

TONBRIDGE & MALLING BOROUGH COUNCIL
ALCOHOL & ENTERTAINMENTS LICENSING COMMITTEE

14 November 2005

Report of the Chief Solicitor

Part 1- Public

Matters for Recommendation to Council

2 GAMING AND GAMBLING MACHINES ON ALCOHOL LICENSED PREMISES

- 2.1.1 At present, permits under section 34 of the Gaming Act 1968 for amusement with prizes gaming machines in pubs and other alcohol licensed premises are issued by the licensing justices as part of their general alcohol licensing functions.
- 2.1.2 Two other, lesser-used, functions of the licensing justices are to make orders under section 6 of the Gaming Act 1968, authorising low-stake gaming on alcohol licensed premises, and the grant of permits under section 16 of the Lotteries and Amusements Act 1976 for commercial amusements with prizes on alcohol licensed premises.
- 2.1.3 The Government has now made regulations transferring these functions to licensing authorities from the second appointed day under the Licensing Act 2003, ie 24 November 2005. These arrangements will be superseded when the Gambling Act 2005 takes effect in 2007.
- 2.1.4 I am recommending that, as with section 34 permits for premises not licensed for the sale of alcohol, the issue of section 34 permits be delegated to me, as Chief Licensing Officer, and that the other two functions be discharged by panels of the Committee. These decisions are vested in this Committee, as licensing authority, although consent is also required from Council to make the necessary amendments to Part 3 of the Council's Constitution.
- 2.1.5 It is **recommended** that, with effect from 24 November 2005:
- 1) The delegation to the Chief Solicitor to issue section 34 permits be extended to include permits for premises licensed for the sale of alcohol;
 - 2) The power to make orders under section 6 of the Gaming Act 1968 and grant of permits under section 16 of the Lotteries and Amusements Act 1976 be exercised by the Committee's panels.
 - 3) Council be requested to approve the amendment of Part 3 of the Council's Constitution accordingly.

Background papers:

Gaming Act 1968

Lotteries and Amusements Act 1976

Licensing Act 2003

Gambling Act 2004

DCMS Gambling Circular 13 dated 10 October 2005

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