

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 21 JUNE 2016 AT 10:00 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 APPOINTMENT OF SUB-COMMITTEE

To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2016/17.

Members of the Sub-Committee may nominate another member of their respective Party Group to attend in their place.

4 DELEGATIONS TO SUB-COMMITTEE

To note the delegations to the Sub-Committee as follows:-

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, hackney carriage licences and private hire licences and such business as may be referred by the Director of Regulation and Enforcement.

5 DATES OF MEETINGS

The Sub-Committee will meet on Tuesdays at 1000 hours, subject to business.

6 MINUTES

To note the public section of the Minutes of the meeting held on 31 May 2016.

7 **LICENSING ACT 2003 PREMISES LICENCE – GRANT CLOUD NINE, 76 GOOCH STREET NORTH, BIRMINGHAM, B5 6QU**

Report of the Acting Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 10:00am on Tuesday 21 June 2016.

8 **GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT HARE AND HOUNDS, KINGSBURY ROAD, MINWORTH, SUTTON COLDFIELD, B76 9DD**

Report of the Acting Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 11:30am on Tuesday 21 June 2016.

9 **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.

10 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Minutes - Exempt Paragraphs 3 and 4

P R I V A T E A G E N D A

1 **MINUTES**

To note the private section of the Minutes of the meeting held on 31 May 2016 and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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 B -
31 MAY 2016**

**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE B HELD
ON TUESDAY 31 MAY 2016
AT 1000 HOURS IN COMMITTEE ROOM 1,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Lynda Clinton in the Chair;

Councillors Nawaz Ali and Gareth Moore.

ALSO PRESENT:

Peter Watson – Licensing Section
Angeline Hayles-Henderson – Legal Services
Sarah Stride – Committee Services.

NOTICE OF RECORDING

01/310516 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

02/310516 No apologies were submitted.

MINUTES

03/310516 The public Minutes of the meetings held on 23 February 2016 and 8 March 2016 were noted.

OTHER URGENT BUSINESS

04/310516 No items of other urgent business were submitted.

EXCLUSION OF THE PUBLIC

05/270416

RESOLVED:

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

(Paragraph 1)

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 21st June 2016
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Cloud Nine, 76 Gooch Street North, Birmingham, B5 6QU
Ward affected:	Nechells
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence which seeks to permit the provision of Regulated Entertainment consisting of boxing or wrestling entertainment, live music, recorded music and performances of dance, to operate indoors only, from 11:00am until 01:00am (Monday to Thursday) and 11:00am until 02:00am (Friday to Sunday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 01:00am (Monday to Thursday) and 11:00pm until 02:00am (Friday to Sunday).

Premises to remain open to the public from 11:00am until 01:00am (Monday to Thursday) and 11:00am until 02:00am (Friday to Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 29th April 2016 in respect of Cloud Nine, 76 Gooch Street North, Birmingham, B5 6QU.

Representations have been received from West Midlands Police and Planning, as responsible authorities.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p>5. Relevant background/chronology of key events:</p> <p>Mohammed Malik applied on 29th April 2016 for the grant of a Premises Licence for Cloud Nine, 76 Gooch Street North, Birmingham, B5 6QU.</p> <p>A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.</p> <p>A representation has been received from Planning, as a responsible authority. See Appendix 2.</p> <p>The application is attached at Appendix 3.</p> <p>Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representations as detailed in Appendices 1 & 2</p> <p>Application Form, Appendix 3</p> <p>Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 4</p> <p>Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p>

Appendix 1

From: Ben Reader
Sent: 27 May 2016 14:55
To: Licensing; David Kennedy
Cc:
Subject: Cloud Nine

Licensing,

Reference licence application for Cloud Nine, 76 Gooch Street North, Birmingham B5 6QU

West Midlands Police object to the above premises licence.

The applicant has been negotiating conditions with BCC and has stated that –

'Regarding door staff, we are not busy on a regular basis, however all our staff are trained to conduct a check on any suspicious customers. We are financially not in the position to have a door staff at the moment on regular basis, being early days - could this be taken into consideration or is there anything we can do to train our current staff to support this role on a regular basis? Once we are financially stable and are more busy we would have regular door staff as a standard procedure between the hours of 10pm and closing'

This is of concern as it is using financial grounds to reach a decision which would impact upon the licensing objectives (namely the prevention of crime and disorder)

WMP are awaiting risk assessments and operating manuals to fully understand the risk that this premises presents before determining whether the conditions suggested are proportionate and appropriate to promote the licensing objectives.

Thank you

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West & Central Local Policing Unit
Birmingham Central Station,
Steelhouse Lane,
Birmingham,
B4 6NW

Preventing crime, protecting the public and helping those in need

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Entered
RV

From: Joanne McCallion
Sent: 19 May 2016 11:20
To: Licensing
Cc:
Subject: 2016/001699/ENQ 76 Gooch Street North Representation

Dear Sir/Madam,

As a representative of the responsible authority (Planning) I would like to raise a representation to the licence application for 76 Gooch Street North on the grounds of public nuisance. I am concerned regarding the proposed hours of operation to 2am Fridays, Saturdays and Sundays and to 1am Monday to Thursday. These hours of operation are likely to negatively impact nearby residents in terms of noise and disturbance both from regulated entertainment and comings and goings. There is a requirement that shisha lounges have an 'open element' at all times in order to comply with the Public Health Act and this exacerbates noise issues.

