

**Meeting of the Licensing Sub-Committee - 3<sup>rd</sup> September 2024**

**Report of the Director of Environment**

**Application for a Licensed Premises Gaming Machine Permit - The Hunting Tree, Alexandra Road, Halesowen, B63 4BL**

**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 Hunting Tree, 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 Hunting Tree.

**Background**

3. The Hunting Tree, holds a current premises licence for the following: -

The times the licence authorises the carrying out of licensable activities: -			
<b>B: Films</b> <b>C: Indoor Sporting Events</b> <b>E: Live Music</b> <b>F: Recorded Music</b> <b>G: Performance of Dance</b> <b>H: Entertainment similar to E,F or G</b>	<b>Monday to Sunday</b>  <b>Non-standard timings as for the supply of alcohol</b>	<b>11:00</b>	<b>00:00</b>

<b>I: Late Night Refreshment</b>	<b>Sunday to Thursday</b>	<b>23:00</b>	<b>01:00</b>
	<b>Friday and Saturday</b>	<b>23:00</b>	<b>02:00</b>
	<b>Non-standard timings as for the supply of alcohol</b>		
<b>J: Supply of Alcohol</b>	<b>Sunday to Thursday</b>	<b>11:00</b>	<b>00:00</b>
	<b>Friday and Saturday</b>	<b>11:00</b>	<b>01:00</b>
	<b>Bank Holiday Fridays, Saturdays and Sundays, Christmas Eve, Boxing Day, St Patricks Day, St Georges Day and Halloween an extra hour</b>		

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.
- There is a minimum age of 18 for all players for all category C machines. However there is no minimum age for players of category D machines. The holder of any permit or premises licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C machines where those are also located on the same premises. 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 category D 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 30th July 2024, The Licensing Office received from Flint Bishop LLP on behalf of Punch Partnership (PTL) Limited an application for the grant of a licensed premises Gaming Machine Permit for 3 category C machines. The application together with the site plan (received 8<sup>th</sup> August 2024) identifying the position of all 3 machines is attached to this report as Appendix 1.
6. The current licence holder of the premises licence is Punch Partnership (PTL) Limited. The premises currently holds a notification for 2 category C machines.

### **Finance**

7. There are no financial implications.

### **Law**

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

11. 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
  
12. 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
  
13. 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
  
14. 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**

15. There are no risk management implications.

## **Equality Impact**

16. This report takes into account the Council's policy on equal opportunities.
17. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
18. There has been no consultation or involvement of children and young people in developing these proposals.

## **Human Resources/Organisational Development**


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

## **Commercial/Procurement**

20. There are no commercial/procurement implications.

## **Council Priorities and Projects**

21. This application falls within the Council's statutory responsibility for Licensing as a direct link to the Council's Plan 2022-25 as a place where communities can lead stronger, safer and healthier lives.
  - Dudley the borough of opportunity
  - Dudley the safe and healthy borough
  - Dudley the borough of ambition and enterprise
  - Dudley borough the destination of choice



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## **Appendices**

Appendix 1 Application/Plan.

## **List of Background Documents**

None