

**Meeting of the Licensing Sub-Committee 1
Thursday 1st June, 2023 at 11.45am
at Saltwells Education Development Centre,
Bowling Green Road, Netherton**

**Agenda - Public Session
(Meeting open to the public and press)**

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.

The following application is to be considered under the provisions of the Gambling Act 2005:-

4. Application for a Licensed Premises Gaming Machine Permit – The Cross Inn, High Street, Kingswinford, DY6 8AA (Pages 7 – 11)
5. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 23rd May, 2023

Distribution:
Members of the Licensing Sub-Committee 1

Subject to your appointment by the Licensing and Safety Committee on 31st May, 2023

Councillor A Lees (Chair)
Councillors T Creed and S Mughal

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To continue to protect vulnerable people, you are asked to note the following information when attending meetings:-

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- Sanitise your hands when arriving and leaving the building and wash your hands regularly.
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- All people are encouraged to be vaccinated to limit any potential ill-health effects.
- Be respectful of everyone's personal space and preferences when you attend meetings.
- If you cannot maintain distancing or in a crowded environment, please wear a mask

Toilets

- Toilet facilities are available on site and are subject to safety measures that are in place. All the toilets have hand washing facilities.

No smoking

- There is no smoking on the premises in line with national legislation. It is an offence to smoke in or on the premises. You cannot use e-cigarettes and/or similar vaping devices.

In Case of Emergency

- In the event of the alarms sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

Submitting Apologies for Absence

- Elected Members can submit apologies by contacting Democratic Services (see our contact details below). Members wishing to appoint a substitute should notify Democratic Services as soon as possible in advance of the meeting. Any substitute Members must be eligible to serve on the meeting in question (for example, he/she must have received the training required by the Council).

Private and Confidential Information

- Any agendas containing reports with 'exempt' information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be handed to Democratic Services for secure disposal. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.

General

- Public Wi-Fi is available.
- The use of mobile devices or electronic facilities is permitted for the purposes of recording/reporting during the public session of the meeting. The use of any such devices must not disrupt the meeting – Please turn off any ringtones or set your devices to silent.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk

If you need advice or assistance

- If you (or anyone you know) requires assistance to access the venue, or if you have any other queries, please contact Democratic Services - Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk

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Licensing Sub-Committee Procedure

- Chair to welcome parties and introduce Members and Officers
- Establish who the parties are and any representatives
- Chair to confirm that all parties have had disclosure of all documents that the Committee has before them and been allowed sufficient opportunity to read them prior to the meeting.
- Presenting Officer of the Local Authority or Solicitor to present the report to the Sub-Committee
- Relevant Authority to present their evidence and the Chair will then ask if any of the following have questions for the Officer:-
 - Objectors/or their representative
 - Applicant or representative
 - Sub-Committee Members and Legal Advisor
- Objectors or their representative/nominated person to present his/her case (including Ward Members)
 - Any witnesses to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of objectors (if present), if no representative, the objectors
- The Chair will then ask the following if they have any questions for the representative or the objectors:-
 - Presenting Officer Local Authority (or Solicitor)
 - Applicant or Representative
 - Sub-Committee Members and Legal Advisor
- Applicant or representative to introduce his or her case
 - Any witnesses for the applicant to be called
 - Each witness to be questioned through the Chair in the following order:-
 - Representative of Applicant (if present)
 - Presenting Officer Local Authority/Solicitor
 - Relevant Authority
 - Objector or Representative
 - Sub-Committee Members and Legal Advisor

- Presenting Officer of the Local Authority/Solicitor to sum up.
- Objectors/Representative to sum up
- Applicant or representative to sum up (must make final comments)
- Legal Advisor indicates to parties details of legal advice to be given to Sub-Committee
- Parties asked if they have had a fair hearing
- All parties, together with any members of the public to withdraw
- Sub-Committee to make their decision
- All parties invited to return and the Chair reads out the decision and the reasons for the decision.

Meeting of the Licensing Sub-Committee 1 – 1st June 2023

Report of the Interim Director of Environment

Application for a Licensed Premises Gaming Machine Permit

The Cross Inn, High Street, Kingswinford, DY6 8AA.