I would like to bring to your attention that 76 Gooch Street North does not benefit from planning permission to operate as a shisha lounge but only a restaurant. The approved hours of use on planning application reference 2014/07192/PA are 11:00 to 23:30 on any day.

Subsequently a further application was made to extend the hours of operation from 11:00 to 01:00 Mondays to Thursdays and 11:00 – 02:00 Fridays to Sunday planning application 2014/07192/PA reference . This was refused on the grounds that the proposed extension in opening hours would adversely affect the amenity of occupiers or dwellings/businesses in the vicinity by reason of noise and general disturbance. As such, the proposal would be contrary to Paragraphs 3.8, 3.10 & 8.7 of the Birmingham UDP 2005 and the National Planning Policy Framework 2012.

It is also noted there has been a recent approval (planning application reference 2015/10323/PA) for 141 residential apartments directly opposite the application site therefore public nuisance in the form of noise and disturbance is a significant concern.

Kind Regards

Joanne McCallion MRTPI | Senior Planning Officer | Planning and Regeneration | City Centre Team





Birmingham
Application for a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? ☐ Yes ☒ No

* Is your business registered outside the UK? ☐ Yes ☒ No

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Mohammed

Family name

Malik

Is the applicant 18 years of age or older?

☒ Yes

☐ No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Add another applicant

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start?

<input type="text" value="15"/>	/	<input type="text" value="05"/>	/	<input type="text" value="2016"/>
dd		mm		yyyy

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

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The current business is a restaurant, dessert lounge. We would like to host events and late night entertainment and offer late night refreshments to grow our business as currently we are struggling with the current audience and serving hours.

Continued from previous page...

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

☐ Yes

☒ No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

FRIDAY

Start 11:00

End 02:00

Start

End

SATURDAY

Start 11:00

End 02:00

Start

End

SUNDAY

Start 11:00

End 02:00

Start

End

Will the boxing or wrestling entertainment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We would like to play the boxing or wrestling matches as they come on and played on Sky sports. This is very popular with the younger crowd. The boxing/wrestling matches are played on sky sports, and we would only want to show the bigger fights that people are interested in. This would be on an adhoc basis whenever there is a big fight and could only be 6 times a year on random days and times depending on the country the fight is taking place in. This would help broaden our current market and try and gain us a broader audience.

State any seasonal variations for boxing and wrestling entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the boxing or wrestling entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 11:00

End 01:00

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Start

End

TUESDAY

Start 11:00

End 01:00

Start

End

WEDNESDAY

Start 11:00

End 01:00

Start

End

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 02:00

Start

End

SATURDAY

Start 11:00

End 02:00

Start

End

SUNDAY

Start 11:00

End 02:00

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

Music will be amplified but too a level where our customers are still able to talk and enjoy the atmosphere. We also want to
have live performances as we have a great venue for performances such as comedy shows, magic shows and other live
performances. This will be adhoc on special events. Again we have seen a lot of interest in other similar businesses in the
area and we would like to open up to a different market and broaden our customer base. I believe having the ability to play
shows and performances will attract an audience and we would be able to manage this with our highly trained staff and
security.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

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Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

--

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 11:00

End 02:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

playing amplified music but at a background level to allow our customers to talk and enjoy the atmosphere. We have implemented a speaker system and sound limiter and have also been advised by an independent noise assessor we are able to play amplified music to up to 86db, we have implemented all the right equipment to ensure we would remain within this. Our customers enjoy music and have requested that we play this, I believe this is very important to run a successful business of this nature.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 01:00

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 11:00

End 01:00

Start

End

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

On event nights we would like to have dancers for performances and to support the entertainment for the evening. This would be on an adhoc basis when we have events like birthday parties or dinner and dances. This again broadens our market, allowing us to target a broader audience which is needed.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

to allow us to continue to sell hot food and refreshments after 11pm, this is currently becoming a challenge as we are now seeing a later customer base and this would help us to succeed as a business. we want to expand and have a wider variety of food, desserts and hot drinks available at all times.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes ☒ No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☐ Electronically, by the proposed designated premises supervisor
☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

we will only be holding events (live performances) on the weekend. We would like to sell hot food and refreshments every night and also like the provision of playing amplified music to a level where our customers can talk and enjoy the atmosphere every day. The boxing and wrestling matches will be playing on the TV's and again on an adhoc basis whenever there is a match on.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- we will ensure that we work with the local neighbours (the pub and karaoke bar) to minimize noise and disruption to the community.
- we are working with the car park across the road to ensure our customers all park their vehicles in the car park
- this will also increase business for the local shops and pubs as we do not sell alcohol and our customers if wanting to enjoy their evening will go to the local pubs and shops.
- we have a noise limiter and audio devices to ensure we can control the level of amplified music to ensure we are not disturbing the neighbors (this has been checked)

b) The prevention of crime and disorder

we have implemented a full CCTV camera system inside and outside the premises and would report any usual activities to the police and can provide video footage.
we also have a strict security policy on weekends, where we allow no caps, trainers or hoodies and we are also searching any individuals that look suspicious

c) Public safety

- we have a security cameras all over the premises, inside and out
- we have a security team every weekend who come and watch the doors to ensure our customers are safe
- we have security cameras outside to ensure the public are safe and we also have a sign to say the CCTV cameras are working

d) The prevention of public nuisance

- we have placed noticed inside and on the door of our property advising our customers to be courteous to our neighbors.

e) The protection of children from harm

- we do not have any children in the business, and we are over 18's only

Continued from previous page...

