

**Licensing Sub-Committee 2 – 16<sup>th</sup> December 2008**

**Report of the Interim Director of Law and Property**

**Application for Amusement with Prizes Machine Permit**

**Purpose of Report**

1. To consider the application for the grant of an amusements with prizes machines permit for three machines in respect of the Corn Exchange, Amblecote, Brierley Hill, West Midlands.

**Background**

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

Playing of Recorded Music

Sundays to Wednesdays 10.00 – 23.00  
Thursdays to Saturdays ) 10.00 – 23.30  
And Bank Holidays )  
New Years Eve/Day 36 hours

Dancing

Sundays to Wednesday 10.00 – 23.00  
Thursdays to Saturdays ) 10.00 - 23.30  
And Bank Holidays )  
New Years Eve/Day 36 hours

Late Night Refreshment

Thursdays to Saturdays ) 23.00 – 00.00  
And Bank holidays )

Sale of Alcohol

Monday to Wednesday 10.00 – 23.00  
Thursdays to Saturdays ) 10.00 – 00.00  
And Bank Holidays )  
Sundays 11.00 – 23.00

New Years Eve/Day 36 hours

Exhibition of a Film

Sundays to Wednesdays 10.00 – 23.00  
Thursdays to Saturdays ) 10.00 – 23.30  
And Bank Holidays )  
New Years Eve/Day 36 hours

Performance of Live Music

Sundays to Wednesdays 10.00 – 23.00  
Thursdays to Saturdays ) 10.00 – 23.30  
And Bank Holidays )  
New Years Eve/Day 36 hours

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

- The Licensing Authority will be prepared to grant without a hearing, permits authorising up to two Section 34 Gaming Act machines in any premises. If authorisation is sought for more than two machines the applicant will be required to attend a hearing to support the application. All plans submitted with the applications must set out the siting of each Amusement with Prizes 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 an Amusements with Prizes permit at premises which already have an existing permit for more than two machines, and where that number is not increased.

4. On 23<sup>rd</sup> October 2008, an application was received from Games Media in respect of the premises known as the Corn Exchange for the grant of an Amusements with Prizes machines permit for three machines. A copy of that application is attached to this report as Appendix 1.

5. The current premises licence holder is Orchid Pubs Tyne Limited and the current designated premises supervisor is Mr. B.J. Wilson.

6. This application falls within the Council's responsibility for licensing as 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 premises 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 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 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 Sub-Committee determine the application.



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INTERIM DIRECTOR OF LAW AND PROPERTY

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### **List of Background Papers**