

Licensing Sub-Committee 4 – 29th January 2019

Report of the Strategic Director Place

Application for a Licensed Premises Gaming Machine Permit

Purpose

1. To consider the application for the grant of a Licensed Premises Gaming Machine permit for two Category C machines and one Category D machine, in respect of the premises known as The Gigmill, South Road, Stourbridge, DY8 3UL.

Recommendation

2. That the Sub-Committee determine the application for the grant of a permit for two Category C machines and one Category D machine in respect of the premises known as The Gigmill.

Background

3. The Gigmill holds a current premises licence for the following:-

B: Films	Monday to Thursday	10:00	00:00
B: Films	Friday & Saturday	10:00	01:00
B: Films	Sunday	11:00	00:00
B: Films	When hours for the sale of alcohol are extended these hours are also extended		
C: Indoor Sporting Events	Monday to Thursday	10:00	00:00
C: Indoor Sporting Events	Friday & Saturday	10:00	01:00
C: Indoor Sporting Events	Sunday	11:00	00:00
C: Indoor Sporting Events	When hours for the sale of alcohol are extended these hours are also extended		
E: Live Music	Monday to Thursday	10:00	00:00
E: Live Music	Friday & Saturday	10:00	01:00

E: Live Music	Sunday	11:00	00:00
E: Live Music	When hours for the sale of alcohol are extended these hours are also extended		
F: Recorded Music	Monday to Thursday	10:00	00:00
F: Recorded Music	Friday & Saturday	10:00	01:00
F: Recorded Music	Sunday	11:00	00:00
F: Recorded Music	When hours for the sale of alcohol are extended these hours are also extended		
G: Performance of Dance	Monday to Thursday	10:00	00:00
G: Performance of Dance	Friday & Saturday	10:00	01:00
G: Performance of Dance	Sunday	11:00	00:00
G: Performance of Dance	When hours for the sale of alcohol are extended these hours are also extended		
I: Late Night Refreshment	Sunday to Thursday	23:00	00:00
I: Late Night Refreshment	Friday & Saturday	23:00	01:00
I: Late Night Refreshment	Monday to Sunday (in respect of the patio area and all weather garden only)	23:00	23:30
J: Supply of Alcohol	Monday to Thursday	10:00	00:00
J: Supply of Alcohol	Friday & Saturday	10:00	01:00
J: Supply of Alcohol	Sunday	11:00	00:00
J: Supply of Alcohol	Monday to Saturday (in respect of the patio and all weather garden area only)	10:00	23:30
J: Supply of Alcohol	Sunday (in respect of the patio and all weather garden area only)	11:00	23:30

J: Supply of Alcohol	Christmas Day	11:00	23:00
J: Supply of Alcohol	New Years Eve 10:00 hrs to New Years Day – Terminal hour as proposed		
J: Supply of Alcohol	To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times for this purpose to be confirmed upon 14 day’s prior notice in writing to the Police before the premises intend to open. Such notification to include the opening times and the sporting event which is to be shown.		

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 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.

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 1st October 2018, John Gaunt & Partners, Licensing Solicitors, made application on behalf of Marston’s PLC in respect of the premises known as The Gigmill for the grant of a licensed premises Gaming Machine Permit for two Category C machines and one Category D machine. A site plan was received on the 21st November, 2018, highlighting the proposed position of all three machines (this application was delayed due to awaiting the site plan). The application together with the site plan is attached to this report as appendix 1.
6. The current licence holder of the premises licence is Marston’s PLC, the premises currently holds a notification for up to two category C machines.
7. This application falls within the Council’s responsibility for liquor licensing which has a direct link to the Council’s key corporate priority that safety matters.

Finance

8. There are no financial implications.

Law

9. Pursuant to Schedule 13, Section 283 of the Gaming Act 2005 the Council can grant a licensed premises gaming machine permits.

10. 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

11. 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.

12. 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

13. 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

14. 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
15. 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

16. This report complies with 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/Transformation

19. There are no Human Resources/Transformation implications.

Commercial Implications

20. There are no commercial implications.



.....

Strategic Director Place

Contact Officer: Mr S Smith
Telephone: 01384 814631
Email: simon.smith@dudley.gov.uk

List of Background Papers

Appendix 1 - Application with site plan