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000-14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

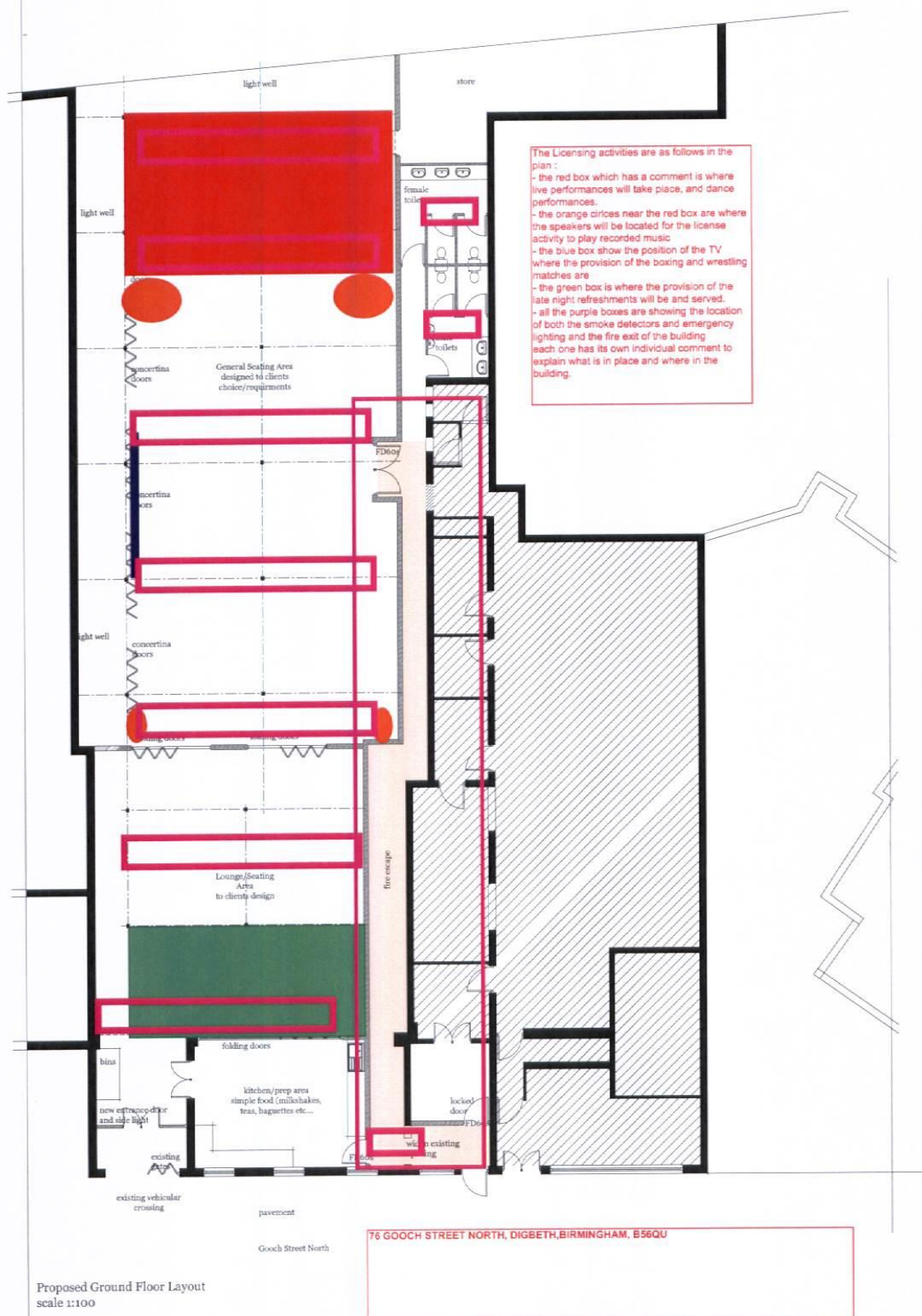
190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>



Conditions agreed with Cloud 9

I have looked at the operating schedule for the above premises and recommend that the licence be subject to the following conditions:

