

DUDLEY METROPOLITAN BOROUGH

LICENSING SUB-COMMITTEE

7TH FEBRUARY 2006

REPORT OF THE DIRECTOR OF LAW AND PROPERTY

APPLICATION FOR AMUSEMENTS WITH PRIZES MACHINES PERMIT

PURPOSE

1. To consider the application for the grant of an amusements with prizes machines permit for three machines on behalf of Mr Stephen Morley in respect of the Fairfield, Fairfield Road, Halesowen, West Midlands.

BACKGROUND

2. On the 6th July, 2005 an application was received from John Gaunt and Partners, Solicitors, on behalf of the Wolverhampton and Dudley Breweries, in respect of the Fairfield, Fairfield Road, Halesowen, to convert an existing licence into a premises licence and to vary the premises licence simultaneously. That application was considered by the Committee on the 25th August, 2005. The Committee resolved that the premises licence be issued for the following days, times and conditions.

Variation of Premises Licence

Hours:

Monday	10.00 – 00.00
Tuesday	10.00 – 00.00
Wednesday	10.00 – 00.00
Thursday	10.00 – 00.00
Friday	10.00 – 01.00
Saturday	10.00 – 01.00
Sunday	11.00 - 00.00

Regulated Entertainment

Monday – Thursday	10.00 – 11.30
Friday and Saturday	10.00 – 00.00
Sunday	11.00 – 11.30

Outside regulated entertainment to finish no later than 10.30 Monday – Sunday

Conditions

- Licensee to provide regular supervision of car park to ensure no noise nuisance to local residents takes place, particularly late at night and on Sunday afternoons.
 - Doors (save for access and egress) and windows to be kept shut during periods of entertainment other than incidental music.
 - Signage to be provided at exit doors and on the car park advising customers to leave the premises quietly and respect local residents.
 - Premises to open for licensable activities during the broadcasting of television sporting events outside normal operating hours, to take place on 14 days written notice to the police, the police having 7 days to object prior to the event.
 - Additional hours on up to 20 occasions per year withdrawn.
 - Provision of refreshment after 23.00 until midnight Sunday – Thursday and until 1.00 am Friday and Saturday.
 - All other conditions as per the operating schedule.
 - The licensee will ensure that no commercial vehicles park on the car park overnight.
3. On the 22nd December, 2005, an application was received for the grant of a permit for three amusements with prizes machines at the premises, a copy of that application is attached as Appendix 1 to this report.
4. 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 applications for premises licences 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 amusement 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.

PROPOSAL

5. That the Sub-Committee consider the application made by Premier Automatic Machines on behalf of Stephen Morley in respect of the premises known as the Fairfield, Fairfield Road, Halesowen, for the grant of a permit for three amusements with prizes machines.

FINANCE

6. There are no financial implications.

LAW

7. The Council is the appropriate Authority for the purpose of considering applications for the grant of a permit to use machines for gaming, under Section 34 and Schedule 9 of the Gaming Act 1968.
8. Under Paragraph 8(1)(a) of Schedule 9, the Council has absolute discretion as to whether or not to grant a permit.
9. If the Committee decides to grant this application, then it is open to the Committee to grant the application subject to a condition limiting the number of machines which may be made available on the premises.

EQUAL OPPORTUNITIES

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

RECOMMENDATION

11. That the Sub-Committee determine the application.

BACKGROUND PAPERS

12. None.

A handwritten signature in black ink, appearing to be 'J. Elliott', written over a dotted line.

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DIRECTOR OF LAW AND PROPERTY

Contact Officer: Mrs. J. Elliott - Ext: 5377

APPLICATION FOR THE GRANT OF A PERMIT FOR THE USE OF AMUSEMENT WITH
PRIZES MACHINES UNDER THE GAMING ACT 1968 (SECTION 34)
- FOR USE BY PREMISES LICENSED TO SELL ALCOHOL

To:
X Council
Head of Environmental Services / Chief Executive

COUNCIL LOGO

1. Name of Premises..... FAIRFIELD.....
2. Address of Premises..... FAIRFIELD ROAD, HALESOWEN.....
B62 9JA.....
3. Telephone number of Premises..... 0121 423 3361.....
4. E-mail address of Premises (where available).....
5. Name of Premises Licence holder..... STEPHEN MORLEY.....
6. Address of Premises Licence holder..... FAIRFIELD ROAD, HALESOWEN.....
B62 9JA.....
7. Telephone number (daytime) of Premises Licence holder..... 0121 423 3361.....
8. E-mail address of Premises Licence holder (where available).....
9. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant
PREMIER AUTOMATIC MACHINES LTD, UNIT 9 NINIAN PARK.....
NINIAN WAY, WILNECOTE, STAFFS. B77 5ES.....
01827 288600.....
10. Premises Licence Reference (i.e. number, where provided).....
11. How many gaming machines under Section 34 do you wish to apply for? (See Note 8)
(please indicate how many in total)..... THREE.....

I enclose a sum of (£32) (cheques should be made payable to.....)

I confirm that the premises where the machines are proposed to be located are licensed to sell alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises.

Please note: Where false information is provided this may affect the validity of the permit and the extent to which it can be relied on as lawful authority for making gaming machines available on the premises.

Dated..... 20TH DECEMBER 2005.....

Signed (by or on behalf of Premises Licence holder)..... B. Phillips.....

Print Name..... B PHILLIPS.....

FAIRFIELD
HALLS

