

Chief Executive's Office

Please ask for: Mr G K Bankes
Direct Dial: (01257) 515123
E-mail address: gordon.bankes@chorley.gov.uk
Date: 2 March 2006

Chorley
Borough Council

Chief Executive:
Donna Hall

Dear Councillor

A meeting of the Statutory Licensing Committee is to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 8th March 2006 commencing at 1.00 pm.

Please note this meeting will commence immediately before the Licensing and Safety Committee

AGENDA

1. **Apologies for absence**
2. **Declarations of Any Interests**

Members of the Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 2)**


To confirm as a correct record the minutes of the Statutory Licensing Committee held on 6 December 2005 (enclosed)

4. **The Hayrick, Lancaster Lane, Leyland - Application for Grant of 3 Gaming Machines (Pages 3 - 6)**

Report of Director of Legal Services(enclosed)

5. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Chief Executive

Distribution

1. Agenda and reports to all Members of the Statutory Licensing Committee (Councillor R Snape (Chair), Councillor Iddon (Vice-Chair), Councillors Bedford, Mrs D Dickinson, D Dickinson, A Gee, T Gray, Hoyle, M Lees, Lennox, McGowan, Mrs Smith, E Smith, Walker and Mrs Walsh) for attendance.
2. Agenda and reports to Director of Legal Services and Licensing Manager for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون کیجئے: 01257 515823

Statutory Licensing Committee

Tuesday, 6 December 2005

Present: Councillor R Snape (Chair), Councillor Miss I Iddon (Vice-Chair), Councillors T Bedford, Mrs D Dickinson, A Gee, T Gray, M Lees, T McGowan, Mrs I Smith and Mrs S Walsh

05.SL.08 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors David Dickinson, Lennox, E Smith and Walker.

05.SL.09 DISCLOSURE OF PERSONAL/PREJUDICIAL INTEREST

No Member declared an interest in relation to matters under consideration at the meeting.

05.SL.10 TRANSFER OF GAMING AND GAMING MACHINES ON ALCOHOL LICENSED PREMISES

The Committee received a report of the Director of Legal Services informing Members of the transfer of functions in respect of gaming machines in alcohol licensed premises and seeking approval of a delegation scheme for determining applications.

The report indicated that Licensing Authorities would be responsible for the issuing of new permits or renewal of permits issued previously by the licensing justices. All existing permits could remain valid and operate in tandem with new premises licences even where there was a change of name from the Licensees Justices Licence to the new premises licence. However, after 24 November 2005 if the name of the premises licence changes on commencement with previous machines permit would lapse and the new premises holder would be required to make a fresh application to the licensing authority for a permit.

This Committee had been authorised to deal with the transferred responsibilities and following receipt of guidance it was proposed that the exercise and delegation of these functions be divided between the Director of Legal Services and the Statutory Licensing Committee.

RESOLVED - That approval be given to the amendment of the Council's Constitution to enable officers and this Committee to deal with the following matters under the Licensing Act 2003.

Matter to be dealt with	Full Committee	Officer
Grant/renewal section 34 permits for up to two AWP machines - alcohol licensed premises		Yes
Grant/renewal section 34 permits exceeding two machines - alcohol licensed premises	Yes	
Grant/renewal section 16 permits - alcohol licensed premises		Yes

**Change of name as a result of
conversion of Justices Licence/
Premises Licence**

Yes

**Order under section 6 of the
Gaming Act 1968**

Yes

Chair

Report of	Meeting	Date
Director of Legal Services	Statutory Licensing Committee	8 March 2006

APPLICATION FOR GAMING MACHINE PERMIT - HAYRICK PUBLIC HOUSE

PURPOSE OF REPORT

- For Members to consider an application by Leisure Link for the grant of a permit under Section 34 of the Gaming Act 1968 in respect of the Hayrick, Lancaster Lane, Clayton-le-Woods.

CORPORATE PRIORITIES

- The report is not relevant to any of the key corporate priorities of the Council.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation		Regulatory/Legal	✓
Financial		Operational	
People		Other	

- There is a right of appeal in respect of a refusal to grant an application for additional machines to the Magistrates Court.

BACKGROUND

- Most alcohol licensed premises already have a permit for two machines and the responsibility for granting permits has now passed from the Magistrates Court to the Council with the implementation of the Licensing Act 2003.
- Previously, the Magistrates followed a good practice guide issued by the Justices Clerks Society which recommended that authorities dispense with a hearing where the application is for no more than two machines.
- Local Authorities do not need to automatically hold a hearing if the application is for more than two machines but this Committee resolved on 6 December 2005 a scheme of delegation in accordance with guidance issued by the DCMS whereby applications for more than two section 34 permits are referred to this Committee for determination.
- Section 282 of the Gambling Act when it comes into force in Autumn 2007 will automatically entitle two gaming machines (of Category C or D) for use in alcohol licensed premises provided a simple notification procedure is followed. This application in

respect of Category C machines which are the usual £25 jackpot payout machines found in public houses.

9. Under the Gambling Act, licensing authorities will have no discretion in considering an application for two machines, but may issue licensed premises gaming machine permits for any number of Category C or D machines. Licensing Authorities are advised not to set a policy specifying the number of machines that are acceptable but should treat each application on its merit.
10. In respect of this application Lancashire Police and Council Officers are objecting to the positioning of an exiting Section 34 machine on the basis that as the machine faces away from the bar, under age gambling and the protection of children cannot be controlled or supervised.
11. Both authorities have no objections of the position of the machine is changed with a current position of a quiz machine. These objections would be withdrawn if the machine is repositioned so that all three Section 34 machines are able to be adequately supervised from the bar area.
12. The Fire Authority have no objections to the application.

OBSERVATIONS

13. Children may pass the Section 34 machines to make use of the toilets. The licensee assured the authorities that no under 18's are allowed to wait in the gaming machine area.
15. Members should be aware that there is no power to attach conditions to a Section 34 permit.
16. This Committee is also asked to consider requiring that a plan be submitted with future applications showing the location of any Section 34 permit machines and any areas where persons under the age of 18 are permitted.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

17. There are no comments arising directly from this report.

COMMENTS OF THE DIRECTOR OF FINANCE

18. There are no comments arising directly from this report.

RECOMMENDATION(S)

19. That this Committee determines the application after considering all relevant representations.
20. That in respect of any future applications for a Section 34 permit(s) a plan be submitted with the applications indicating the proposed positioning of the machines and showing the areas where persons under 18 years of age are allowed.

ROSEMARY LYON
DIRECTOR OF LEGAL SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Howard Bee/Keith Ogden	5163	3 March 2006	LEGREP/91968LM

This page is intentionally left blank