing

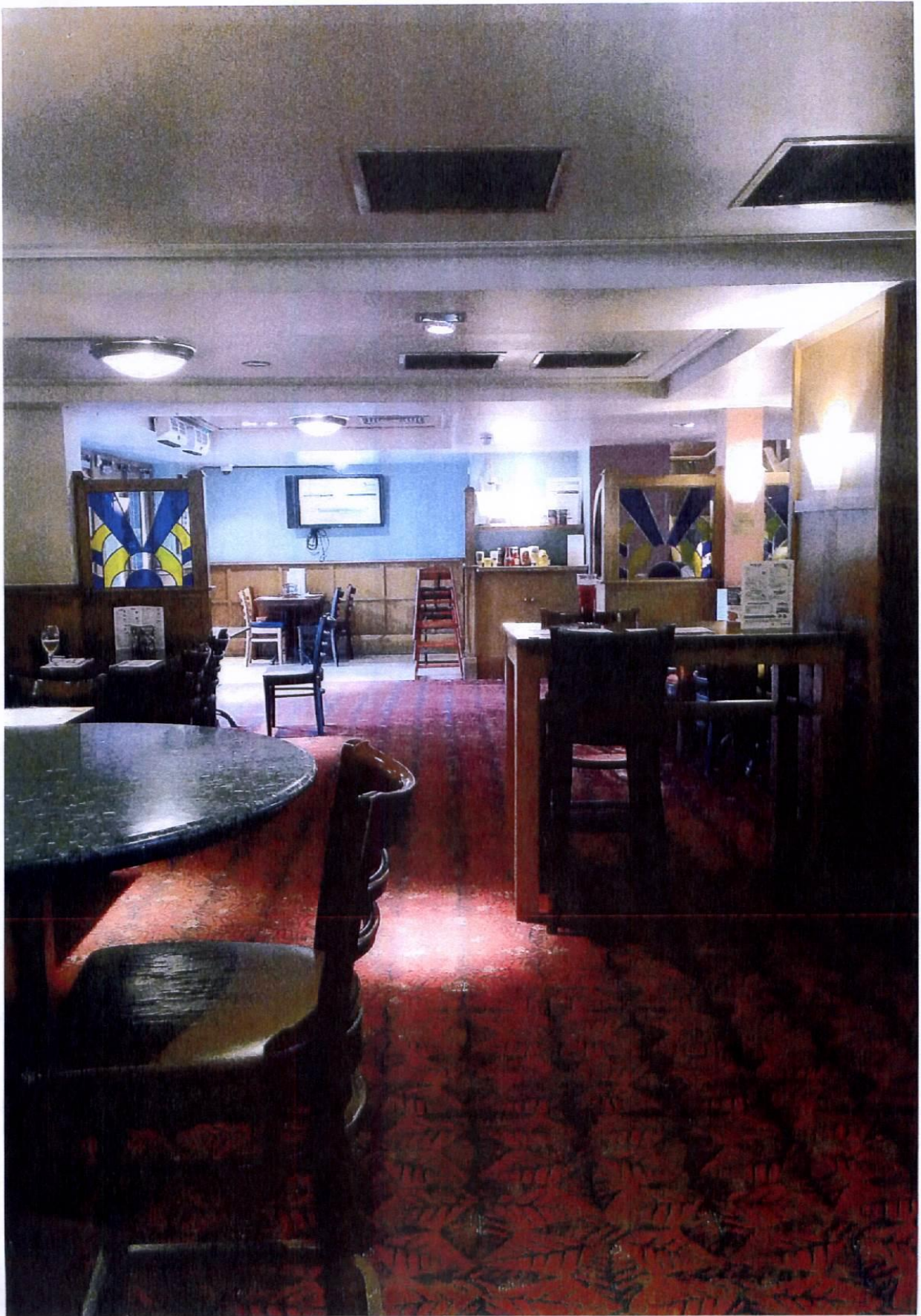
For information on Birmingham Licensed premises including licensed hours, activities and conditions go to
<http://publicregister.birmingham.gov.uk>

Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.