- 1) Alcohol will not be permitted to be drunk on the premises, or brought onto the premises
- 2) If staff believe that customers have alcohol in their possession they will be asked to submit to a search. If they decline or are found to be in possession of alcohol they will be refused entry or asked to leave the premises.
- 3) A record of all searches will be kept at the premises and produced to Officers on request
- 4) A refusal of entry log will be kept at the premises and produced to Officers on request
- 5) Door supervisors will be on duty at the premises on Friday and Saturday nights between the hours of 22:00 and closing. Also at any times that the Premises holds a Special Event
- 6) Door Supervisors will wear High Visibility Jackets
- 7) Door Supervisors will wear their SIA badge in a position where it can clearly be seen
- 8) Door Supervisors will sign in and out of a register at the start and finish of each shift. The register must be kept on the premises and produced to Officers on request
- 9) A Profile for each Door supervisor must be kept at the premises and be available for inspection by Officers on request. The profile must contain:
 - A copy of the Door Supervisors SIA Badge
 - Photographic ID (Passport or DVLA Licence)
 - Proof of address dated within the last 6 months (Utility Bill or DVLA)Profiles must be kept at the premises for 6 months from the date of the Door Supervisors last shift.
- 10) No one under the age of 18 is permitted on the premises after 18:00 hours
- 11) Challenge 25 will be promoted at the premises. Staff will be trained in Challenge 25 and signage will be displayed
- 12) Any person attempting to enter the premises, or make a purchase from the premises, will be asked to prove they are over 18 if they look under 25.
- 13) The only forms of Identification which will be accepted are Passport or DVLA Licence
- 14) A record of all refusals will be kept in the refusals log.
- 15) The premises will have a working CCTV system consisting of a minimum of 20 cameras. The system will be recording at all times when the premises is open for business. Images must be made available to Officers on request.

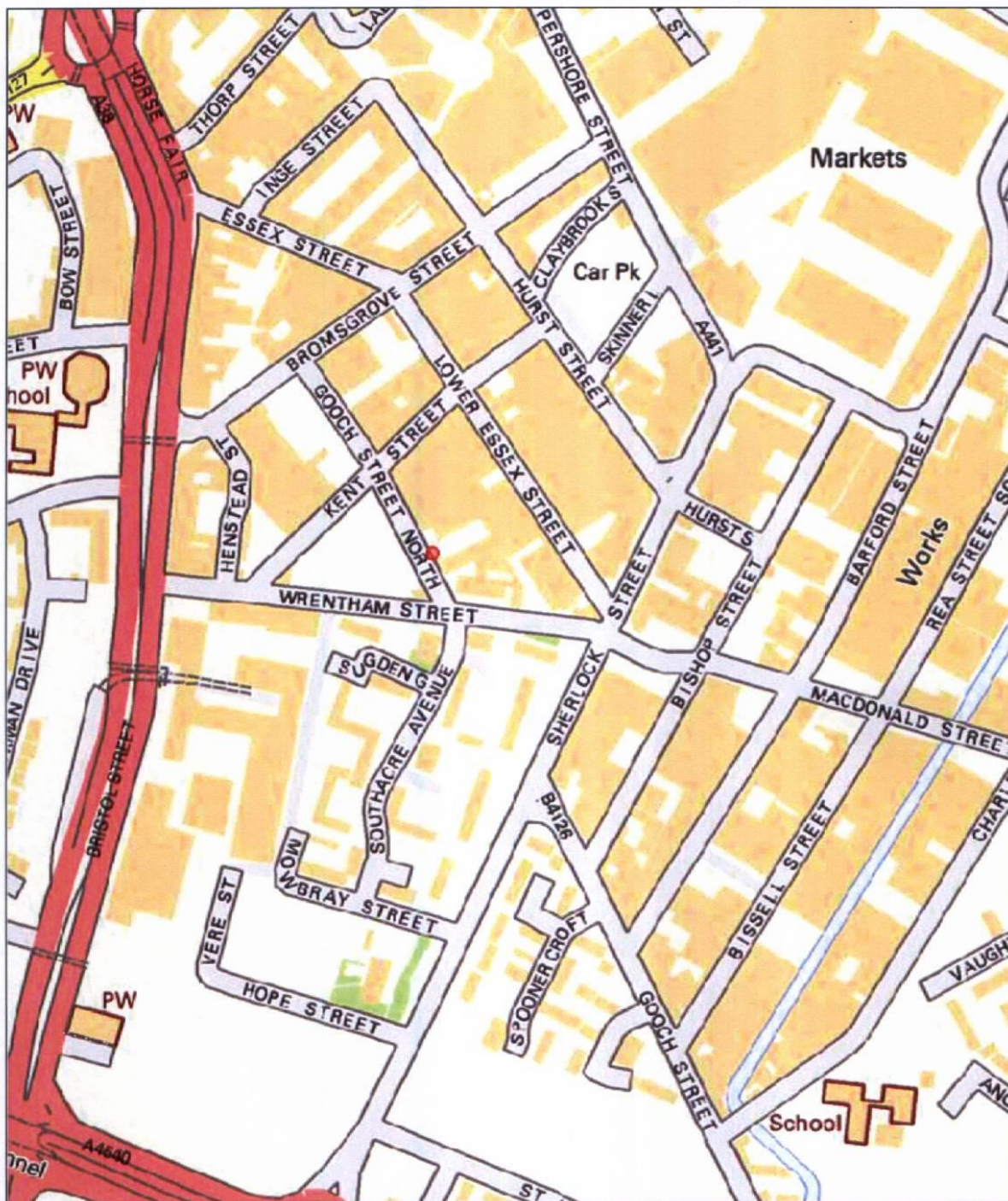
From: Mohammed Kamran
Sent: Friday, May 27, 2016 1:09 PM
To: Doug Wright
Subject: Re: Cloud Nine - Application for the grant of a premises licence

Hi Doug

Thank you for your email

Ok we will agree the conditions, I will make arrangements for the door staff conditions.

