

Licensing and Safety Committee 4 – 22nd August 2006

Report of the Director of Law and Property

Applicant for Grant of a Gaming Permit

Purpose of Report

1. To consider the application made by Brendan McAreary for the grant of a permit for the use of gaming machines for gaming under Section 34 of the Gaming Act 1968 at Merry Hill Shopping Centre, Brierley Hill, West Midlands.

Background

2. Mr McAreary made application for the grant of a Section 34 permit to allow him to operate amusement-with-prizes machines at Merry Hill Shopping Centre, Brierley Hill, West Midlands. A copy of that application is attached as Appendix 1.
3. The application has been circulated to the West Midlands Fire Service, West Midlands, Police, and the Directorate of the Urban Environment.
4. There were no objections or comments made by those agencies.

Finance

5. There are no financial implications.

Law

6. The Council is the appropriate Authority for the purpose of considering applications for the grant of a permit to use machines for gaming, under Section 34 and Schedule 9 of the Gaming Act 1968.
7. Under Paragraph 8(1)(a) of Schedule 9, the Council has absolute discretion as to whether or not to grant a permit.
8. The Council has exercised its powers under Paragraph 3(b) of Schedule 9 to the Gaming Act, 1968 and has declared that it will not henceforth grant or renew

permits for the provision of amusements with prizes by way of machines where food or drink is sold for consumption on or off the premises.

9. This Council Resolution would not be applicable if the premises are to be used as an Amusement Arcade
10. If the Committee decides that this application is not in contravention of the resolution passed by the Council under Paragraph 3 of Schedule 9 of the Gaming Act, 1968, then it is open to the Committee to proceed to determine the application and to either grant or refuse it.
11. If the Committee decides to grant this application, then it is open to the Committee to grant the application subject to a condition limiting the number of machines, which may be made available on the premises.
12. If the Committee decides that the application can be granted without contravening the resolution passed under Paragraph 3 of Schedule 9 of the Gaming Act, 1968, but nevertheless proceed to refuse it, then there is an appeal against the decision of the Committee not to grant this permit to the Crown Court.
13. If the Crown Court is satisfied the application falls within a resolution passed under Paragraph 3(b) of Schedule 9 to the Gaming Act, 1968, and by virtue of it that it was the duty of the Council to refuse it, the Crown Court shall not allow the appeal.

Equality Impact

14. The Council's policy on equal opportunities has been taken into consideration in the preparation of this report.
15. The licensing of amusements with prizes machines will impact on children and young people through their attendance at the premises.
16. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

17. That the Committee determines this application.

John Poyles

.....
DIRECTOR OF LAW AND PROPERTY

Contact Officer: Mrs. J. Elliott 5377
Telephone: 01384 815377
Email: janetelliott@dudley.gov.uk

List of Background Papers

18. Application form