

**Meeting of the Licensing Sub-Committee 1 – 25<sup>th</sup> January 2022**

**Report of the Acting Director of Public Realm**

**Application for a Licensed Premises Gaming Machine Permit**

**The Gigmill, South Road, Stourbridge, West Midlands, DY8 3UL**

**Purpose**

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

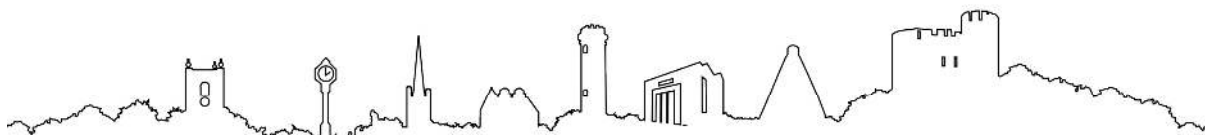
**Recommendation**

2. That the Committee determine the application for the grant of a permit for 3 category C machines and 1 category D machine in respect of the premises known as The Gigmill.

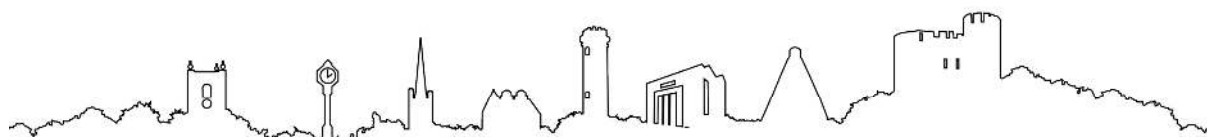
**Background**

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

<b>B: Films</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>00:00</b>
<b>B: Films</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>01:00</b>
<b>B: Films</b>	<b>Sunday</b>	<b>11:00</b>	<b>00:00</b>
<b>B: Films</b>	<b>When hours for the sale of alcohol are extended these hours are also extended</b>		



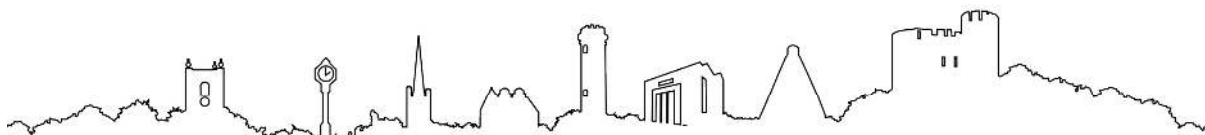
<b>C: Indoor Sporting Events</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>00:00</b>
<b>C: Indoor Sporting Events</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>01:00</b>
<b>C: Indoor Sporting Events</b>	<b>Sunday</b>	<b>11:00</b>	<b>00:00</b>
<b>C: Indoor Sporting Events</b>	<b>When hours for the sale of alcohol are extended these hours are also extended</b>		
<b>E: Live Music</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>00:00</b>
<b>E: Live Music</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>01:00</b>
<b>E: Live Music</b>	<b>Sunday</b>	<b>11:00</b>	<b>00:00</b>
<b>E: Live Music</b>	<b>When hours for the sale of alcohol are extended these hours are also extended</b>		
<b>F: Recorded Music</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>00:00</b>
<b>F: Recorded Music</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>01:00</b>
<b>F: Recorded Music</b>	<b>Sunday</b>	<b>11:00</b>	<b>00:00</b>
<b>F: Recorded Music</b>	<b>When hours for the sale of alcohol are extended these hours are also extended</b>		
<b>G: Performance of Dance</b>	<b>Monday to Thursday</b>	<b>10:00</b>	<b>00:00</b>
<b>G: Performance of Dance</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>01:00</b>
<b>G: Performance of Dance</b>	<b>Sunday</b>	<b>11:00</b>	<b>00:00</b>
<b>G: Performance of Dance</b>	<b>When hours for the sale of alcohol are extended these hours are also extended</b>		
<b>I: Late Night Refreshment</b>	<b>Sunday to Thursday</b>	<b>23:00</b>	<b>00:00</b>
<b>I: Late Night Refreshment</b>	<b>Friday &amp; Saturday</b>	<b>23:00</b>	<b>01:00</b>



<b>I: Late Night Refreshment</b>	<b>Monday to Sunday (in respect of the patio area and all weather garden only)</b>	<b>23:00</b>	<b>23:30</b>
<b>J: Supply of Alcohol</b>	<b>Monday – Thursday</b>	<b>10:00</b>	<b>00:00</b>
<b>J: Supply of Alcohol</b>	<b>Friday &amp; Saturday</b>	<b>10:00</b>	<b>01:00</b>
<b>J: Supply of Alcohol</b>	<b>Sunday</b>	<b>11:00</b>	<b>00:00</b>
<b>J: Supply of Alcohol</b>	<b>Monday to Saturday (in respect of the patio and all weather garden area only)</b>	<b>10:00</b>	<b>23:30</b>
<b>J: Supply of Alcohol</b>	<b>Sunday (in respect of the patio and all weather garden area only)</b>	<b>11:00</b>	<b>23:30</b>
<b>J: Supply of Alcohol</b>	<b>Christmas Day</b>	<b>11:00</b>	<b>23:00</b>
<b>J: Supply of Alcohol</b>	<b>New Year's Eve 10:00 hrs to New Years Day – Terminal hour as proposed</b>		
<b>J: Supply of Alcohol</b>	<b>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.</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.

- 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.

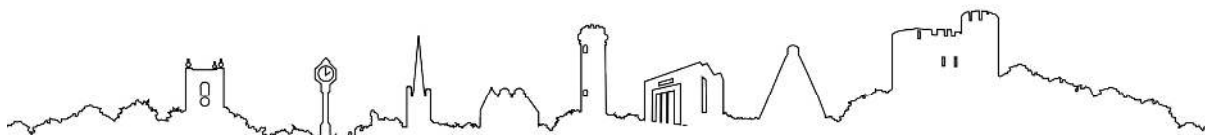
5. On 10<sup>th</sup> December 2021, John Gaunt & Partners Licensing Solicitors made application on behalf of Marstons PLC for the grant of a licensed premises Gaming Machine Permit for 3 category C machines and 1 category D machine. The application together with the site plan identifying the position of all 4 machines has been forwarded to Committee Members and Interested Parties.
6. The current licence holder of the premises licence is Marstons PLC, the premises currently hold a permit for 2 category C machines and 1 category D machine.

### **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:-

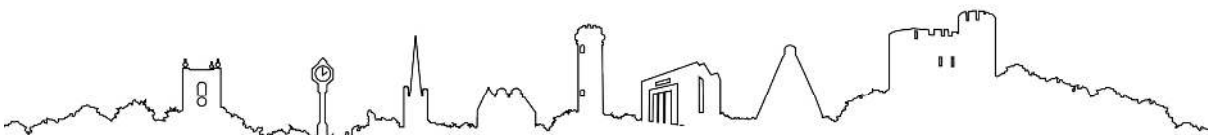
- (a) the refusal, and
- (b) the reasons for it

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**

21. 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.



### **Acting Director of Public Realm**

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