Many thanks



Map Created By:

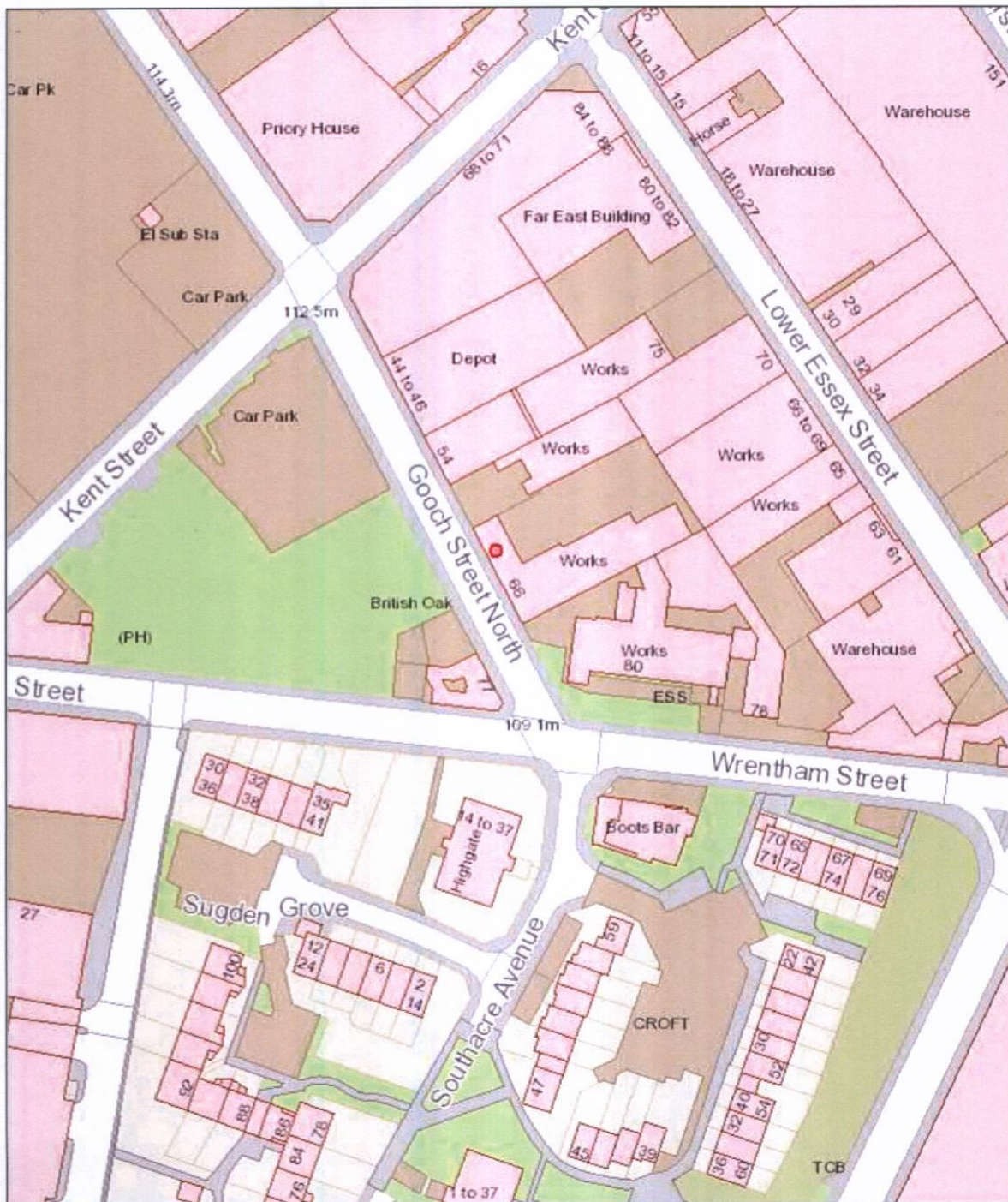
Date of Map Creation: 31/05/2016

Notes



Scale:
1:4,000

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Birmingham City Council Map Created By:

Date of Map Creation: 31/05/2016

Notes



Scale:
1:1,250

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Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 21st June 2016
Subject:	Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit
Premises	Hare and Hounds, Kingsbury Road, Minworth, Sutton Coldfield, B76 9DD
Ward affected:	Sutton New Hall
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 3 Category C Gaming Machines and 2 Category D 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 11 th April 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.

