

TO CONSIDER THE ISSUING OF A STATEMENT OF PRINCIPLES IN RESPECT OF FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS: SCHEDULE 10, PARAGRAPH 7 – GAMBLING ACT 2005.

Report By: HEAD OF ENVIRONMENTAL HEALTH AND TRADING STANDARDS

Wards Affected:

County-wide

Purpose:

1. For the committee to consider whether they wish to issue the following statement of principles in respect of Family Entertainment Centres.

Law:

2. The Gambling Act 2005 Section 247 allows the Licensing Authority to grant permits in respect of Family Entertainment Centres in respect of Gaming Machines falling with Category D. (Machines of Category D are defined as having a maximum stake of 10p or 30p when there is a non-monetary prize and with a maximum prize of £5 cash or £8 non-monetary prize).
3. Applicants will be able to apply for a Family Entertainment Centre Gaming Machine Permit which will authorise a premise for an unlimited number of Category D machines, without the need for a premises licence.
4. However if the premise does hold a premises licence then they will permitted to have any number of Category C and D machines, subject to them comply with any conditions under the act in respect of Category C machines. (Category C Machines are defined as having a maximum stake of 50p and a maximum prize of £25.)
5. Schedule 10 of the Gambling Act 2005 Act makes further provisions under Paragraph 7 in respect of Family Entertainment Centre Gaming Machine Permits and states: -
 - (1) *A licensing authority may prepare a statement of principles that they propose to apply in exercising their functions under this Schedule.*
 - (2) *A statement under sub-paragraph (1) may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit.*
 - (3) *In exercising their functions under this Schedule a licensing authority-
 - (a) need not (but may) have regard to the licensing objectives, and
 - (b) shall have regard to any relevant guidance issued by the Commission under section 25.*
6. The act states that 'A licensing authority may not attach conditions to a permit'

Proposed Statement in Respect of Family Entertainment Centre Gaming Machine Permit:

7. The proposed statement is attached as Appendix 1.

Options

8. There are number of options available to the Committee:
 - a) To agree the proposed 'Statement of Principles' as presented.
 - b) To amend the proposed 'Statement of Principles' and then agree the amended version.
 - c) To reject the proposed 'Statement of Principles'. This would result in no criteria applying to an application for 'Unlicensed Family Entertainment Centres'.