

Licensing Sub-Committee 2 – 12th September 2006

Report of the Director of Law and Property

Application for Amusement with Prizes Machines Permit

Purpose of Report

- 1 To consider the application for the grant of an amusements with prizes machines permit for three machines in respect of The Abraham Darby, Merry Hill Centre, Brierley Hill, West Midlands.

Background

2. On the 3 August 2006, an application was received from Leisure Link in respect of The Abraham Darby, Merry Hill Centre Brierley Hill West Midlands, for the grant of an amusements with prizes machines permit.
3. The Abraham Darby holds a current premises licence for the following:- late night refreshment Sunday to Thursday 23.00 – 00.00, Friday and Saturday 23.00 – 01.00, Christmas Eve and Boxing Day 23.00 – 02.00. Sale of alcohol Christmas Eve and Boxing Day 09.00 – 02.00, Sunday to Thursday 09.00 – 00.00, Friday and Saturday 09.00 – 01.00. Exhibition of a film Christmas Eve and Boxing Day 09.00 – 02.00, Sunday to Thursday 09.00 – 00.00, Friday and Saturday 09.00 – 01.00 which is attached to this report as Appendix 1.
4. The Local Authority licensing policy states as follows:-
 - The Licensing Authority will be prepared to grant without a hearing, permits authorising up to two Section 34 Gaming Act machines in any premises. If authorisation is sought for more than two machines the applicant will be required to attend a hearing to support the application. All plans submitted with applications for premises licences must set out the siting of each Amusement with Prizes machine.
 - Parliament has placed no restrictions on the age at which such machines may be played (other than those in amusements arcades). It is, therefore, a matter for the discretion of the premises licence holder and any adults accompanying the children concerned whether they are entitled to play such machines. In the case of premises used exclusively or primarily for the consumption of alcohol, all children under the age of 16 will only be permitted entry to the premises if accompanied by adults. All such machines must be sited in accordance with the Gaming Act, further advice will be given on receipt of application.

- There is unlikely to be the need for a hearing where the application is for renewal of the existing permit for more than two machines or where the application is for the grant of an Amusements with Prizes permit at premises which already have an existing permit for more than two machines, and where that number is not increased.
5. On 3 August 2006, an application was received from Leisure Link in respect of the Abraham Darby, for the grant of an amusements with prizes permit for three machines, a copy of that application is attached to this report as Appendix 2.
 6. This application falls within the Council's responsibility for licensing as a direct link to the Council's key corporate priority that safety matters.

Finance

7. There are no financial implications.

Law

8. 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.
9. Under Paragraph 8(1)(a) of Schedule 9, the Council has absolute discretion as to whether or not to grant a permit.
10. 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.

Equality Impact

11. This report complies with the Council's policy on equal opportunities.
12. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
13. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

14. That the Sub-Committee determine the application.



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DIRECTOR OF LAW AND PROPERTY

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

List of Background Papers

None