

Licensing Sub-Committee 2 – 27th November 2012

Report of the Director of Corporate Resources

Application for Variation of a Licensed Premises Gaming Machine Permit

Purpose of Report

1. To consider the application for the variation of a Licensed Premises Gaming Machine permit for 3 category C machines and 1 category D machine in respect of the Stag & Three Horseshoes, Halesowen, West Midlands, B62 9BB.

Background

2. The Stag & Three Horseshoes holds a current premises licence for the following:

Late Night Refreshment

Monday to Sunday 23.00 – 00.00

Sale of Alcohol

Monday to Sunday 10.00 – 00.00

End of permitted hours on New Years Eve to commencement of permitted hours on New Years Day.

Regulated Entertainment (Films, Indoor Sporting Events, Live Music)

Monday to Sunday 10.00 – 00.00

Playing of Recorded Music

24 hours a day pursuant to Section 182 Licensing Act 1964

Plus non standard timings as for the supply of alcohol -

In the event of the transmission of any recognised international event which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event, the details of the activity to be notified to the police 14 days

beforehand. The event will now proceed if the police serve 7 days prior to the event, written notice upon the designated premises supervisor.

On the days/dates listed below the additional hours are to be permitted for the licensable activity (not including drinking up time) – 1st January 1hr, Valentines Night 1hr, Burns Night 1hr, 1st March (St David's) 1hr, 17th March (St Patrick's) 1 hr, Good Friday 1 hr, Easter Saturday 1hr, Easter Sunday 1hr, Easter Monday 1 hr, May Bank Holiday (1st) Friday prior 1hr, May Bank Holiday (1st) Saturday prior 1hr, May Bank Holiday (1st) Sunday prior 1hr, May Bank Holiday (1st) Bank Holiday Monday 1hr, May Bank Holiday (2nd) Friday prior 1hr, May Bank Holiday (2nd) Saturday prior 1hr, May Bank Holiday (2nd) Sunday prior 1hr, May Bank Holiday (2nd) Bank Holiday Monday 1hr, August Bank Holiday Friday prior 1hr, August Bank Holiday Sat prior 1hr, August Bank holiday Sunday prior 1hr, August Bank Holiday Monday 1hr, Halloween 1hr, Christmas Eve 2 hrs, Boxing Day 1hr, 27th December 1hr, 28th December 1 hr, 30th December 1hr.

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 amusement arcades). It is, therefore a matter for the discretion of the premises licence holder and any adult 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 the 29th January 2010, an application was received from Poppleston Allen in respect of the Stag & Three Horseshoes for the grant of three gaming machine permits. That permit was issued with effect from 29th January 2010.

5. On the 22nd September 2010, an application was received from Poppleston Allen in respect of the Stag & Three Horseshoes for the variation of the gaming machine permit for two category C machines and 1 category D machine. That permit was issued with effect from 27th September 2010.

6. On the 17th October 2012, an application was received from Poppleston Allen in respect of the Stag & Three Horseshoes for the variation of the gaming machine permit for three category C machines and one category D machine. A copy of that application together with a plan of the premises showing the

position/proposed position of the machines has been circulated to the Committee Members and interested parties.

7. The current licence holder of the premises is Mitchells & Butlers Leisure Retail Limited. The premises currently have a licensed premises gaming machine permit which entitles them to have two category C machines and one category D machine.
8. 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

9. There are no financial implications.

Law

10. Pursuant to schedule 13, section 283 of the Gaming Act 2005 the Council can grant a licensed premise gaming machine permits.
11. 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
12. 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
13. 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


14. 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 machines 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 application an opportunity to make representations
15. 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
16. 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

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

Recommendation

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



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers