

Meeting of the Licensing Sub-Committee 2 – 4th April 2023

Report of the Interim Director of Environment Directorate

Application for a Licensed Premises Gaming Machine Permit

The Rose and Crown, Hagley Road, Halesowen B63 4JP

Purpose

1. To consider the application for the grant of a Licensed Premises Gaming Machine permit for 3 category C machines, in respect of the premises known as The Rose and Crown, Hagley Road, Halesowen.

Recommendation

2. That the Committee determine the application for the grant of a permit for 3 category C machines in respect of the premises known as The Rose and Crown.

Background

3. The Rose and Crown holds a current premises licence for the following:

| | | | |
|---|-------------------------|--------------|--------------|
| E:Performance of Live Music | Monday to Sunday | 10:00 | 23:30 |
| F:Playing of Recorded Music | Monday to Sunday | 10:00 | 00:00 |
| H:Ent. of a Similar Description to E,F,G | Monday to Sunday | 10:00 | 00:00 |



| | | | |
|---------------------------------|--|--------------|--------------|
| I:Late Night Refreshment | Monday to Wednesday | 23:00 | 01:00 |
| I:Late Night Refreshment | Thursday to Sunday | 23:00 | 02:00 |
| I:Late Night Refreshment | Non – standard timings as for the supply of alcohol | | |
| J:Supply of Alcohol | Monday to Wednesday | 10:00 | 00:00 |
| J:Supply of Alcohol | Thursday to Sunday | 10:00 | 01:00 |
| J:Supply of Alcohol | <p>Non – standard timings On St. David's Day, St. Patrick's Day, St George's Day, and St. Andrew's Day, the finish time will be extended by one hour. For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour .</p> <p>In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to open one hour before the start of the event and ending one hour after the end of the event , the details of the activity to be notified to the police 14 days beforehand.</p> <p>The event will not proceed if the police serve,7 days prior to the event, written notice on the DPS.</p> | | |

4. 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 category D 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.
 - 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.
5. On 2nd March 2023, Sprit Pub Company Ltd made application in respect of the premises known as The Rose and Crown for the grant of a licensed premises Gaming Machine Permit for 3 category C machines. The application has been forwarded to Committee Members and Interested Parties. A copy of the site plan identifying the position of all 3 machines has also been forwarded to Committee Members and Interested Parties for their information.
 6. The current licence holder of the premises licence is The Spirit Pub Company Ltd.
 7. The premises currently hold a notification for 2 gaming machines.

Finance

8. There are no financial implications.



Law

9. Pursuant to part 12, section 283 of the Gambling Act 2005 the Council can grant a licensed premises gaming machine permits.
10. Pursuant to schedule 13 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
11. Pursuant to schedule 13, 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.
12. Pursuant to schedule 13, 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
13. In pursuance of schedule 13 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

14. In pursuance of schedule 13 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

15. In pursuance of schedule 13 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.

Risk Management

16. There are no risk management implications.



Equality Impact

17. This report takes into account 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.

Human Resources/Organisational Development

20. There are no human resources/organisational development implications.

Commercial/Procurement

21. There are no commercial/procurement implications.

Environment/Climate Change

22. There are no Environment/Climate Change implications.

Council Priorities and Projects

23. This application falls within the Council's responsibility for Licensing as a direct link to the Council's key corporate priority to support stronger and safer communities.

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Appendices

None

List of Background Papers

None