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: 440 / 3

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

Hornet, 991 Alum Rock Road, Birmingham, B8 2LZ

Number of Category C Gaming Machines authorised by this permit: 5

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

Date on which this permit takes effect or is renewed:
21/02/2014

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



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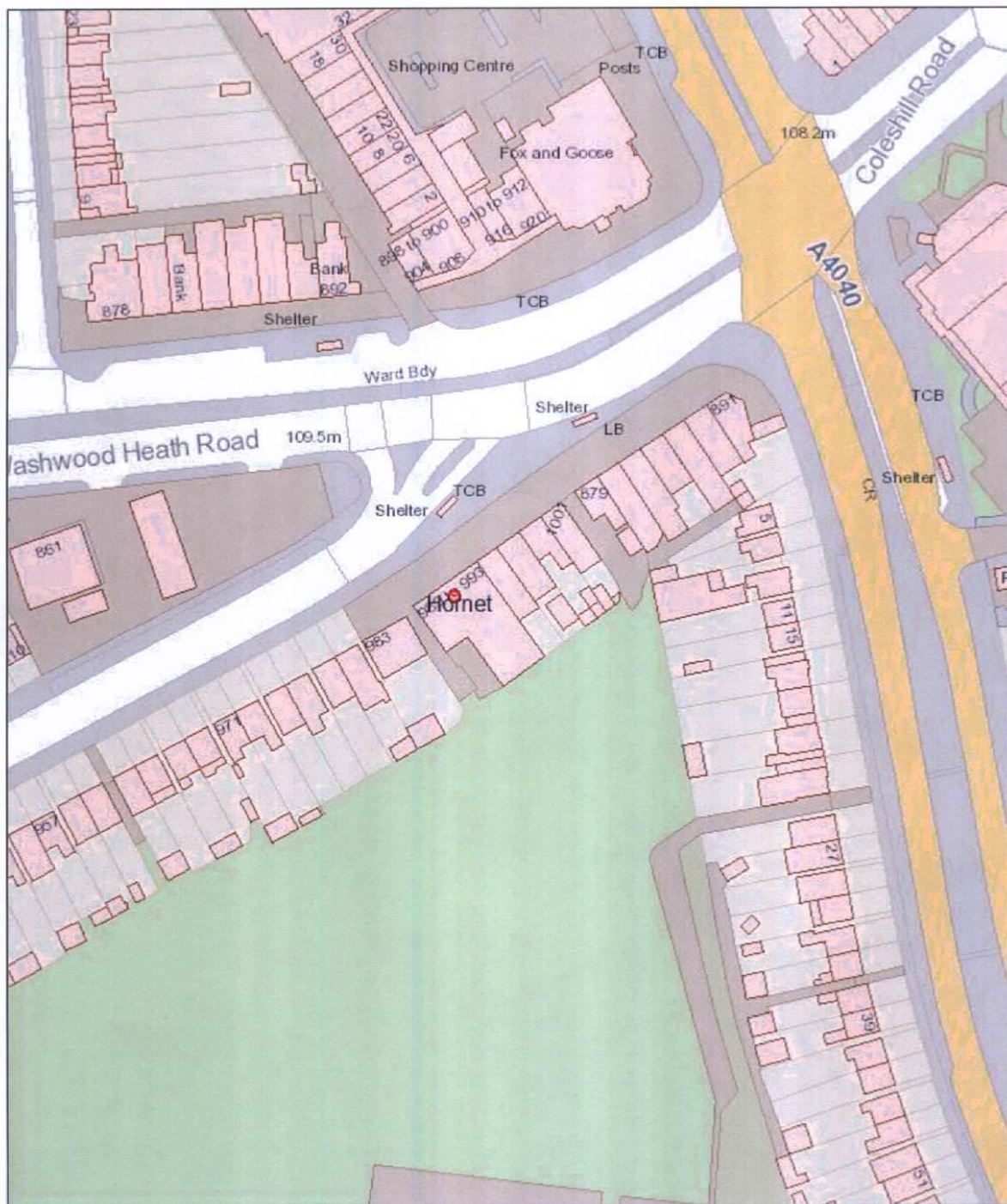
Notes

Date of Map Creation: 23/11/2016



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Birmingham City Council

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Notes

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