
Chief Executive's Office

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Date: 27 March 2006

Chorley
Borough Council

Chief Executive:
Donna Hall

Dear Councillor

Statutory Licensing Committee - Wednesday, 5th April 2006

You are invited to attend a meeting of the Statutory Licensing Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 5th April 2006 on the rising of the Licensing and Safety Committee which is due start at 2pm.

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

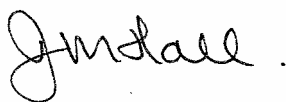
Members of the Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial 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. **Application for Gaming Machine Permit - The Sir Henry Tate, Cleveland Street, Chorley (Pages 1 - 2)**

Report of Director of Legal Services (enclosed)

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

Yours sincerely



Chief Executive

Continued....

Distribution

1. Agenda and reports to all Members of the Statutory Licensing Committee (Councillor R Snape (Chair), Councillor Miss I Iddon (Vice-Chair), Councillors T Bedford, D Dickinson, Mrs D Dickinson, A Gee, T Gray, C Hoyle, M Lees, L Lennox, T McGowan, Mrs I Smith, E Smith, Mrs S Walsh and J Walker) for attendance.
2. Agenda and reports to Claire Hallwood (Deputy Director of Legal Services), Howard Bee (Licensing Manager) and Gordon Bankes (Democratic Services Officer) 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

Report of	Meeting	Date
Director of Legal Services	Statutory Licensing Committee	April 2006

APPLICATION FOR GAMING MACHINE PERMIT – THE SIR HENRY TATE CLEVELAND STREET CHORLEY

PURPOSE OF REPORT

- For Members to consider an application by Mclellans solicitors for the use of four amusement with prizes machines and the grant of a gaming machine permit under Section 34 of the Gaming Act 1968 in respect of The Sir Henry Tate, Cleveland Street Chorley PR7 1AW.

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.

8. 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 have in principal no objections to the proposed positioning of the four machines, however as the premises is under construction both authorities will inspect the premises checking the positioning of the machines prior to the premises opening.
11. Lancashire Police and Council Officers have no comments to pass on to the Fire Authority.

OBSERVATIONS

12. Children may pass the Section 34 machines to make use of the toilets.
13. Members should be aware that there is no power to attach conditions to a Section 34 permit.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

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

COMMENTS OF THE DIRECTOR OF FINANCE

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

RECOMMENDATION (S)

16. That this Committee after considering all relevant representations, determines the application subject to a site visit prior to the premises opening confirming the positioning of the four gaming machines.

ROSEMARY LYON
DIRECTOR OF LEGAL SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Howard Bee	5164	5th April 2006	LEGREP/SIR HENRY TATE