

Licensing Sub-Committee 1 – 12th April 2016

Report of the Strategic Director Place

Application for a Licensed Premises Gaming Machine Permit

Purpose of Report

1. To consider the application for the grant of a Licensed Premise Gaming Machine Permit for 4, Category C machines, and 1 Category D machine in respect of the premises known as The Meadow Lark, Dibdale Road, Dudley, West Midlands.

Background

2. The Meadow Lark holds a current premises licence for the following:-

Films	Mondays to Sundays	10:00	00:00
Films	From the start of permitted hours on New Years Eve until the terminal hour on New Years Day		
Films	Plus non-standard timings as for the sale of alcohol		
Indoor Sporting Events	Mondays to Sundays	10:00	00:00
Indoor Sporting Events	From the start of permitted hours on New Years Eve until the terminal hour on New Years Day		
Indoor Sporting Events	Plus non-standard timings as for the sale of alcohol		
Live Music	Mondays to Sundays	10:00	00:00
Live Music	From the start of permitted hours on New Years Eve until the terminal hour on New Years Day		
Live Music	Plus non-standard timings as for the sale of alcohol		

Recorded Music	Permitted 24 hours a day pursuant to section 182 Licensing Act 1964		
Late Night Refreshment	Mondays to Sundays	23:00	00:00
Late Night Refreshment	From the start of permitted hours on New Years Eve until the terminal hour on New Years Day		
Late Night Refreshment	Plus non-standard timings as for the sale of alcohol		
Supply of Alcohol	Mondays to Sundays	10:00	00:00
	From the start of permitted hours on New Years Eve until the terminal hour on New Years Day		
Supply of Alcohol	Non-standard timings On the days listed below not including drinking up time		
Supply of Alcohol	1 st January 1 hr, Valentines Night 1 hr, Burns Night 1 hr, 1 st March (St Davids) 1 hr, 17 th March (St Patricks) 1 hr, Good Friday 1 hr, Easter Saturday 1 hr, Easter Sunday 1 hr, Easter Monday 1 hr, May Bank Holiday (1 st) Friday Prior 1 hr, May Bank Holiday (1 st) Saturday Prior 1 hr, May Bank Holiday (1 st) Sunday Prior 1 hr, May Bank Holiday (1 st) Bank Holiday Monday 1 hr, May Bank Holiday (2 nd) Friday Prior 1 hr, May Bank Holiday (2 nd) Saturday Prior 1 hr, May Bank Holiday (2 nd) Sunday Prior 1 hr, May Bank Holiday (2 nd) Bank Holiday Monday 1 hr, August Bank Holiday Friday Prior 1 hr, August Bank Holiday Sat Prior 1 hr, August Bank Holiday Sunday Prior 1 hr, August Bank Holiday Monday 1 hr, Halloween 1 hr, Christmas Eve 2 hrs, Boxing Day 1 hr, 27 th December 1 hr, 28 th December 1 hr, 30 th December 1 hr.		

3. 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, further advice will be given on receipt of application.
 - 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.
4. On 8th February 2016, Poppleston Allen Solicitors, made application on behalf of Mitchells & Butler Leisure Retail Limited for the grant of a licensed premises Gaming Machine Permit for 4 Category C machines and 1 Category D machine. A site plan was also received on the 18th February 2016 highlighting the proposed position of all 5 machines. The application together with the site plan has been circulated to Committee Members and interested parties.
 5. The current licence holder of the premises licence is Mitchells & Butler Retail Limited, the premises currently holds a permit for 3 Category C machines and 1 Category D machine.
 6. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

7. There are no financial implications.

Law

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

10. 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.

11. 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

12. 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

13. 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

14. 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

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

Recommendation

18. That the Sub-Committee give consideration to this application.



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Strategic Director Place

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List of Background Papers

None