
Licensing Sub-Committee 2 – 25th January 2011

Report of the Director of Corporate Resources

Application for a Licensed Premises Gaming Machine Permit

Purpose of Report

1. To consider the application for the grant of a Licensed Premises Gaming Machine Permit for 20 machines in respect of Bowlplex, Birmingham Road, Castle Gate Park, Dudley West Midlands DY1 4TA.

Background

2. Bowlplex holds a current premises licence for the following:-

Playing of Recorded Music/Dancing/Making Music

Mondays to Wednesdays	09.00 – 00.30
Thursdays	09.00 – 01.00
Fridays & Saturdays	09.00 – 02.30
Sundays	09.00 – 00.30

From 09.00 hours on New Years Eve until 02.30 hours on 1st January every year when New Years Eve does not fall on a Friday or a Saturday

Late Night Refreshment

Monday to Wednesday	23.00 – 00.30
Thursday	23.00 – 01.00
Friday to Saturday	23.00 – 02.30
Sunday	23.00 – 00.30

From 09.00 hours on New Years Eve until 02.30 hours on 1st January every year when New Years Eve does not fall on a Friday or a Saturday

Sale of Alcohol

Monday to Wednesday	10.00 – 00.30
Thursday	10.00 – 01.00
Friday to Saturday	10.00 – 02.30
Sunday	10.00 – 00.30

From 09.00 hours on New Years Eve until 02.30 hours on 1st January every year when New Years Eve does not fall on a Friday or a Saturday

Indoor Sporting Event

From 09.00 hours on New Years Eve until 02.30 hours on 1st January every year when New Years Eve does not fall on a Friday or a Saturday

There are no standard timings. If tournaments take place it will be during the opening hours of the premises.

Performance of live Music

From 09.00 hours on New Years Eve until 02.30 hours on 1st January every year when New Years Eve does not fall on a Friday or a Saturday

There are no standard timings because it will be occasional. It will always take place during the hours for dancing.

3. 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.

Parliament has placed no restrictions on the age at which such machines may be played (other than those in amusements arcades). 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 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, further advice will be given on receipt of application.

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 have already an existing permit for more than two machines, and where that number is not increased.

4. On the 29th November 2010, an application was received from Town and County Leisure Ltd in respect of Bowlplex for the grant of a Licensed Premises Gaming Machine Permit for 20 machines, a plan of the premises setting out the siting of each machine was received on the 5th January 2011. A copy of that application and plan of the premises is attached to this report, as Appendix 1.
5. The current licence holder of the premises licence is Bowlplex Ltd Plc and the current designated premises supervisor is Mr P Haynes. The premises currently has a Licensed Premises Gaming Machine Permit, which entitles them to have up to 12 machines.

6. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

7. There are no financial implications.

Law

8. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premise gaming machine permits.
9. Pursuant to schedule 13, section 283 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, section 283 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, section 283 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, section 283 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 machines 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 application an opportunity to make representations
13. In pursuance of schedule 13 section 283 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 section 283 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

Equality Impact

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

Recommendation

- 18. That the Committee consider the application for the grant of a Licensed Premises Gaming Machine Permit



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers