

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING COMMITTEE – 19<sup>th</sup> SEPTEMBER 2007**

Title of report	<b>POLICY FOR THE PROVISION OF GAMING MACHINES IN ALCOHOL LICENSED PREMISES</b>
Contacts	Portfolio holder – Councillor Rushton <a href="mailto:nicholas.rushton@nwleicestershire.gov.uk">nicholas.rushton@nwleicestershire.gov.uk</a> Interim Head of Environmental Health – Ian Marriner Tel: 01530 454551 <a href="mailto:ian.marriner@nwleicestershire.gov.uk">ian.marriner@nwleicestershire.gov.uk</a> Licensing Enforcement Officer – Emma McHugh Tel: 01530 454838 <a href="mailto:emma.mchugh@nwleicestershire.gov.uk">emma.mchugh@nwleicestershire.gov.uk</a>
Purpose of report	To approve the Licensing Authority’s Policy in relation to the provision of gaming machines on alcohol licensed premises so that any application for more than 4 gaming machines will be referred to the Licensing Sub-Committee for determination.
Strategic aims	
Implications:	
Financial/Staff	<b>None arising directly from this report.</b>
Health/Anti-Poverty	<b>None.</b>
Crime and Disorder	<b>The Licensing Authority must undertake its responsibilities to prevent crime and disorder.</b>
Risk Management	<b>Not applicable.</b>
Human Rights	<b>None.</b>
E-Government	<b>None.</b>
Consultees	<b>None.</b>
Comments of Monitoring Officer	<b>On the advice of Fraser Brown solicitor’s, the report is satisfactory.</b>
Comments of Section 151 Officer	<b>The report is satisfactory.</b>

Comments of Head of Paid Service	<b>The report is satisfactory.</b>
Background papers	<b>Gambling Act 2005 Gambling Commission's Guidance to Licensing Authorities – 2<sup>nd</sup> Edition</b>
Recommendations	<b>To approve the Licensing Authority's Policy in relation to the provision of gaming machines on alcohol licensed premises so that any application for more than 4 gaming machines will be referred to the Licensing Sub-Committee for determination.</b>

## 1. Gaming Machines on Alcohol Licensed Premises

- 1.1 The Gambling Act 2005 will come into force on 1<sup>st</sup> September 2007 and will modernise all aspects of gambling. As a Licensing Authority, we are responsible for authorising the provision of gaming machines on alcohol licensed premises.
- 1.2 Currently, any gaming machine provided on alcohol licensed premises is authorised under section 34 of the Gaming Act 1968. If there is already a section 34 permit in place at the premises then this will authorise the provision of gaming machines after 1<sup>st</sup> September 2007 until the expiry date stated on the permit. The permit holder will have to comply with the Gambling Commission's Gaming Machines Permits Code of Practice.
- 1.4 Under the new Act, alcohol licensed premises are only permitted to offer Category C and/or Category D gaming machines which have the following limits:

Type of Machine	Maximum Stake	Maximum Prize
Category C	50p	£35
Category D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

- 1.4 If any alcohol licensed premises wish to apply for the provision of gaming machines after 1<sup>st</sup> September 2007 and there is no current permit in place, the Act provides for two different options dependant on the number of machines that are provided at the premises.
- 1.5 Alcohol licensed premises have an automatic entitlement to no more than two gaming machines of Category C or D provided that a written notice of their intention to make gaming machines available has been sent to the Licensing Authority along with the prescribed fee of £50. Licensing Authorities have no authority to consider or refuse this notification however the Licensing Authority can make an order to remove this automatic entitlement in respect of any particular premises in certain circumstances.

- 1.6 Licensing Authorities may issue licensed premises gaming machine permits for premises that wish to offer more than two Category C and/or D gaming machines in alcohol licensed premises. Where a permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines.
- 1.7 There is no limit as to the number of gaming machines that an alcohol licensed premises can provide under the Gaming Act 1968 or the Gambling Act 2005. The Licensing Authority currently has a policy whereby any application requesting to provide more than 4 gaming machines would be referred to the Licensing Sub-Committee for determination. It is proposed to continue this policy under the Gambling Act 2005. Therefore, Member approval is sought in order to adopt this policy in relation to licensed premises gaming machine permits.