

Licensing Sub-Committee 1

6th March 2007

Report of the Director of Law and Property

Application for Grant of a Gaming Permit

Purpose of Report

1. To consider the application made by Mohammed Faisal for the grant of a permit for the use of gaming machines for gaming under Section 34 of the Gaming Act 1968, at Reel Cinema, Hagley Road West, Halesowen, West Midlands B62 9AS.

Background

2. On 7th November 2006, Mr Faisal made application for the grant of a Section 34 permit to allow him to operate amusement-with-prizes machines at Reel Cinema, Hagley Road West, Halesowen, West Midlands. A copy of that application is attached as Appendix 1.
3. The application was circulated to the West Midlands Fire Service, West Midlands Police, and the Directorate of the Urban Environment.
4. The West Midlands Fire Service made recommendations, which are attached to this report as Appendix 2. None of the other agencies raised objections.

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 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.
13. 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.

Equal Opportunities

14. The Council's policy on equal opportunities has been taken into consideration in the preparation of this report.
15. The licensing of premises and individuals will impact on children and young people through their attendance at licensed 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.

Background Papers

18. Application form.

John Poyellis

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DIRECTOR OF LAW AND PROPERTY

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