

Meeting:	Regulatory Sub-Committee
Meeting date:	18 JANUARY 2016
Title of report:	APPLICATION FOR VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT FROM 3 TO 4 IN RESPECT OF 'THE GRANDSTAND, GRANDSTAND ROAD, HEREFORD. HR4 9NH' – GAMBLING ACT 2005
Report by:	LICENSING OFFICER

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Hereford

Purpose

To consider an application for the variation of a Licensed Premises Gaming Machine Permit from 3 to 4 machines in respect of 'The Grandstand', Grandstand Road, Hereford, HR4 9NH.'

Recommendation

THAT Sub-Committee determine the variation with a view to promoting the licensing objectives which are:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- b) ensuring that gambling is conducted in a fair and open way, and
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

The committee should also take into consideration

- The 'Guidance to Licensing Authorities 4th Edition' issued by the Gambling Commission
- Herefordshire Council Gambling Policy
- Code of practice for gaming machines in clubs and premises with an alcohol licence' issued in August 2014 by the Gambling Commission

Options

1. (a) grant the 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.

Reasons for Recommendations

2. Ensures compliance with the Gambling Act 2005.

Key Considerations

3. Licence Application

The details of the application are:

Applicant	Green King Retailing Ltd Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT
Solicitor	N/K
Type of application:	Variation to existing Gaming Machine Permit

5. Summary of Application

The application is to add a further one machine of Category D to the existing permit.

In accordance with the powers of delegation such application cannot be determined by an officer but only by the Licensing Committee for the Authority.

6. A plan of the proposed locations of the machines is attached within the background papers.

7. A policies statement is also included to address those matters covered within the 'Code of practice for gaming machines in clubs and premises with an alcohol licence' issued in August 2014 by the Gambling Commission.
8. The matter is therefore brought before Committee for determination.

Community Impact

9. Any decision is unlikely to have any impact on the local community.

Equality duty

10. There are no equality or human rights issues in relation to the content of this report.

Financial implications

11. There are unlikely to be any financial implications for the authority at this time.

Legal Implications

12. Schedule 13 of the legislation states that:
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 - (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.
 - (3) As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—
 - (a) the refusal, and
 - (b) the reasons for it.
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 - (1) A licensing authority may grant an application under this Schedule only if the applicant holds an on-premises alcohol licence.
 - (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 the application, 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 from that specified in the application, or
 - (iii) both, and
 - (b) given the applicant an opportunity to make representations.
 - (3) A licensing authority may satisfy sub-paragraph (2)(b) by giving the applicant an opportunity to make—
 - (a) oral representations,
 - (b) written representations, or
 - (c) both.
 - (4) Sub-paragraph (2)(b) shall not apply in respect of a refusal if the refusal was by virtue of sub-paragraph (1).

13. **Right of Appeal**

- 21 (1) The applicant for or holder of a permit may appeal 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 (or both), or
 - (c) give a notice under paragraph 16.
- (2) An appeal under this paragraph must be instituted—
- (a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,
 - (b) by notice of appeal given to the designated officer, and
 - (c) within the period of 21 days beginning with the day on which the appellant or holder receives notice of the decision against which the appeal is brought.

Risk Management

14. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

Appendices

- a. Application Form
- b. Plan of Premises
- c. Greene King correspondence
- d. 'Code of practice for gaming machines in clubs and premises with an alcohol licence' issued in August 2014 by the Gambling Commission'.

Background Papers

None.