

Report to: Licensing Act Committee

Date: 10th May 2016

Report of: Director Environmental Services

Report No: LER/20/16

Contact Officer: Principal Licensing Officer (PAC)

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Report Title: **Application for a Permit for Amusement with Prizes (AWP) gaming machines**

Non Confidential:

This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

Purpose:

To invite Members to consider an application for a permit for Amusement with Prizes (AWP) gaming machines in a public house.

Recommendations:

As shown in the report

Background Doc(s):

Human Rights Act 1998 - Guidelines
Appendix - application form, plan (will be available at the meeting) and supporting statement

Summary:

No summary

APPLICATIONS FOR 'AWP' GAMING MACHINE PERMIT ON PREMISES WHICH HOLD A PREMISES LICENCE UNDER THE LICENSING ACT 2003

1. Background

- 1.1 From November 2005 all permissions for AWP machines in pubs and nightclubs which hold a 'premises licence' have been granted by the Council and, since September 2007, by way of a permit granted under the provisions of the Gambling Act 2005.
- 1.2 In October 2005 Members resolved to change the Council Scheme of Delegation to enable applications for AWP permits for certain premises to be processed and for permits to be issued without reference to a Committee hearing in accordance with guidance from the Department for Culture Media & Sport.

The resolution is as follows:

- i) That authority to grant or renew Gaming Machine Permits where:
- a) The application is received from or on behalf of the holder of a 'premises licence' issued under the provisions of the Licensing Act 2003 which permits the sale of alcohol for consumption on the premises, and
 - b) Is for a maximum of two AWP machines (or such number as members consider to be appropriate), and
 - c) The AWP's are located within the area of the building, which is covered by the 'premises licence'

is delegated to the Director of Environmental Services.

- 1.3 In circumstances other than those outlined in Para 1.2, the application is referred to the Licensing Act Committee to be determined.
- 1.4 The Gambling Act 2005, was fully implemented in September 2007, and changed the way in which AWP machines are regulated.

Royal Oak, 480 Chorley Road, Westhoughton, Bolton BL5 3ND

2. The application

- 2.1 The Licensing Team has received an application, which relates to Royal Oak, 480 Chorley Road, Westhoughton, Bolton.
- 2.2 The application is submitted by Popleston Allen, Solicitor, 37 Stoney Street, The Lace Market, Nottingham, on behalf of the premises license holder Mitchells & Butlers Leisure Retail Ltd.
- 2.3 The application is for a new permit and requests permission for a total of 2 Category C machines and 1 Category D machine (Category D machines- max stake 10p max prize £5, Category C machines - max stake £1 max prize £100).
- 2.4 The application form, plan and a statement in support of the application is attached to the report as an appendix. Please note the application form and plan will be available at the meeting.
- 2.5 No complaints concerning the presence or the operation of the existing 2 Category C machine have been received by the Licensing Team.
- 2.6 The appropriate fee has been submitted with the application.
- 2.7 The permit duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable within 30 days of the date of issue of the permit and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit.
- 2.8 Officers have discussed the application with the applicant. The applicant does not intend to attend the meeting but respectfully requests that the decision be deferred if Members are minded to refuse the application in order that they can attend a future meeting to support the application.

3. Recommendation

- 3.1 Members are asked to consider the application and to:
 - (i) Grant the application for a Gaming Machine Permit, or
 - (ii) Defer the application to enable the applicant to attend a future meeting to support the application