5. Relevant background/chronology of key events:

<p>Mitchells and Butlers Leisure Retail Ltd submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 11th April 2016 for the Hare and Hounds, Kingsbury Road, Minworth, Sutton Coldfield, B76 9DD.</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 21st April 2016, and confirmed that they have no objection to the 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 2 Category C machines and 2 Category D 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 wayc. Protecting Children and other vulnerable persons from being harmed or exploited by gambling.
--

6. List of background documents:

<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>
--

7. Options available

<ul style="list-style-type: none">a) Grant the applicationb) Refuse the applicationc) 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 <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>

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

(FOR USE BY PREMISES LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)
 Please refer to guidance notices at the back of this form before completing

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

SECTION B – Application for grant (includes <u>conversion</u> , <u>new</u> and <u>variation</u> applications)		
2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provided? (please complete the boxes in the table)		
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C	2	3
D	2	2
TOTAL	4	5
3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.		<input checked="" type="checkbox"/>
Existing permit provided * (reasons why existing permit cannot be provided)		

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

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

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

(FOR USE BY PREMISES LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)
Please refer to guidance notices at the back of this form before completing

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

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

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

(FOR USE BY PREMISES LICENCES TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)
Please refer to guidance notices at the back of this form before completing

SECTION E – Fee and Signature(s)

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

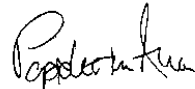


I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)

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

Dated: 08 April 2016

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



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

Official Use Only

Date of receipt

Signature and name of staff who received:

