

LICENSING(2003 ACT) COMMITTEE

25 January 2006
4.30pm to 5.05pm

Present: Councillors Liddle (Chair), Bailey, Blencowe, Dixon, Downham, Dryden, Hymans, C Rosenstiel, Slatter, R Smith, Stuart

06/lic2003/01 Minutes

The minutes of the meeting held on 21 February 2005 were confirmed as a correct record.

06/lic2003/02 Apologies

Apologies for absence were received from Councillors Benstead, Boyce, Coleman, Nimmo-Smith.

06/lic2003/03 Declarations of Interest

Councillors C Rosenstiel declared a Code of Conduct personal interest as a member of CAMRA (Campaign for Real Ale)

06/lic2003/04 Gaming And Gaming Machines On Alcohol Licensed Premises – Transfer Of Functions From Licensing Justices To Local Authorities Under The Licensing Act 2003

The Head of Environmental Services said that, from 24 November 2005, the Council had taken on extensive new responsibilities from the Licensing Justices' under the Licensing Act 2003. With the Act came the general responsibility for all alcohol licensing matters.

On 30 October 2005 two statutory instruments had been passed, also coming into force on 24 November 2005:

- o The Licensing Act 2003 (Amendment of Gaming Act 1968) (Transfer of Gaming Permits) Order 2005
- o The Licensing Act (Amendment of the Lotteries and Amusements Act 1976) (Transfer of Amusements with prizes permits) Order 2005.

These statutory instruments transferred the responsibility for the granting and renewal of three types of permit from the Magistrates' Courts to the Local Authorities. These were permits granted under:

- o Section 34 of the Gaming Act 1968: permits for amusements with prizes gaming machines (AWP's) on alcohol licensed premises (frequently known as 'fruit' or 'slot' machines)
- o Section 16 of the Lotteries and Amusements Act 1976: permits for commercial amusements with prizes on alcohol licensed premises.
- o Section 6 of the Gaming Act 1968: an order authorising low-stake gaming on alcohol licensed premises.

The Local Authority already had responsibility for granting licences where there is no alcohol.

A report on procedural matters had been presented to Committee on the 21 February 2005 and although Section 34 AWP's were raised, other procedural matters had still been unclear. The issue of the statutory instruments had now clarified the position.

In February 2005, the Committee had agreed:

- To authorise the Head of Environmental Services (HES) to take all such other steps as were needed or, in his view, were appropriate, to implement the new licensing regime, save for such matters as are reserved by statute or by resolution for decision by elected members
- To delegate authority to the HES to grant up to 2 Section 34 permits for amusement with prizes machines in premises licensed for the sale of alcohol for consumption on the premises.

Resolved, following clarification of the outstanding issues, that the delegated authority to the Head of Environmental Services be increased and extended to include all types of permit referred to in 1.4 of the report, namely:

1. The grant and renewal of Section 34 permits for amusement with prizes machines, subject to consultation with the Chair on applications for over 10 machines.
2. The grant and renewal of Section 16 permits.
3. The grant and renewal of Section 6 orders.