

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