

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.



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Appendices

None

List of Background Papers

None

