

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built
Environment

REPORT NUMBER **F56**

TO: LICENSING SUB-COMMITTEE **DATE OF MEETING** 27 July 2006

GAMING ACT 1968 (AS AMENDED) SECTION 34

AMUSEMENTS WITH PRIZES GAMING MACHINES – HEARING REPORT

1. SUMMARY

To determine an application under section 34 of the Gaming Act 1968 (as amended) made by:

WHITBREAD GROUP PLC

in respect of:

OYSTER REACH, WHERSTEAD, IPSWICH IP2 8ND

The hearing is to determine an application for the RENEWAL of a permit for ‘Amusements With Prizes’ (AWP) Gaming Machines made under section 34 of the Gaming Act 1968 (as amended). The previous permit was issued by the licensing justices’ of the magistrates’ court.

This particular application seeks to permit **3 (THREE)** AWP machines on the premises. The application form is attached as Appendix 1.

As required by Section 34 of the Gaming Act 1968 (as amended), this premises holds a premises licence under the provisions of Licensing Act 2003 (BDC ref: BPL0098) authorising the supply of alcohol for consumption ON and OFF the premises. There is a bar located on the licensed premises for serving alcohol to customers on the premises, and there is no requirement that food must accompany the alcohol being served.

2. RECOMMENDATIONS

2.1 The sub-committee can either GRANT or REJECT the permit application, having regard to any relevant factors it may consider necessary to determine the ‘desirability’ of the application. Relevant factors and information may include:

- The submissions of the applicant and/or their representative in support of the application;
- Any comments or concerns raised by Suffolk Constabulary concerning the application;
- The intended positioning/location of the machines on the licensed premises;
- Whether the premises has appropriate planning consent to site AWP gaming machines (usually required for arcade type premises applications);

- Confirmation of whether the applicant implements any voluntary code of practice in relation to the use of AWP gaming machines (for example British Amusement Catering Trade Association (BACTA) guidelines);
- Any other matters as may be considered relevant.

Members of the sub-committee should note that the Authority has NO power to impose conditions on the grant of a permit. The Crown Court act as the appellate Authority for any decision made by the sub-committee to refuse to grant/renew a permit application.

Any information that may assist the sub-committee in its determination of this application is attached as Appendix 2.

The sub-committee is able to determine this application.

3. PROCEDURE TO BE FOLLOWED AT HEARING

- 3.1 A copy of the 'Procedure for Hearing of Application for the grant of a permit for amusements with prizes (AWP) gaming machines' is attached to the Agenda.

4. APPENDICES

- (a) Appendix 1 - Application together with premises plan
- (b) Appendix 2 - Other information (see 2.1 of this report)

5. BACKGROUND PAPERS REFERRED TO

None

MALCOLM FIRTH
Head of Natural and Built Environment Division

CONTACT: Lee Carvell

DIRECT LINE: 01473 825719