

METROPOLITAN BOROUGH OF WIRRAL

LICENSING ACT 2003 COMMITTEE - 31 MAY 2006

REPORT OF THE DIRECTOR OF REGENERATION

DELEGATED POWERS

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to ask members of the Licensing Act 2003 Committee to review matters delegated to Director of Regeneration and his Licensing Officers in relation to Section 34 Gaming Machine Permits.

2.0 BACKGROUND

2.1 On 24 November 2005 the Licensing Act 2003 transferred the responsibility for issuing Permits under Section 34 of the Gaming Act 1968 to the Wirral Licensing Authority. Under the Licensing Act 2003 premises licensed for the sale of alcohol for consumption on the premises must apply to the Wirral Licensing Authority for Section 34 Gaming Permits. Previously these permits were granted by Wirral Borough Magistrates Court.

2.2 Licensing Officers do not currently have delegated authority to grant Section 34 Gaming Permits for Licensed Premises, therefore, all applications are referred to the Licensing Act 2003 Sub-Committee for consideration.

2.3 Licensing Authorities are not permitted to attach conditions on the grant of a Section 34 Permit other than the number of machines authorised under it.

2.4 Section 5.123 of the Guidance issued under the Licensing Act 2003 recommends that licensing authorities should indicate that it's licensing committee will be prepared to grant permits authorising up to two machines without a hearing.

2.5 Members of the Licensing Act 2003 Committee are asked to consider whether the Director of Regeneration and his Officers can be granted delegated powers to renew Permits under Section 34 of the Gaming Act 1968.

2.6 Members are also asked to consider if the Director of Regeneration and his Officers can be granted delegated powers to grant new Permits under Section 34 of the Gaming Act 1968 for premises requesting up to two machines.

2.7 Those applying for the grant of a new permit are required to serve a copy of a plan of the premises showing the location of the gaming machines along with their application.

2.8 Further reports will be submitted to this Committee in respect of the requirements of the Gambling Act 2005. This may require a review of the functions delegated to the Licensing Act 2003 Committee.

3.0 EQUAL OPPORTUNITIES IMPLICATIONS

3.1 There are none arising from this report.

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 There are none arising directly from this report.

5.0 LOCAL MEMBER SUPPORT IMPLICATIONS

5.1 This report has no implications for specific wards.

6.0 HUMAN RIGHTS IMPLICATIONS

6.1 Article 6 and Article 1 of the First Protocol concerned with the protection of property are most likely to have a particular impact.

7.0 COMMUNITY SAFETY IMPLICATIONS

7.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

8.0 PLANNING IMPLICATIONS

8.1 There are none arising directly from this report.

9.0 BACKGROUND PAPERS

9.1 None.

10.0 RECOMMENDATIONS

10.1 The Licensing Act 2003 committee resolve that the Director of Regeneration be given delegated powers under the Gaming Act 1968 (as amended by the Licensing Act 2003):

- i) to renew gaming machine permits, and
- ii) to grant new permits for premises applying for up to two machines.

Alan Stennard
Director of Regeneration

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