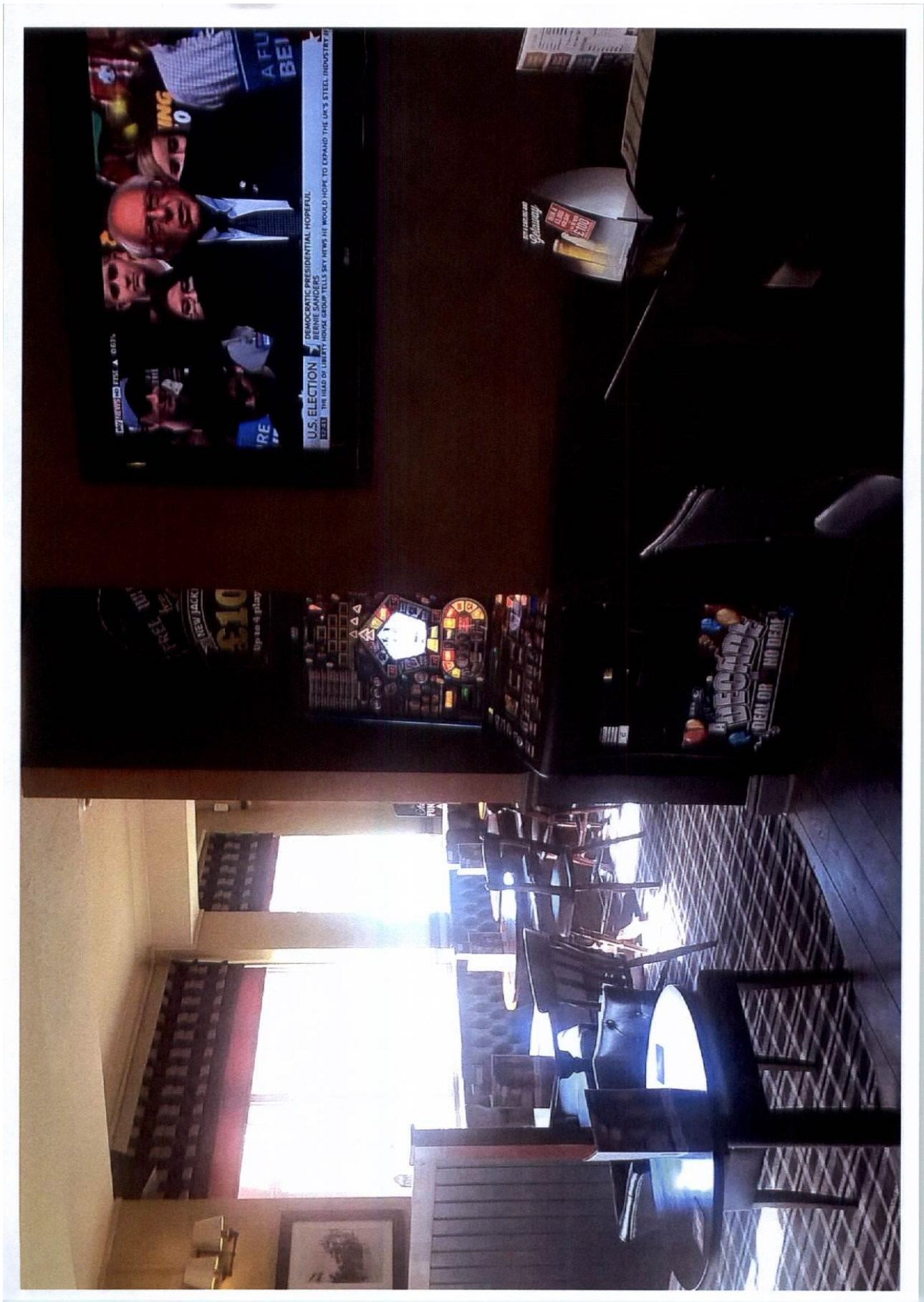
Date of receipt of fee

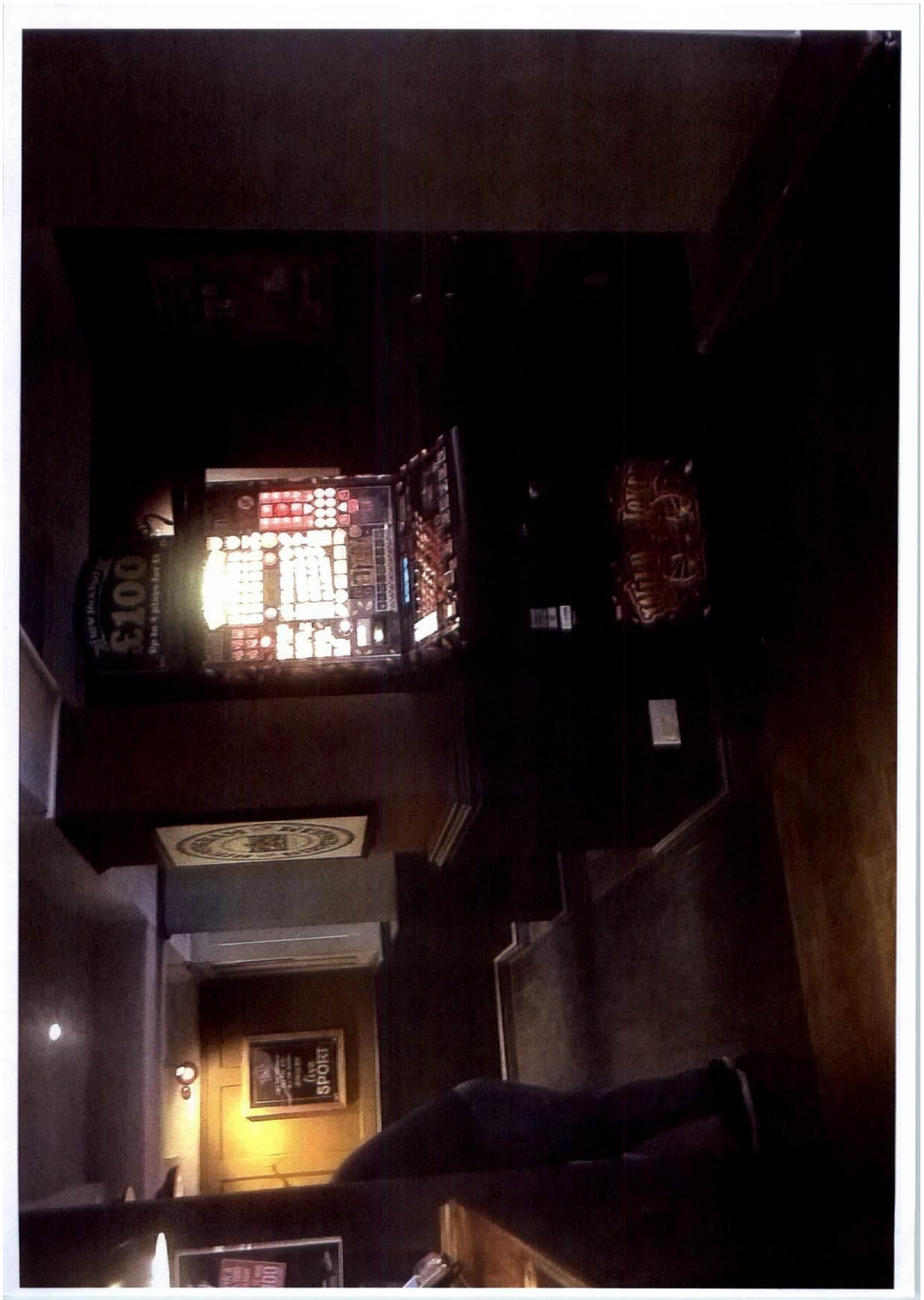
Signature and name of staff who received fee:

Application accepted / returned (please delete as appropriate)

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







CAT C PERMIT APPLICATION STATEMENT

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

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



Mitchells & Butlers

General MAB Policy/ Information Position

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

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

1. Purpose

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

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

Offences under the new legislation include:-

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

2. Policy

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

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

3. Implementation

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

In particular the Manager is to:-

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

4. Signage

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

5. Non-Compliance

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

6. Due Diligence Actions.

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

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

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

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

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

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

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

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

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

If the person playing is an employee:

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

7. Enforcement Officers.

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

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

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

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

8. Miscellaneous.

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

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

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

***Mitchells & Butlers
January 2013***

Birmingham City Council Licensing Service

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

Introduction

Principles to be applied:

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

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

Background Information

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

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

The applicant currently holds a Licensed Premises Gaming Machine Permit number 859/3 allowing up to 4 gaming machines to be made available at the premises (Copy of the current permit attached to the report as appendix 1).

This permit specifies the number and category of the gaming machines authorised as follows:-

Number of category C gaming machines - 2
Number of category D gaming machines - 2

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

Number of category C gaming machines - 3
Number of category D gaming machines - 2

Gambling Act 2005

Section 153 of the Gambling Act 2005

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

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

Paragraph 26.8

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

Paragraph 26.9

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

Paragraph 26.12

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

Paragraph 26.13

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

Paragraph 26.14

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

Paragraph 26.17

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

Paragraph 26.18

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

Birmingham City Council Statement of Principles

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

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

Visit to Hare & Hounds - 21st April 2016

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

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

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

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

Recommendations

No matters for concerns were identified during the visit to the premises on the 21st April 2016 in relation to the existing gaming machines being made available for use. A plan has been submitted indicating that the extra gaming machine would also be sited in the bar area to enable adequate supervision. The Licensing Enforcement Team would therefore have no concerns if the Licensing Sub Committee is minded to grant the application submitted.

