

LICENSING COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 6) on Monday, 2nd October, 2006 at 2.00 p.m.

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Minutes of the last meeting of the Committee held on 4th September, 2006 (copy herewith).	1
4.	Licensing Act 2003 – Delegation to the Director of Community and Cultural Services in respect of the Gaming Act 1968 and Amusements with Prizes Machines in Premises Licensed for the Sale of Alcohol for Consumption on the Premises	3
	Report of the Director of Community and Cultural Services (copy herewith).	

R.C. RAYNER,
City Solicitor.

Civic Centre,
SUNDERLAND.

21st September, 2006.

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If you require this, please telephone 0191 553 1008.

At a meeting of the LICENSING COMMITTEE held in the CIVIC CENTRE on MONDAY, 4TH SEPTEMBER, 2006 at 2.00 p.m.

Present:-

Councillor Mrs. Higgins in the Chair

Councillors Bohill, P. Gibson, Gofton, Grey, J. Heron, Howe, Peter Maddison, T. Martin, Richardson, J.B. Scott, Trueman, J. Walton, Whalen and Wilson.

Apologies for Absence

All Members being present there were no apologies for absence.

Declarations of Interest

There were no declarations of interest.

Minutes of the last Meeting of the Committee held on 3rd July, 2006

1. RESOLVED that the minutes of the meeting of the Committee held on 3rd July, 2006 (copy circulated) be confirmed and signed as a correct record.

Lotteries and Amusements Act 1976 – Section 16, Application for Grant of Permit for Prize Bingo – The Torrens Public House, North Hylton Road, Sunderland

The Director of Community and Cultural Services submitted a report (copy circulated) on an application received from Susan Elizabeth Edwards for a permit for the provision of prize bingo at the above premises. It was intended that the prize bingo would be run as a form of amusement for customers.

(For copy report – see original minutes).

Consideration having been given to the report, it was:-

2. RESOLVED that approval be given to the application received from Susan Elizabeth Edwards for the grant of a permit for the provision of prize bingo at The Torrens Public House, North Hylton Road, Sunderland.

(Signed) M. HIGGINS,
Chairman.

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

LICENSING COMMITTEE - 2 OCTOBER 2006

LICENSING ACT 2003 – DELEGATION TO THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES IN RESPECT OF THE GAMING ACT 1968 AND AMUSEMENTS WITH PRIZES MACHINES IN PREMISES LICENSED FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES

1.0 INTRODUCTION

- 1.1 The purpose of this report is to request Members consider granting the Director of Community and Cultural Services the delegated power to issue permits in respect of Amusements with Prizes machines in premises licensed for the sale of alcohol for consumption on the premises where no objections have been received.

2.0 BACKGROUND

- 2.1 At their meeting on 5 June 2006 Members granted the Director of Community and Cultural Services the delegated power to grant or renew applications for Amusements with Prizes machines permits in respect of premises licensed for the sale of alcohol for consumption on the premises for the use of up to two machines (a copy of this report is attached as Appendix 1).
- 2.2 Members also resolved that where permits for more than two machines were sought, these applications were to be dealt with by Licensing Sub-Committees.
- 2.3 On 4 September 2006, a Licensing Sub-Committee considered 7 applications for permits with more than two machines. There were no objections from Northumbria Police and the applications were granted. Following the meeting, the Members of the Sub-Committee requested that officers submit a further report to the Licensing Committee on this matter.

3.0 DELEGATION TO DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

- 3.1 Members may consider that it is not necessary to delay the granting of applications where there are no objections received.
- 3.2 It is therefore proposed that Members consider granting to the Director of Community and Cultural Services the delegated power to grant or renew applications for Amusements with Prizes machines permits in respect of premises licensed for the sale of alcohol for consumption on the premises

for the use of any number of machines as opposed to the limit of two for which authority is presently delegated, subject to there being no objections received to the application. Should an objection be received the application will be referred to a Licensing Sub-Committee.

