

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

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| Report to: | Licensing Sub Committee B |
| Report of: | Acting Director of Regulation & Enforcement |
| Date of Meeting: | Tuesday 6th June 2017 |
| Subject: | Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit |
| Premises | Square Peg, 115 Corporation Street, Birmingham, B4 5PH |
| Ward affected: | Ladywood |
| Contact Officer | Bhupinder Nandhra, Senior 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 8 Category C Gaming Machines.

2. Recommendation:

The Sub Committee is requested to consider an application to operate a total of 8 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 6th October 2016. However the applicant did not submit additional information in support of their application namely a site layout plan showing the location of the machines and the policies and procedures implemented by JD Wetherspoon Plc to promote the licensing objectives until the 28th April 2017.

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.

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| <p>5. Relevant background/chronology of key events:</p> <p>JD Wetherspoon Plc submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 6th October 2016 for the Square Peg, 115 Corporation Street, Birmingham, B4 5PH. However the applicant did not submit additional information in support of their application, namely a site layout plan showing the location of the machines and the policies and procedures implemented by JD Wetherspoon Plc to promote the licensing objectives until the 28th April 2017 thereby preventing this matter being referred to a Sub Committee sooner.</p> <p>The application, including additional information in support of the application, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises on 27th October 2016 and confirmed that they have no objections 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 7 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> <ol style="list-style-type: none"> Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Ensuring that Gambling is conducted in a fair and open way Protecting Children and other vulnerable persons from being harmed or exploited by gambling. |
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| <p>6. List of background documents:</p> <p>Application Form & Additional Information, 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> |
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| <p>7. Options available</p> <ol style="list-style-type: none"> Grant the application Refuse the application Grant the application in respect of; <ol style="list-style-type: none"> A smaller number of machines than is specified in the application A different category of machines from that specified in the application, or both <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p> |
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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

Square Peg...

.....

2. Address of premises

115 Corporation Street, Birmingham B4 5PH

.....

3. Telephone number of premises

.....

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

.....

5. Licensing Act 2003 Premises Licence Number

108/2.....

06 OCT 2016.

003 615 £100.00
TD

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 | ...7... | ...8... |
| D | | |
| Total | | ...8... |

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 5/10/16

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

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

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

Official Use Only

Date of receipt:

Signature and name of staff who received:

Date of receipt of fee:

Signature and name of staff who received fee:

Application accepted / returned (please delete as appropriate)

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

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

From: Sarah Lavender
Sent: 02 December 2016 15:17
To: Shaid Yasser
Subject: Square Peg
Attachments: 20161202152139244.pdf

I have inspected the above premises which currently has 7 Cat C's and 1 SWP machine.

The intention is to remove the SWP and replace it with a Cat C, the machine will be in view of the bar and due to the layout and size of the premises I have no objections to the increase.

It was also stated that a member of management is always on the floor and part of their duties is to monitor the machine usage.

Sarah Lavender
Licensing Enforcement Officer

Regulation and Enforcement
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES

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<http://www.birmingham.gov.uk/regulatorycharter>
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Appendix 3

BIRMINGHAM CITY COUNCIL



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

Licensed Premises Gaming Machine Permit

No: 442 / 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

Square Peg, 115 Corporation Street, Birmingham, B4 5PH

| | |
|-----------------------------------------------------------------|---|
| Number of Category C Gaming Machines authorised by this permit: | 7 |
| 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

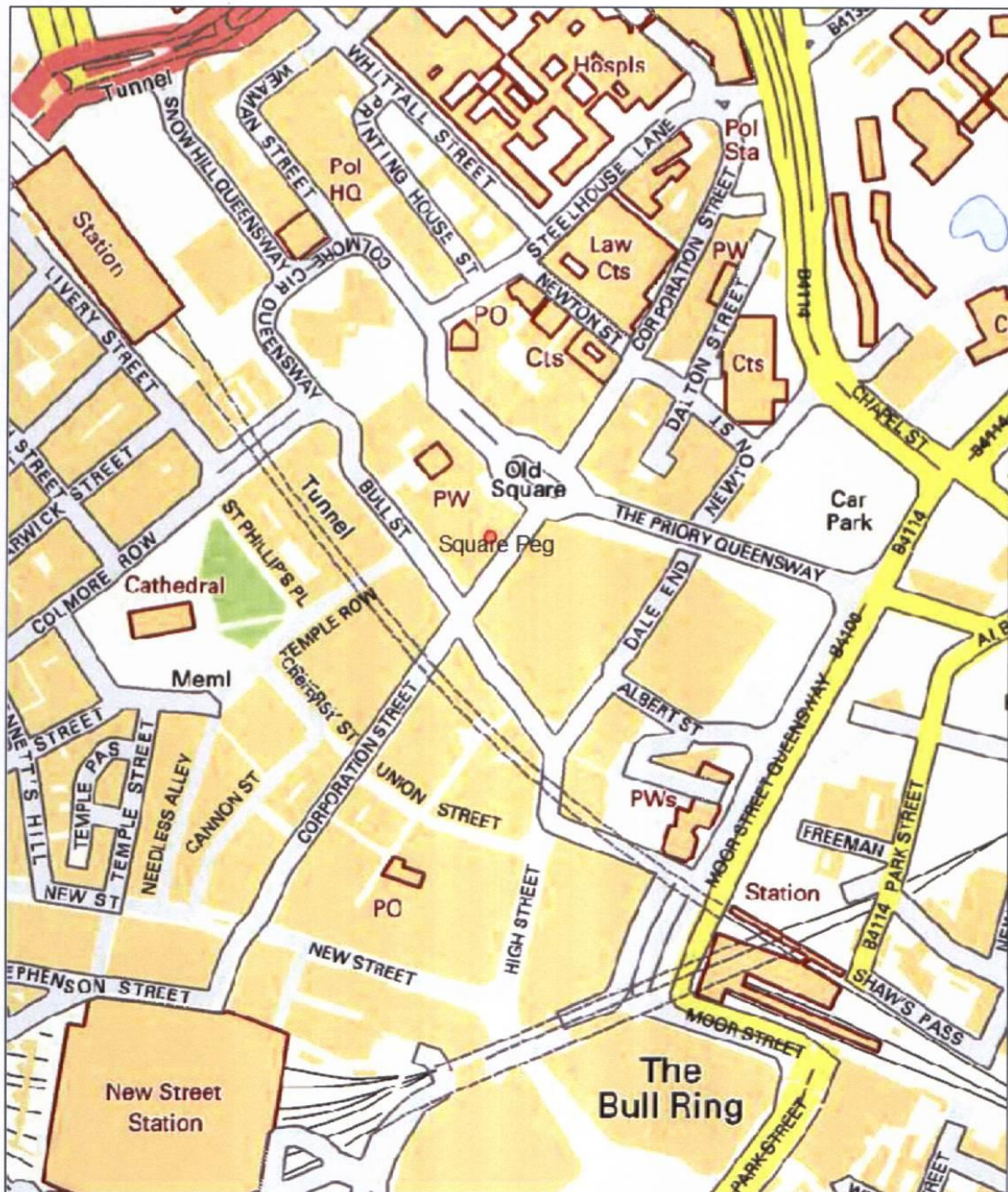
Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

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) |



Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 25/05/2017



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1:4,000

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Birmingham City Council Map Created By:

Date of Map Creation: 25/05/2017

Notes



Scale:
1:1,250

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