### MINUTES OF A MEETING OF LICENSING COMMITTEE HELD AT NELSON TOWN HALL ON 10<sup>th</sup> NOVEMBER 2014

### PRESENT

Councillor L. Crossley – (Vice -Chairman in the Chair)

### Councillors

- M. Adams
- N. Ahmed
- R. Allen
- E. Ansar
- C. Teall
- S. Wicks

(Apologies were received from Councillors R. E. Carroll, N. McEvoy, M. Goulthorp, Mrs. K. E. Shore, I. Tweedie and T. Beckett)

### Also in attendance:

D. Talbot	Senior Solicitor, Burnley Borough Council
S. Waterworth	Committee Administrator

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### 8.

# **DECLARATIONS OF INTEREST**

Members were reminded of the requirements of the Member Code of Conduct concerning the declaration of interests.

9.

### MINUTES

# RESOLVED

That the minutes of the meeting held on 23<sup>rd</sup> October, 2014 be approved as a correct record and signed by the Chairman subject to Councillor M Adams apologies being recorded.

### 10. APPLICATION FOR AN UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT

The Democratic and Legal Manager submitted a report in respect of an application that had been submitted by Iveagh Limited for an Unlicensed Family Entertainment Centre Gaming Machine Permit for the whole of the premises known as Pendle Rise Shopping Centre, Nelson.

# RESOLVED

That the application be refused for the following reasons:-

(1) The permit 'premises' applied for cannot be considered to be premises for the purposes of the Gambling Act 2005 as they are open areas in the public concourse of a shopping centre. There is no differentiation between the 'premises' and the adjacent areas and the permit 'premises' and adjacent areas are indistinguishable. Therefore, the permit 'premises' are not premises in their own right but merely parts of larger premises.

- (2) Taking into account the location and dimensions of the permit 'premises' within the public concourse, it is not considered that the 'premises' fulfils the statutory requirement (Section 238 Gambling Act 2005) that family Entertainment Centres (FECs) are premises that are wholly or mainly used for the making machines available for use. The main use of the concourse is for public access to different parts of a shopping centre.
- (3) The permit being applied for is for an Unlicensed Family Entertainment Centre and, in view of the dimensions of the permit 'premises', this Licensing Authority is of the opinion that the 'premises' will not be a "Centre" in either the ordinary meaning of that word or within the provisions of Section 238 Gambling Act 2005.
- (4) The Licensing Authority is not satisfied that the applicant has satisfactory procedures and policies in place to comply with the licensing objectives, particularly the licensing objective concerning the protection of children from being harmed or exploited by gambling. It is difficult to understand how the party responsible for monitoring and supervision the gaming machines can carry out this function from Northern Ireland when the said machines are to be located in Lancashire. England.

Chairman \_\_\_\_\_

Licensing Committee (10.11.2014)