

| Report of | Meeting | Date |
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| 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:

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|------------|--|------------------|---|
| 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 |
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| Howard Bee | 5164 | 5th April 2006 | LEGREP/SIR HENRY TATE |