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

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

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

BIRMINGHAM CITY COUNCIL

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

Licensed Premises Gaming Machine Permit

No: 859 / 3

This licensed premises gaming machine permit authorises:

Mitchells and Butlers Leisure Retail Limited

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

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

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

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

Date on which this permit takes effect or is renewed:

23/09/2015

This permit is issued by:

Birmingham City Council

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

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

GAMBLING COMMISSION

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

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

August 2014

1 For club gaming permits, club machine permits and alcohol

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

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

Code provision 1.1

Club gaming permits, club machine permits and alcohol

Gaming machines in clubs and premises with an alcohol licence

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

2 Location and operation of machines

All permit holders

Compliance with these provisions is a condition of your permit, and failure to do so could result in revocation of the permit.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
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Gambling Commission August 2014
ADV 14/07

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

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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

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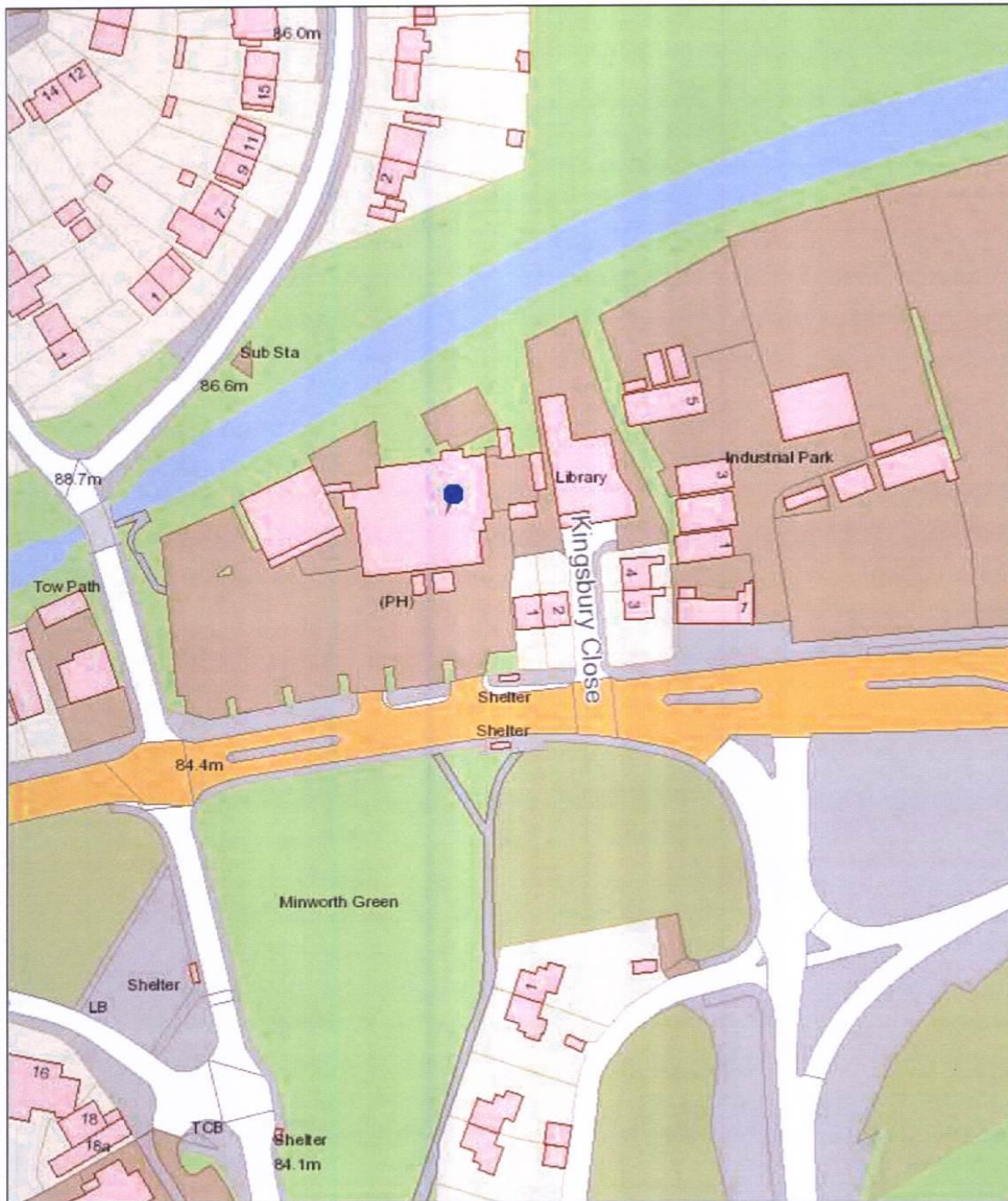
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Birmingham City Council

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