

The Highland Licensing Board

Meeting – 3 November 2015

Gambling Act 2005

Application for the grant of a licensed premises gaming machine permit

J D Wetherspoon (Scot) Limited, The Great Glen, 98-104 High Street, Fort William, PH33 6DX

Report by the Clerk to the Licensing Board

Agenda Item	8.1
Report No	HLC/117/15

Summary

An application has been received to increase the provision of Category C machines in the undernoted licensed premises from two to three machines.

1.0 Background

1.1 The holder of a premises licence for on-sales of alcohol has an automatic entitlement to make up to two category C or D gaming machines available on the premises. If they wish to make more than two such machines available, a licensed premises gaming machine permit must be obtained. There is no limit to the number of category C or D machines which may be permitted under such a permit.

Category C machines may be played only by persons over the age of 18. Category D machines may be played by persons under the age of 18.

There are currently two category C machines in the undernoted premises and the licence holder seeks to increase the number to three:

Premises	Licence Holder	Max. Stake	Max. Prize	Current provision:	Total applied for:
The Great Glen 98-104 High Street Fort William PH33 6DX	J D Wetherspoon (Scot) Limited	£1.00	£100	2 machines	3 machines

2.0 Legislation

2.1 In terms of the Licensed Premises Gaming Machine Permits (Scotland) Regulations 2007, the Board require to consider applications having regard to the licensing objectives, any relevant guidance issued by the Gambling Commission and "such other matters as it thinks relevant". The Commission's Guidance provides no advice on matters which might be relevant.

The Board's Policy Statement states that relevant matters will be decided on a case by case basis, but adds that:-

- Regard will generally be had to the need to protect children and vulnerable persons from harm or being exploited by gambling and the Board will expect the applicant to satisfy it that there will be sufficient measures in place to ensure that under 18 year olds do not have access to adult only gaming machines (Category C).
- Measures which will satisfy the Board that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful.
- As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

2.2 The Licensing Board must consider the application having regard to the licensing objectives.

In determining the application, the Licensing Board is entitled to: -

- (a) grant the application;
- (b) refuse the application; or
- (c) grant it in respect of:
 - (i) A smaller number of machines than that specified in the application
 - (ii) A different category of machines from that specified in the application or,
 - (iii) both

The Licensing Board may not attach conditions to any permit granted. If the permit is granted, however, the permit holder will be required to comply with the Code of Practice issued by the Gambling Commission on the location and operation of gaming machines in licensed premises.

The Board may not refuse an application, or grant an application in respect of a different category or smaller number of machines than that specified in the application, without first giving the applicant an opportunity to make representations, either orally or in writing or both.

3. Recommendation

The Board is invited to consider the application.

Reference: HC/RSL/LPGM/1556
Author: Julie Traynor
Date: 21 October 2015
Background Papers: The Gambling Act 2005