

SUBJECT:	DELEGATION OF AUTHORITY TO THE SOLICITOR TO THE COUNCIL FOR THE GRANT OF ADDITIONAL GAMING MACHINE (AWP) PERMITS UNTIL 27 TH APRIL 2007
DECISION-MAKER:	LICENSING COMMITTEE
DATE OF DECISION:	19 th April 2007
REPORT VERSION No:	1

FORWARD PLAN No: N/A**KEY DECISION?** N/A**STATEMENT OF CONFIDENTIALITY**

NOT APPLICABLE

WARDS/COMMUNITIES AFFECTED:

NOT APPLICABLE

SUMMARY

Premises licensed under the Licensing Act 2003 currently have a right in law to have two Amusements with Prizes (AWP) machines in the bar area of their premises. Under the previous Licensing Act 1964 the Licensing Justices sitting at the Magistrates Court had the power to consider increasing the number of machines a particular premise was allowed. With the transfer of Premises Licence administration to the Local Authority it now falls to the Licensing Committee to carry out that function.

RECOMMENDATIONS:

- (i) It is recommended that authority be delegated to the Solicitor to the Council to determine applications to increase the number of Amusement with Prizes Machines in Alcohol Licensed Premises until the closing date for applications which is 27th April 2007.

REASONS FOR REPORT RECOMMENDATIONS

1. Premises that have the benefit of a licence under the Licensing Act 2003 are currently entitled by regulations to have two AWP machines in the bar of their premises as of right.
2. The Regulations made under the Licensing Act 2003 effectively transferred the process for increasing that number from the Licensing Justices to the Licensing Authority.
3. Any permits issued by the Licensing Justices where the number of machines was in excess of two were also deemed granted under the previous legislation. The Licensing Justices have on numerous occasions granted applications for up to 4, and sometimes 8 machines, in licensed premises where they did not feel that such grant would impact on the good management of the premises and there was adequate access to accommodate them.

4. A number of applications are now being received requesting an increase in the number of machines. These applications are in the main for three or four machines.
- 5 Southampton City Council, as Licensing Authority, currently has no policy to deal with these applications and therefore any such application should come before the Licensing Committee. It is considered reasonable in policy terms to continue the tried and tested stance of the Licensing Justices.
6. The purpose of this report is for Members to be informed of the current situation and also to request consideration of Delegated Authority being given for the grant of applications that fall into certain categories.
7. The police have been consulted on this matter and in the circumstances have made the following observations. a) that the Police and Fire Authority are made aware of any application for up to four machines and that they have the right to comment on those applications and if they are not satisfied with the application then it should be heard by the Licensing Act 2003 Committee, and b) any application that is in excess of four machines be referred directly to the committee for determination.
8. The Committee may be aware that any permits issued will be relevant until the implementation of the Gambling Act 2005 at which time they will be subject to an equivalent permission under that Act.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 9 None. The Licensing Authority should have a policy to determine any applications made to it.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

- 10 Not applicable.

Revenue

- 11 A statutory fee of £32 is payable per permit (not per machine). The minor workload as a result of these applications can be contained within existing resources.

Property

- 12 Not applicable.

Other

- 13 Not applicable.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 14 Gaming Act 1968 Section 34 and Schedule 9 as amended by regulation under Licensing Act 2003

Other Legal Implications:

- 15 None

POLICY FRAMEWORK IMPLICATIONS

- 16 The decision to determine the application in the manner set out in this report is not contrary to the Council's policy framework or the Statement of Licensing Principles.

SUPPORTING DOCUMENTATION

Appendices

1.	None
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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Background documents available for inspection at: n/a

REPORT OF: ASSISTANT SOLICITOR TO THE COUNCIL

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