

Meeting of the Licensing Sub-Committee 4 – 20th July 2021

Report of the Acting Director of Public Realm

Application for a Licensed Premises Gaming Machine Permit

The Mayfair Club, Unit 4 Wedgbury Way, Brierley Hill. DY5 3JT

Purpose

1. To consider the application for the grant of a Licensed Premises Gaming Machine permit for 4 category C machines, in respect of the premises known as The Mayfair Club, Unit 4 Wedgbury Way, Brierley Hill, DY5 3JT.

Recommendation

2. That the Committee determine the application for the grant of a permit for 4 category C machines in respect of the premises known as The Mayfair Club.

Background

3. The Mayfair Club, holds a current premises licence for the following: -

E: Live Music	Monday - Sunday	09:00	02:00
F: Recorded Music	Monday - Sunday	09:00	02:00
I: Late Night Refreshment	Monday - Sunday	23:00	02:00
J: Supply of Alcohol	Monday - Sunday	10:00	02:00



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 28th June 2021 (date full application and fee received), Mr Dominic Rossookh made application on behalf of The Mayfair Club Limited for the grant of a licensed premises Gaming Machine Permit for 4 category C machines. The application together with the site plan identifying the position of all 4 machines has been forwarded to Committee Members and Interested Parties.

6. The current licence holder of the premises licence is The Mayfair Club Ltd, the premises currently hold no notifications or permits for category C or D 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 organisational development/transformation implications.

Commercial/Procurement

20. There are no commercial/procurement implications.

Council Priorities

21. This application falls within the Council's responsibility for gambling which has a direct link to the Council's key corporate priority that safety matters.



Acting Director of Public Realm

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