



DERBY CITY COUNCIL

**GENERAL LICENSING COMMITTEE
14 DECEMBER 2005**

Report of the Director of Corporate Services

AMUSEMENT WITH PRIZES MACHINES IN LICENSED PREMISES

RECOMMENDATION

- 1.1 To confirm that all Amusement with Prizes Machines Permits granted by the Council will be issued for three years.
- 1.2 To authorise the Assistant Director – Environmental Health & Trading Standards to grant all Amusement with Prizes Permits for up to two machines and to confirm that all new Amusement with Prizes Permit applications for more than two machines are to be determined by the Council's General Licensing Sub Committee.
- 1.3 To authorise the Assistant Director – Environmental Health & Trading Standards to grant all renewal Amusement with Prizes applications providing no representations have been made by the Police.

SUPPORTING INFORMATION

- 2.1 As a result of the Licensing Act 2003, a number of changes have been made to the arrangements for obtaining permits for gaming in pubs and other alcohol licensed premises.
- 2.2 The main change concerns the grant of permits under Section 34 of the Gaming Act 1968 for amusement with prizes (AWP) machines – more commonly known as fruit machines – in pubs and other alcohol licensed premises. However, it also involves the transfer of two lesser-used functions:
 - orders under Section 6 of the Gaming Act 1968, authorising low-stake gaming on alcohol licensed premises; and
 - the grant of permits, under Section 16 of the Lotteries and Amusements Act 1976, for commercial amusements with prizes on alcohol licensed premises.
- 2.3 The Council is responsible for issuing new permits and the renewal of permits previously granted by the Licensing Justices where they expire on or after 24 November 2005.
- 2.4 Supplementary information to Licensing Authorities has been issued by the Department for Culture, Media and Sport (DCMS) and an excerpt of this has been provided for information at Appendix 2.
- 2.5 The DCMS recommends that local authorities dispense with hearing an application for an AWP machine permit if the application is for no more than two machines. It

is worth noting that from Autumn 2007 the new Gambling Act will state that licensed premises will automatically be entitled to two machines providing they comply with a simple notification procedure. Accordingly, when an application is made for more than two machines, it is proposed that the matter will be determined by the Council's General Licensing Sub Committee.

- 2.6 The Council has the power to limit the number of machines on a particular premises but does not have the power to attach any other conditions. The Gambling Commission is likely to publish a code of practice covering issues like the location and supervision of machines during 2006.
- 2.7 All cases must be considered on their merits and the Council must have lawful reasons for rejecting an application. The Council may refuse a permit on the grounds that it is undesirable that machines should be used for providing amusement on the premises.
- 2.8 There is no requirement for the Police or any other authority to be notified of an application, however the Council is not prohibited from notifying them and this may assist the General Licensing Sub Committee in deciding whether an application is undesirable or not. Accordingly, it is proposed that the Police be consulted whenever applications for more than two machines are received.
- 2.9 The DCMS have recommended new or renewed permits be issued for three years. The current prescribed fee for such an application is £32.00.
- 2.10 The Council will assume no new enforcement powers and any breach of a Section 34 permit remains a matter for the Police.
- 2.11 The Council is already familiar with the procedure for issuing permits under the legislation as it has been issuing permits in premises not licensed to sell alcohol for some time.

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Background papers:	None	
List of appendices:	Appendix 1 – Implications Appendix 2 – Excerpt from DCMS Gambling Circular 13 – 10/10/05	

IMPLICATIONS

Financial

1. No anticipated major financial implications arising directly from this report.

Legal

2. As detailed in the report and at Appendix 2.

Personnel

3. None arising directly from this report.

Equalities impact

4. The Council, through relevant licensing legislation and guidance issued by Central Government, promotes the principles of openness, fairness and equality.

Corporate themes and priorities for change

- 5.1 The proposals contained in the report contributes to the Council's objectives of **healthy, safe and independent communities, a lively and energetic cultural life and a diverse, attractive and healthy environment.**
- 5.2 The proposals contained in the report furthers the Council's priorities of **improving customer service, in the city centre and locally.**