

Appendix 4: Considerations when Exercising Discretion

Under Article 111 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, where an application is made for the grant of an amusement permit, the district council, after hearing representations if any, from the PSNI, upon whom notice is required to be served:

- (a) may grant the amusement permit: or
- (b) may refuse to grant the amusement permit."

Any such permit will be granted subject to such conditions as may be specified in it.

When determining an application for the grant of an amusement permit, the Committee should bear in mind the following:

1. acts of a local authority must be within the scope of its statutory powers
2. where a discretion is given to a local authority by statute, it must exercise that discretion

In exercising its discretion, a local authority must:

- have regard to legally relevant considerations
- disregard legally irrelevant considerations
- not set its face against the policy of parliament
- not act for an improper purpose
- direct itself properly in law
- follow the procedures laid down by law
- not act 'irrationally'
- follow the principles of natural justice or act fairly, whichever of the two approaches is appropriate
- act in good faith.

There are additional requirements under human rights and equality legislation.