

**GAMING ACT 2003
LICENSING OF GAMING MACHINES
(Report by Head of Administration)**

1. INTRODUCTION

- 1.1 In addition to introducing changes to the licensing of the sale and supply of alcohol and regulated entertainment, the Licensing Act 2003 also transfers responsibility for the licensing of gaming machines in licensed premises from the licensing justices to district councils. The purpose of this report is to make provision for the determination of applications.

2. LICENSING OF GAMING MACHINES

- 2.1 The Gaming Act 1968 provides for gaming machines in different categories of premises to be licensed by separate authorities:-
- (a) magistrates courts in the case of registered clubs and institutes;
 - (b) licensing justices in the case of premises with justices licences for the sale of intoxicating liquor; and
 - (c) local authorities for all other premises.
- 2.2 The courts will remain responsible for gaming machines in clubs and institutes, even though the Council will become the authority that determines the grant of club premises certificates for the supply of alcohol in those premises. However responsibility for gaming machines in premises with a premises licence will transfer to the Council with the introduction of the Licensing Act. This is defined as a licensing function for the purposes of the Act which means that it therefore becomes the responsibility of the Licensing Committee. The licensing of gaming machines in all other premises will remain the responsibility of the Licensing and Protection Panel.
- 2.3 In the event of the enactment of the Gambling Bill, the system for the licensing of gaming machines will fundamentally change and the Gaming Act 1968 will be repealed in its entirety.
- 2.4 The transfer of responsibility for the licensing of gaming machines in premises with a premises licence is not the subject of a transitional period. Existing permits will remain valid for any unexpired period of their three years life, after which application will need to be made to the Council for their renewal as opposed to the licensing justices.

- 2.5 The current licensing provisions of the Gaming Act are almost identical for machines in both licensed and unlicensed premises. This includes a requirement for an applicant to be afforded a hearing by the licensing authority before an application for the grant or renewal of a permit is refused. It is suggested that this be dealt with by way of a hearing of a Licensing Sub Committee.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 Pending the possible enactment of the Gambling Bill, the Council will become responsible for the licensing of gaming machines in premises which have a premises licence under the Licensing Act 2003. With effect from the commencement of the relevant section of the Act, it is therefore

RECOMMENDED

- (a) that the Head of Administration (or in his absence the Central Services Manager) be authorised to approve applications for the grant or renewal of a permit for gaming machines in premises with a premises licence;
- (b) that the Licensing Sub Committee be authorised to hold a hearing and to determine applications for the grant or renewal of a permit for gaming machines in cases where an objection to the application has been received or the Head of Administration (or in his absence the Central Services Manager) is minded to refuse the application; and
- (c) that the Head of Administration (or in his absence the Central Services Manager) be authorised after consultation with the Chairman of the Committee (or in his absence the Vice Chairman) to instigate proceedings for contravention of the relevant parts of the Gaming Act or the terms of a permit issued by or under the authority of the Committee.

BACKGROUND PAPERS

Nil.

Contact: Roy Reeves, Head of Administration – TEL: (01480) 388003.