

### COVER SHEET FOR DRAFT COMMITTEE REPORT

To be completed by report author and attached to draft report

Subject/title of report	Gaming and gaming machines on alcohol licensed premises		
(Sub-)Committee(s)/ dates	Licensing Committee 5 January 2006		
TMT member(s) responsible	Jenny Rowlands	Report author(s)/ contact officer(s)	Tim Nichols
Wards affected	All	[If late item] - Chair's approval to urgency?	N/A
Part 1 or 2	Part 1	Exempt category (if any)	N/A

Summary of main recommendations
Decision
Key issues/impact of proposals
Balance: community safety and benefits for tourism economy – proper balance between rights and responsibilities of individuals, business and the community

CONSULTATION UNDERTAKEN					
Officers (all drafts to be sent to officers marked *)			Councillors		
<i>Dept</i>	<i>Name</i>	<i>Date</i>		<i>Name</i>	<i>Date</i>
Chief Exec			Chair	Jeane Lepper - Licensing	
DCE/Dir. Corp Servs			Deputy Chair(s)		
Dir. Children, F & S			Opposition Spokes.		
Dir. City Services			Ward Councillors		
Dir. Comms/Dem Servs					
Dir. Culture & Regen					
Dir. Environment					
Dir. Human Res'ces					
Dir. Public Health					
Hd Adult Social Care					
*Monitoring Off'r	Rebecca Sidell		Others		
*Chief Finance Off'r	Alisdair Ridley				
Other consultations (public/stakeholders/communities of interest/partners/ staff etc.):					

REPORTING ROUTE (complete as applicable)					
<i>Meeting</i>	<i>Date</i>	<i>Meeting</i>	<i>Date</i>	<i>Meeting</i>	<i>Date</i>
DMT		Leadership Team		Committee (s)	
TMT		Chair's Meeting		P&R Cttee/Council?	
TMT/Leadership		Political group(s)		others	

Committee Administrator: Caroline DeMarco	Tel: 1063
Signature of Chief/Statutory Officer	

## **Brighton & Hove City Council**

### **For general release**

**Meeting:**      Licensing Committee (Licensing Act 2003 functions)

**Date:**            5 January 2006

**Report of:**      Director of Environment

**Subject:**        Gaming and gaming machines on alcohol licensed premises

**Ward(s) affected:** All

### **1. Purpose of the report**

- 1.1      There is a transfer of functions from Licensing justices to local authorities under the Licensing Act 2003. Changes are made to the licensing regime for gaming and gaming machines in pubs and other alcohol licensed premises.
- 1.2      Under existing law, local authorities are responsible for authorising use of amusement with prizes (AWP) machines in amusement arcades and businesses like cafes. The Licensing Act 2003 will give authorities additional responsibility of authorising AWP machines in alcohol licensed premises.

### **2. Recommendations**

- 2.2      2.1      That this report is noted.

### **3. Information**

- 3.1      The changes concern the grant of the following types of permit:
  - a) Section 34 Gaming Act 1968 – fruit or slot machines, (AWP machines):
    - The “all cash” machine, which has a maximum stake of 30p and a maximum prize of £25. This type is commonly found in pubs, or arcades with an over 18 door policy (section 34(5E)); and

- The “coin or token” machine, which has a maximum stake of 30p and a maximum prize of £5 cash or £8 non-cash. This is the type found in take-away restaurants or amusement arcades to which children have access (section 34(1)).
- b) S16 of the Lotteries and Amusements Act 1976 allows Commercial provision of amusements with prizes. S16 permits allow the playing of certain games and lotteries for prizes within specified money limits.
  - c) S6 Gaming Act 1968 entitles licence holders to play certain games on licensed premises. Licence holders are automatically entitled to play dominoes and cribbage (subject to conditions set). An order under Section 6 authorises other games, which must comprise equal chance gaming like bingo or bridge. No charges for taking part, or levies on stakes or winnings may be made.
- 3.2 From 24 November 2005, second appointed day for implementation of Licensing Act 2003, local authorities take over these tasks with their general responsibility for all alcohol licensing matters.
  - 3.3 All existing permissions granted by Licensing Justices will remain valid after 24 November 2005. Local authorities will not be required to do anything with existing permits until renewal.
  - 3.4 These changes do not affect clubs or the regulatory framework for casinos or bingo halls. The Gaming Act 1968 remains in force and will not be repealed until 2007. Licensing authorities will acquire a number of new functions under the Gambling Act 2005. The grant of permits under S34 of the Gaming Act 1968 is still a function under that Act and is not a Licensing Act 2003 function.
  - 3.5 There are no powers for local authorities to pass resolutions about the availability and numbers of AWP machines in licensed premises. The Gaming Act 1968 does not impose an upper limit on permitted number of AWP machines in a pub. DCMS recommend that authorities dispense with hearings where an application is for no more than two AWP machines.
  - 3.6 Existing Committee and Officer delegations cover licensing and registration functions including gaming.



## COMMITTEE REPORT APPENDIX

<b>Meeting/Date</b>	<b>Licensing Committee 05/01/06</b>
<b>Report of</b>	<b>Director of Environment, Jenny Rowlands</b>
<b>Subject</b>	<b>Gaming and gaming machines on alcohol licensed premises</b>
<b>Wards affected</b>	All

### **Financial implications**

S34 permits are issued for at least three years. The current fee for grant or renewal of permits for alcohol licensed premises under S34 of the 1968 Act is £32.

### **Legal implications**

From 24 November 2005, the Council is responsible for issuing all applications for new permits or orders and renewing existing permits.

Although grant of permits is not a function under the Licensing Act 2003, Licensing Committees established under Section 7 of the Act (alcohol licensing committee) is authorised to deal with applications for grant of permits.

### **Corporate/Citywide implications**

DCMS believes these functions can "in the main be dealt with administratively by officers" Local authorities will not assume new enforcement powers.

### **Risk assessment**

Transitional arrangements seek to ensure the burden on local authorities and pubs and other alcohol licensed premises is kept to a minimum.

### **Sustainability implications**

None

### **Equalities implications**

It will be an automatic condition that AWP machines must only be located on premises which have a bar for serving drinks to customers. Unaccompanied children (under 16) are prohibited from licenced premises for consumption of alcohol on the premises.

### **Implications for the prevention of crime and disorder**

Only the police have powers of entry and inspection

### **Background papers**

None

### **Contact Officer**

Tim Nichols, Head of Environmental Health and Licensing – telephone 2163