

# **GAMING ACT SUB-COMMITTEE**

## **APPLICATION FOR GAMING MACHINES – MARINA CARAVAN PARK 17<sup>TH</sup> AUGUST 2006**

### **Report of Head of Legal and Human Resources**

#### **PURPOSE OF REPORT**

To enable the Sub-Committee to consider an application from Marina Caravan Park, Conder Green, Near Lancaster, LA2 0BP for a permit for four gaming machines.

**This report is public**

#### **RECOMMENDATIONS**

**(1) That the Sub-Committee consider whether or not to approve the application.**

##### **1.0 Introduction**

- 1.1 Members will be aware that since the 24th November 2005, the Licensing Act Committee has been responsible for issuing permits under Section 34 of the Gaming Act 1968 for the use of Amusement with Prizes gaming machines in respect of premises which have a premises licence under the Licensing Act 2003 authorising the sale and supply of alcohol. Such permits were previously issued by the Licensing Justices.
- 1.2 These machines are generally “all cash” machines, which have a maximum stake of 30p and a maximum prize of £25.
- 1.3 It is a condition of all AWP permits for alcohol licensed premises that the AWP machines must only be located on premises which have a bar for serving drinks on the premises. This means that, as at present, hotels and restaurants which serve alcohol only with food cannot apply.
- 1.4 Permits are generally granted for a period of three years, and there is a fee of £32.

- 1.5 The Gaming Act 1968 does not impose any upper limit on the number of AWP machines a premises is permitted to have. In determining applications, licensing authorities have the power to set a limit on the number on a case by case basis.
- 1.6 In line with the Justices' Clerks' Society good practice guide, the Department of Culture Media and Sport has recommended that authorities dispense with a hearing where the application is for no more than two machines.
- 1.7 At its meeting on the 17th November 2005, the Committee delegated to the Licensing Manager and any staff designated by him in writing, the authority to renew existing permits, and to grant new applications for permits for up to two machines per premises. It also established this Sub-Committee to deal with applications that would result in there being more than two machines per premises. (Minute 11 of 2005/06 refers).

## **2.0 Proposal Details**

- 2.1 An application has been received from Marina Caravan Park for four gaming machines to be licensed at its premises.
- 2.2 Whilst the Council has power to limit the number of gaming machines in premises on a case by case basis, there is no power to attach other conditions on Section 34 permits. Local authorities can only decide to grant or reject applications. They have absolute discretion. Each application must be considered on its merits, and there must be lawful reasons for rejecting an application for the grant of a permit. There are no rules as to where on licensed premises AWP's should be located. However, licensees may demonstrate that they are acting in a socially responsible way by for example ensuring that machines are located where they can be supervised at all times.

## **3.0 Details of Consultation**

- 3.1 There is no statutory requirement for consultation on an application under Section 34 of the Gaming Act 1968

## **4.0 Options and Options Analysis (including risk assessment)**

- 4.1 The options are to grant or refuse the application.

## **5.0 Conclusion**

- 5.1 Members are requested to consider the application.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

**FINANCIAL IMPLICATIONS**

There are no financial implications, and Financial Services have not been consulted.

**LEGAL IMPLICATIONS**

If the application is not granted, the applicant has a right of appeal to the Crown Court.

**BACKGROUND PAPERS**

None

**Contact Officer:** Mr. L. Gorst

**Telephone:** 01524 582024

**E-mail:** lgorst@lancaster.gov

**Ref:** LG