Purpose

1. To consider the application for the grant of a Licensed Premises Gaming Machine permit for 5 category C machines, in respect of the premises known as The Cross Inn, High Street, Kingswinford.

Recommendation

2. That the Committee determine the application for the grant of a permit for 5 category C machines in respect of the premises known as The Cross Inn.

Background

3. The Cross Inn, holds a current premises licence for the following: -

I: Late Night Refreshment	Friday & Saturday	23:00	01:00
	Sunday to Thursday	23:00	00:00
	An additional hour on Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve		

J: Supply of Alcohol	Friday & Saturday	09:00	01:00
	Sunday to Thursday	09:00	00:00
	An additional hour on Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve		

4. The Local Authority licensing policy states as follows:-

- If authorisation is sought for more than two category C or D machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each category C or D machine.
- There is a minimum age of 18 for all players for all category C machines. However there is no minimum age for players of category D machines. The holder of any permit or premises licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C machines where those are also located on the same premises. It is, therefore, a matter for the discretion of the premises licence holder and any adults accompanying the children concerned whether they are entitled to play such category D machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age of 16 will only be permitted entry to the premises if accompanied by adults. All such machines must be sited in accordance with the Gaming Act.
- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of a Licensed Premises Gaming Machine Permit at premises which already have an existing permit for more than two machines, and where that number is not increased.

5. On 30th March 2022, JD Wetherspoon PLC made application for the grant of a licensed premises Gaming Machine Permit for 5 category C machines. The application together with the site plan received on the 12th April 2023 identifying the position of all 5 machines has been forwarded to Committee Members for their information. The plan shows the locations of the current machines (marked X) and where the additional 5th machine will be located (marked O).
6. The current licence holder of the premises licence is JD Wetherspoon PLC. The premises currently hold a permit for 4 category C machines which was approved by the Licensing Sub Committee on 2nd August 2022.

Finance

7. There are no financial implications.

Law

8. Pursuant to part 12, section 283 of the Gambling Act 2005 the Council can grant a licensed premises gaming machine permits.
9. Pursuant to schedule 13 4(2) on considering an application for a permit the Licensing Authority shall:-
 - (a) grant an application
 - (b) refuse the application, or
 - (c) grant it in respect of:-
 - (i) a smaller number of machines than that specified in the application
 - (ii) a different category of machines from that specified in the application, or
 - (iii) both
10. Pursuant to schedule 13, 5
 - (1) A Licensing Authority may not attach conditions to a permit
 - (2) As soon as is reasonably practicable after granting an application a Licensing Authority shall issue a permit to the applicant.

11. Pursuant to schedule 13, 5(3) as soon as it reasonably practicable after refusing an application a Licensing Authority shall notify the applicant of:-
 - (a) the refusal, and
 - (b) the reasons for it
12. In pursuance of schedule 13 6 (2) a Licensing Authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming than that specified in the application, unless they have
 - (a) notified the applicant of their intention to refuse or grant the application in respect of
 - (i) a smaller number of machines than that specified in the application
 - (ii) a different category of machines than that specified in the application or
 - (iii) both, and
 - (b) given the applicant an opportunity to make representations
13. In pursuance of schedule 13 6 (3) a Licensing Authority can satisfy the opportunity to make representations by giving the applicant an opportunity to make:-
 - (a) oral representations
 - (b) written representations, or
 - (c) both
14. In pursuance of schedule 13 21 (1) the applicant for a holder of a permit may appeal to the Magistrates Court if the Licensing Authority:-
 - (a) reject an application for a permit
 - (b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application.

Risk Management

15. There are no risk management implications.

Equality Impact

16. This report takes into account the Council's policy on equal opportunities.
17. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
18. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

19. There are no human resources/organisational development implications.

Commercial/Procurement

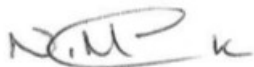
20. There are no commercial/procurement implications.

Environment/Climate Change

21. There are no Environment/Climate Change implications.

Council Priorities and Projects

22. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.



**Nick McGurk – Acting Service Director, Neighbourhood Services
Interim Director of Environment Directorate**

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Appendices

None

List of Background Papers

None