

Report to: Licensing and Environmental
Regulation Committee

Date: 3rd April 2012

Report of: Director Environmental Services

Report No: LER/16/12

Contact Officer: Patricia Clyne
Principal Licensing Officer

Tele No:
336577

Report Title: **Application for vary a Permit for Amusement with Prizes 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 to vary an existing permit for Amusement with Prizes (AWP) gaming machines in a public house.

Recommendations:

As shown in the reports

Background Doc(s):

Human Rights Act 1998 - Guidelines

Summary:

No summary

APPLICATION TO VARY A '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 Legal and Democratic Services.
- AND
- ii) That permits issued by the Council should last for three years.
- 1.3 In circumstances other than those outlined in Para 1.2, the application is referred to the LERC 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.

2. The application

- 2.1 The Licensing Unit has received an application, which relates to the Robert Shaw, 53 Market Street, Westhoughton, Bolton, BL5 3AG.
- 2.2 The application is submitted by the holder of the premises licence issued under the Licensing Act 2003 - JD Wetherspoon Plc, Wetherspoon House, Reeds Crescent, Watford, Hertfordshire.
- 2.3 The application is to vary an existing permit and increase the existing permit from four machines to five AWP machines (all Category C machines - max stake 50p max prize £70).
- 2.4 No complaints concerning the presence or the operation of the existing machines in the premises have been received by the Licensing Team
- 2.5 The appropriate fee has been submitted with the application.
- 2.6 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.
- 2.7 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 to vary the Gaming Machine Permit, or
 - (ii) Defer the application to enable the applicant to attend a future meeting to support the application