

## The Highland Licensing Board

Meeting – 18 February 2020

Agenda Item	9.1
Report No	HLB/011/20

### Gambling Act 2005

#### Application for gaming machine permit for 3 Category C machines

#### Report by Clerk of the Licensing Board

##### Summary

Ref: HC/CSR/1020

**Premises:** The Alexander Bain, Market Place, Wick, KW1 4LP

**Licence Holder:** JD Wetherspoon (Scot) Limited, Wetherspoon House, Reeds Crescent, Watford, WD24 4QL

#### 1.0 Background

- 1.1 The Alexander Bain, is a licensed premises. The Gambling Act 2005 allows alcohol licensed premises an automatic right to use up to 2 gaming machines of either C or D category.
- 1.2 An application has been received on 10 January 2020 for a permit for the provision of a total of 3 Category C machines.
- 1.3 A licensed premises wishing to have 3 or more machines requires a permit which is governed by the Licensed Premises Gaming Machine Permits (Scotland) Regulations 2007.
- 1.4 The Licensing Board is required to consider the application having regard to the licensing objectives.
  - (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - (b) ensuring that gambling is conducted in a fair and open way
  - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.5 On considering an application for a permit a Licensing Board is 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

**1.6** A Licensing Board may not refuse an application, or grant an application in respect of a different category or smaller number of machines that that specified in the application, unless it has

- (a) notified the applicant of its intention to take such a decision; and
- (b) given the applicant an opportunity to make representations

**1.7** A Licensing Board may not attach conditions to a permit.

## **2.0 Recommendation**

The Board is invited to consider the application.

Author: G Sutherland

Date: 29 January 2020

Background Papers:

The Gambling Act 2005

The Licensing (Scotland) Act 2005,

Licensed Premises Gaming Machine Permits (Scotland) Regulations 2007