4.0 RECOMMENDATION

- 4.1 Members are recommended to note the contents of the report and consider delegating to the Director of Community and Cultural Services the power to grant or renew applications for Amusements with Prizes machines permits in respect of premises licensed for the sale of alcohol for consumption on the premises subject to no objections being received.

Background Papers

- 1) Gaming Act 1968
- 2) Licensing Act 2003
- 3) Secretary of State's Guidance issued under section 182 of the Licensing Act 2003
- 4) DCMS Gambling Circular No. 13

APPENDIX 1

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

LICENSING COMMITTEE - 5 JUNE 2006

LICENSING ACT 2003 – AMENDMENT TO THE GAMING ACT 1968 WITH RESPECT TO AMUSEMENTS WITH PRIZES MACHINES IN PREMISES LICENSED FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES

5.0 INTRODUCTION

- 5.1 The purpose of this report is to inform Members of the changes to the legal framework with regard to Amusements with Prizes machines in premises licensed for the sale of alcohol for consumption on the premises and to request delegated powers for the Director of Community and Cultural Services to issue permits where no representations have been received.

6.0 LEGAL FRAMEWORK

- 6.1 The Licensing Act 2003 amended the Gaming Act 1968 in respect of the grant of 'section 34 permits' for Amusements with Prizes machines in premises licensed for the sale of alcohol for consumption on the premises. The Licensing Act transferred the responsibility for the granting of these permits from the Magistrates' Courts to the Council in its role as the Licensing Authority.
- 6.2 Members should note that premises operating under a Club Premises Certificate are not affected by this amendment and that they still need to apply to the Magistrates' Courts for Amusements with Prizes machines permits.
- 6.3 Under the Gaming Act 1968 permits for Amusements with Prizes machines can be granted for a minimum period of three years but may be issued for longer periods. Licensing Authorities are not permitted to attach conditions on the grant of a section 34 permit other than a condition limiting the number of machines authorised under it. There is no requirement for applicants to provide a plan of the premises indicating where the machines are to be sited.
- 6.4 Members will be aware that Amusement with Prizes machines licensed under section 34(5e) of the Gaming Act are not allowed to be played by persons under the age of 18. Permits issued under section 34 in respect of premises licensed for the sale of alcohol for consumption on the premises do not have this restriction and it is therefore a matter for the

discretion of the premises licence holder and any adults accompanying the children whether they are entitled to play such machines.

- 6.5 The current fee for the grant or renewal of a permit under section 34 of the 1968 Act is £32.

7.0 DELEGATION TO DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

- 3.1 The Secretary of State, in her guidance issued under section 182 of the Licensing Act 2003, recommends that Licensing Authorities issue section 34 permits in respect of premises licensed for the sale of alcohol for consumption on the premises for the use of up to two machines without the need for a hearing. It is therefore proposed that the Director of Community and Cultural Services be given the delegated power to grant or renew applications in that situation.
- 3.2 Where permits for more than two machines are sought the Secretary of State recommends that local authorities follow the procedure they have already adopted in respect to applications for section 34(5e) permits. These relate to Amusement with Prizes machines in amusement arcades and similar premises and are presently referred to Regulatory Committee. However, the Licensing Act 2003 requires this function to be undertaken by the Licensing Committee. The law allows the Licensing Committee to delegate this function. In the interests of efficiency, it is proposed that such applications are dealt with by Licensing Sub-Committees.

8.0 RECOMMENDATION

- 8.1 Members are recommended to note the contents of the report and: -
- delegate the Director of Community and Cultural Services the delegated power to grant or renew applications for section 34 permits in respect of premises licensed for the sale of alcohol for consumption on the premises in respect of applications for the use of up to two machines;
 - delegate to Licensing Sub-Committees the power to grant or refuse applications for the grant or renewal of section 34 permits in respect of premises licensed for the sale of alcohol for consumption on the premises in respect of applications for the use of two or more machines.

Background Papers

- 5) Gaming Act 1968
- 6) Licensing Act 2003
- 7) Secretary of State's Guidance issued under section 182 of the Licensing Act 2003
- 8) DCMS Gambling Circular No. 13