

Bolton Council

Report to: Licensing & Environmental Regulation Committee

Date: 9th January 2018

Report of: Director of Place

Report No: LER/01/18

Contact Officer: Principal Licensing Officer (PAC)

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Report Title: **APPLICATION TO VARY AN EXISTING LICENCE PREMISES GAMING MACHINE PERMIT**

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 the Committee to consider an application to vary an existing gaming machine permit, for amusement with prizes (AWP) in a public house, which holds a premises licence issued under the Licensing Act 2003.

Recommendations:

As shown in the report

Background Doc(s):

Gambling Act 2005 - Bolton Council Statement of Principles 2016-2019
Appendix 1 – Copy of application form and plan

Summary:

No summary

APPLICATION TO VARY AN EXISTING 'AWP' GAMING MACHINE PERMIT ON PREMISES WHICH HOLD A PREMISES LICENCE UNDER THE LICENSING ACT 2003

1. Background

- 1.1 The Gambling Act 2005 came into effect on 1st September 2007. It extended the Local Authority responsibilities to include the licensing of premises where gambling takes place and the issuing of permits for other types of gambling.
- 1.2 The Gambling Act contains three licensing objectives and these underpin the function of the Local Authority and the Gambling Commission. The objectives are central to the regime.

They are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 From November 2005, all permissions for AWP machines in pubs and nightclubs where a 'premises licence' has been issued have been granted by the Council and since September 2007, by way of a permit granted under the provisions of the Gambling Act 2005.
- 1.4 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. This was in accordance with guidance from the Department for Culture Media & Sport.

The resolution was:

- 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'

The Councils Scheme of Delegation, delegates authority for the grant and renew of a permit to the Director of Place.

- 1.5 In circumstances other than those outlined in Para 1.4, the application is referred to the Licensing & Environmental Regulation Committee to be determined.

2. The application – Reflex @ The Elephant & Castle

- 2.1 The Licensing Team has received an application to vary an existing gaming machine permit.
- 2.2 The application is for premises that trade as Reflex @ The Elephant & Castle, 4 -10 Deansgate, in Bolton.
- 2.3 The application is submitted by Popplestone Allen Solicitors, 37 Stoney Street, The Lace Market, Nottingham and is on behalf of the premises license holder Stonegate Pub Company Ltd, Porter Tun House, 500 Capability Green, Luton.
- 2.4 A copy of the application form, supporting documentation and plan is attached to the report as Appendix 1.
- 2.5 The application is to vary an existing permit and requests permission to increase the number of Category C machines from 6 to 7.
- 2.6 A Category C machine has a maximum stake of £1.00 with a maximum prize of £100.00.
- 2.7 The appropriate fee has been submitted with the application.
- 2.8 The permit duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence.
- 2.9 An annual fee is payable before each anniversary of the date of issue of the permit.
- 2.10 Failure to pay the annual fee may result in the cancellation of the permit.
- 2.11 No complaints concerning the presence or the operation of the existing machines in the premises have been received by the Licensing Team.
- 2.12 Officers have contacted the applicant's representative and confirmed that the applicant does not need to attend the meeting. However officers respectfully request that the decision be deferred, if the Committee are minded to refuse the application, in order that they can attend a future meeting to support the application.

3. Recommendation

- 3.1 The Committee are asked to consider the application and to:
 - (i) Grant the variation to the gaming machine permit, or
 - (ii) Refuse to grant the variation to the gaming machine permit stating the reason for the refusal, or
 - (iii) Modify the existing gaming machine permit stating the reason for the modification.