

**WYRE FOREST DISTRICT COUNCIL**

**LICENSING AND ENVIRONMENTAL COMMITTEE**  
**19<sup>TH</sup> FEBRUARY 2007**

**Application For an Amusement With Prizes Machine Permit Under Section 34 Of The Gaming Act 1968**

<b>OPEN</b>	
<b>RESPONSIBLE OFFICER:</b>	<b>Head of Planning Health and Environment</b>
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<b>APPENDICES</b>	<b>None</b>

**1. PURPOSE OF REPORT**

- 1.1 To consider an application received from Ms. Louise Murton for the grant of four amusement with prizes machines at Q2 Bar, Unit N1-W10, Green Street, Kidderminster.

**2. RECOMMENDATION**

**The Committee is asked to DECIDE:**

- 2.1 **Whether or not to grant a permit for the use of four amusement with prizes machines at Q2 Bar, Unit N1-W10, Green Street, Kidderminster.**

**3. BACKGROUND**

- 3.1 The Licensing Act 2003 has amended the Gaming Act 1968 in respect of the grant of 'Section 34 permits' for Amusement with Prizes Machines in premises licensed for the sale of alcohol for consumption on the premises. The responsibility for the grant of these permits has transferred from the Licensing Justices to the relevant Licensing Authority.

**4. KEY ISSUES**

**Legal Implications**

- 4.1 Permits last for a minimum period of three years, but may be issued for longer periods.
- 4.2 Licensing Authorities are not permitted to attach conditions on the grant of a Section 34 Permit other than a condition limiting the number of machines authorised under it.

- 4.3 The Secretary of State also recommends that Licensing Authorities should not require applicants to provide a plan of the premises indicating where the machines are to be sited.
- 4.4 There is no requirement, under the Gaming Act 1968, for the Police to be notified of an application.

### **Children on premises**

- 4.5 The Committee may be concerned that children are able to play machines, authorised under a Permit, in licensed premises. Parliament, however, has placed no restrictions on the age at which such machines may be played (other than those in amusement arcades). It is, therefore, a matter for the discretion of the designated premises supervisor and any other adult accompanying the children whether children are allowed to play such machines.
- 4.6 In the case of premises used exclusively, or primarily, for the consumption of alcohol, children under the age of 16 will be permitted entry to the premises if accompanied by adults.
- 4.7 There is no history of complaint at these premises with regard to the use of such machines.

## **5. CONCLUSION**

- 5.1 The application meets the criteria to permit the use of four amusement with prizes machines at Q2 Bar, Unit N1-W10, Green Street, Kidderminster.

## **6. CONSULTEES**

- 6.1 Head of Legal and Democratic Services.

## **7. BACKGROUND PAPERS**

- 7.1 Application Form.

6.2.07