

LICENSING PANEL SUB-COMMITTEES

THURSDAY, 9 MARCH 2017

PRESENT: Councillors Phillip Bicknell, John Collins and Wesley Richards

Also in attendance: Matthew Parrish (Applicant)

Officers: Andy Carswell, Neil Allen and Steve Smith

APPOINTMENT OF CHAIRMAN

RESOLVED UNANIMOUSLY: That Cllr Bicknell be appointed Chairman for the duration of the meeting.

APOLOGIES FOR ABSENCE

There were no apologies for absence.

DECLARATIONS OF INTEREST

There were no declarations of interest.

CONSIDERATION OF APPLICATION TO VARY A LICENSED PREMISES MACHINE PERMIT - UNDER THE GAMBLING ACT 2005

The Chairman welcomed all the parties to the meeting, introduced the Sub-Committee Members and explained the procedure, which all indicated they understood.

Licensing Officer

The Council's Licensing Officer introduced the application for Members to consider. He explained that the application was to vary a Licensed Premises Gaming Machine Permit, under the Gambling Act 2005, at the King and Castle, 15-16 Thames Street, Windsor.

The Licensing Officer explained that the Council's policy was to delegate authority to Officers to issue permits for up to four machines. For more than this, applications were referred to the Sub-Committee.

The Licensing Officer explained that the King and Castle currently has five Category C gaming machines and the application was for a sixth to be added. It was explained that Category C machines has a maximum stake payment of £1 and a maximum prize payout of £70.

The Licensing Officer explained that the premises was very large and had a capacity of 1,250 people. The Licensing Officer circulated a photo to Members of the proposed location of the new machine taken from the bar area, which would show staff's line of sight.

Members were told that no objections to the application had been received and the licensing team had experienced no problems with the premises, either from a licensing or gambling perspective. The Licensing Officer informed the Sub-Committee that they must have regard to the four Licensing Objectives and the Council's policy. He informed the Sub-Committee that the options open to them were to either allow or refuse the whole of the application.

Questions to the Licensing Officer

The Licensing Officer was asked what constituted an issue with gambling. He explained this was in relation to underage gambling, but added that no reports or concerns had been raised with the licensing team in relation to this.

The Licensing Officer was asked if there were any regulations connected to protection of adults in relation to gambling. He explained there was only guidance in relation to this. He stated that the newest machines were programmed to have in-built prompts and messages about gambling awareness. The Licensing Officer added that the machine would be in clear sight of the bar so staff would have a clear view of customers using the machine.

Applicant's case

Mr Parrish, the area manager for Wetherspoons, explained that the application was for a new Category C machine to be installed in place of another machine of a different category. He explained that the machine to be removed was a quiz machine, the usage of which had decreased in popularity over time. It was explained to the Sub-Committee that no permit was required for the machine currently in situ. Mr Parrish said there were 30 games available to users of the new machine and confirmed that the maximum stakes and prize payouts were those that had been outlined previously by the Licensing Officer.

Mr Parrish told the Sub-Committee that Wetherspoons operated a strict Challenge 21 Policy, and that all new staff were trained in this in at their induction training and received yearly training. He stated that all incidents of a customer being challenged under the policy were recorded, before being reviewed on a weekly basis.

Members Questions to the Applicant

In response to questions Mr Parrish confirmed there were no laws governing excessive use of gambling machines, in the same way that it was illegal to continue to serve alcohol to someone who was drunk. He said prompts advising customers of gambling helplines were generated by the machine if a user had spent a certain amount of time, or inserted a certain amount of money, into it. He also said that staff were trained to advise customers when to stop using the machines; however this was not legally enforceable.

Mr Parrish also said there was technology available at the premises to explain the company's gambling policy to foreign tourists in their own language.

Applicant's Summary

The applicant reiterated that Wetherspoons' policies relating to gambling and gambling education were very in-depth, and that the new machine was in clear sight for staff at the bar. He confirmed that he had said all that he wanted to say.

Licensing Officer's Summary

The Licensing Officer stated his belief that the management of the premises was exceptional, and that no concerns on any licensing or gambling matters had ever been brought to the attention of the licensing team. He stated that the premises were very large, and that five Category C machines had been on site since 2010.

The Chairman asked all parties if they had said all that they wished to. It was asked of the Legal Officer on what grounds, based on his experience, could the application be refused. The Legal Officer stated that the key Licensing Objective related to protecting young children from harm. He said that Wetherspoons' policies were aimed at stopping young children from gambling, which was reflected by national policy and that of the Royal Borough.

Decision

After careful consideration the Sub-Committee agreed to vary the Licensed Premises Gaming Machine Permit, to allow the use of six Category C gaming machines.

The Sub-Committee noted that the premises were spread over three floors, with two gaming machines on each floor, and that the new machine would be replacing an existing non-gaming one. It was accepted that the gaming machines could be well seen from the bar area, and that the premises had a good record in that no concerns had ever been raised in relation to gambling. The applicant's gambling policies, as well as the operation of the Challenge 21 policy, were also noted. For these reasons the Sub-Committee agreed to the variation.

In making their decision, the Sub-Committee also had regard to national guidance and the Council's own Licensing Policy.

RESOLVED UNANIMOUSLY: That the Licensed Premises Gaming Machine Permit be varied to allow the use of six Category C gaming machines.

The meeting, which began at 10.50 am, finished at 11.26 am

CHAIRMAN.....

DATE.....