

Licensing Sub-Committee 3 – 20th August 2013

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 Premise Gaming machine permit for 3 machines in respect of The Lutley Oak, 327 Stourbridge Road, Halesowen, West Midlands.

Background

2. The Lutley Oak holds a current premises licence for the following:-

Sale of Alcohol & Regulated Entertainment (Live Music/Recorded Music)

Mondays to Saturday	11.00 – 00.00
Sundays	11.00 – 23.30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day to reflect existing New Years Eve and Day hours.

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 already have an existing permit for more than two machines, and where that number is not increased.
4. On the 4th April 2013, an application was received from Gamestec in respect of the Lutley Oak for the grant of a Licensed Premises Gaming Machine Permit for 3 category C machines.
 5. On the 2nd May 2013, a site plan of the premises was received highlighting the proposed position of the gaming machines. A copy of that plan is attached to this report as Appendix 1.
 6. The current licence holder of the premises licence is Spirit Pub Company (Services) Limited. The premises currently has a notification of intention to offer up to 2 gaming machines.
 7. This matter was considered by the Licensing Sub-Committee on the 18th June 2013. The Committee resolved due to the non-attendance of the DPS that the matter be deferred.
 8. 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

9. There are no financial implications.

Law

10. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premises gaming machine permits.
11. 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

12. 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.
13. 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
14. 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 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
15. 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
16. 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

17. This report complies with the Council's policy on equal opportunities.

18. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
19. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

20. That the Sub-Committee give consideration to this application.



.....
DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs L Rouse
Telephone: 01384 815377
Email: liz.rouse@dudley.gov.uk

List of Background Papers

None