
Licensing Sub-Committee 3 – 2nd August 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 Premise Gaming machine permit for three machines in respect of The Corn Exchange, Amblecote Road, Brierley Hill, West Midlands.

Background

2. The Corn Exchange holds a current premises licence for the following:-

Playing of Recorded Music/Dancing/Live Music/Exhibition of a film

Sundays to Wednesday	10.00 – 23.00
Thursday to Saturday & Bank Holidays	10.00 – 23.30
New Years Eve/Day	36 hours

Sale of Alcohol

Mondays to Wednesdays	10.00 – 23.00
Thursdays to Saturdays & Bank Holidays	10.00 – 00.00
Sundays	11.00 – 23.00
New Years Eve/Day	36 hours

Late Night Refreshment

Thursday – Saturday & Bank Holidays 10.00 – 00.00

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 12th February 2009, an application was received from Gamestec in respect of the Corn Exchange for the grant of Licensed Premises Gaming Machine Permit for three machines.
 5. This matter was due to be considered by the Sub-Committee on the 7th April 2009. The Committee resolved that the matter be deferred to a future meeting on the grounds that the designated premises supervisor was not in attendance at that meeting.
 6. This matter was again due to be considered by the Sub-Committee on the 12th May 2009. This matter was again deferred by the Sub-Committee at the request of the applicant due to holiday commitments.
 7. This matter was again due to be considered by the Committee on the 2nd June 2009. The Committee resolved that the matter be deferred due to the non-attendance of the designated premises supervisor.
 8. The matter was again considered by the Licensing Sub-Committee on the 14th July 2009. The Committee resolved that the application be dismissed as a result of the non-attendance of the applicant for a third time.
 9. On the 8th April 2011, Gamestec made a further application on behalf of Punch Pub Company for the grant of a Licensed Premises Gaming Machine permit for 3 machines in respect of the premises known as the Corn Exchange, Amblecote Road, Brierley Hill, West Midlands. A copy of that application together with a plan of the premises has been forwarded to the Committee Members and interested parties. This application was delayed as a plan of the premises siting the machines was not received from the applicant until the 15th June 2011.
 10. On the 1st July 2011, TLT Solicitors informed the Licensing Office that Punch Pub Company Limited had changed their name to Spirit Pub Company (Services) Limited.
 11. The current licence holder of the premises licence is Spirit Pub Company (Services) Limited. The premises currently has a notification, which entitles them to have up to 2 machines.
 12. 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

13. There are no financial implications.

Law

14. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premises gaming machine permits.
15. 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
16. 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.
17. 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
18. 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


19. 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
20. 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

21. This report complies with the Council's policy on equal opportunities.
22. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
23. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

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



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

None