

Licensing Sub-Committee Hearings Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Wednesday, 23 March 2022 at 18:00

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003. This includes licensing the sale of alcohol and the provision of a variety of licensable activities such as recorded music, stage plays and the showing of films.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

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COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Wednesday, 23 March 2022 at 18:00

The Licensing Sub-Committee Hearing Members are:

Roger Buston - Member, Jeremy Hagon - Member, Dave Harris - Member

The Licensing Sub-Committee Hearing Substitute Members are:

All members of the Council who are not Cabinet members or members of this Panel who have undertaken the necessary training.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 5 are normally dealt with briefly.

1 Appointment of Chairman

To appoint a Chairman for the meeting.

2 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

3 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meeting held on 25 March 2021 are a correct record.

Licensing Sub-Committee draft Minutes 25 March 2021

7 - 10

The Sub-Committee will consider a report setting out the process by which a hackney carriage plate will be allocated, prior to allocating the plate during the meeting.

Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B
(not open to the public including the press)

e-mail: democratic.services@colchester.gov.uk
website: www.colchester.gov.uk

Licensing Sub-Committee
Thursday, 25 March 2021

Present: Councillor Harris*, Councillor B. Oxford*,
Councillor Wood*

Substitutes: None

*attended remotely

56. Appointment of Chairman

RESOLVED that Councillor Harris be appointed Chairman for the Sub-Committee meeting.

57. Alcohol Licensed Premises Gaming Machine Permit – Hollywood Bowl

Sarah White, Senior Licensing Officer attended the meeting to present the report. The Sub-Committee considered a report inviting it to determine an application which had been made for an Alcohol Licensed Premises Gaming Machine Permit which had been submitted by The Original Bowling Company. The Sub-Committee was advised that no complaints or representations had been received in respect of the application, and the Sub-Committee were required to determine the application solely as a result of the requirements of Colchester Borough Council (the Council)'s Gambling Act 2005 Licensing Policy, which stipulated that applications for five or more gaming machines must be determined by the Sub-Committee.

Ewen MacGregor of TLT Solicitors, represented the applicant and addressed the Sub-Committee. It was confirmed that no concerns had been raised in respect of the application, and the referral to the Sub-Committee was in accordance with Policy. The Sub-Committee was being asked to consider two applications as part of the published agenda, and as they were extremely similar, it was proposed that they be considered jointly. The Original Bowling Company had two main brands, which were Hollywood Bowl and Puttstars, and two sites were to be located in the redevelopment at Colchester's Northern Gateway site, together with other entertainment and leisure establishments. Both proposed premises had been granted alcohol licences under the Licensing Act 2003, and the Sub-Committee had been provided with documentation supporting the applications, including training policies and layout plans of the premises.

The Sub-Committee were advised that the applicant was the single largest provider of ten pin bowling facilities in the United Kingdom, and the applications which had been made were to provide gaming facilities which were common to the applicant's

other sixty sites. It was the applicant's aim to provide a fun-filled and safe environment to as broad a range of its clientele as possible. Since the formation of the applicant's company in 2010, no issues had been raised in respect of any Alcohol Licensed Gaming Machine Permits which it held, and none had been the subject of any regulatory action.

The applicant had gained considerable experience in opening new sites, and the application for 5 category 'C' gaming machines and 35 category 'D' gaming machines was, in their experience, proportionate for their business model which was dependent on the individual sites for which permits were held. Permits for identical numbers of machines has been issued in recent years to the applicant at a wide variety of locations throughout the country.

The Sub-Committee were assured that all staff at every level of the organisation received training in age verification before they were permitted to start work, and they were empowered to challenge customers who appeared to be under the age of 18 when buying alcohol or when using age restricted gaming machines. Daily machine and age verification checks were carried out, and the results of these recorded in a due diligence logbook. As part of the applicant's commitment to due diligence, the premises were audited by internal auditors, and were the subject of 'mystery shopper' and security checks. The category 'C' gaming machines were all located within sight of the bar to allow staff to ensure that no one under the age of 18 was playing them, and the applicant had adopted a 'challenge 25' policy with regard to age verification on both alcohol sales and gaming machine usage. These machines all bore stickers confirming that nobody under the age of 18 was allowed to use them, together with stickers advertising the services of gambling support 'Gamcare'. With regard to the category 'D' gaming machines, the Sub-Committee was advised that these constituted 'crane grabber' or 'penny falls' type machines, and not amusement with prizes (traditional fruit machine) style games.

In response to a question from Councillor Oxford, Darryl Lewis, Chief Operating Officer for the Hollywood Bowl Group, addressed the Sub-Committee. He explained that the gaming machines which would be offered at the two sites were supplementary to the main activities of the sites, which were the provision of bowling and miniature golf facilities. Although people attended the sites primarily to participate in these core activities, it was the applicant's intention to provide a space in which families would dwell and socialise when they attended the site. The provision of a variety of gaming machines increased the time that patrons lingered onsite, and provided an additional income stream for the applicant, of which the over 18 gambling machines provided a tiny part. Councillor Oxford, raised concerns in relation to the rise of gambling addiction, and wondered whether it was necessary to instal so many gaming machines. It was clarified to the Sub-Committee that the majority of the machines were category 'D' gaming machines, which did not include an over 18 gambling element, and the installation of the 5 category 'C' gaming machines was something which was considered to deliver the right balance between delivering a service to customers and over-saturating the premises with gaming machines. Should there prove to be less of a demand for the machines than

anticipated, then they would be removed to make way for more profitable use of the space they occupied.

Councillor Harris was pleased to note the thorough training regime which was in place, and wondered what steps were in place to ensure that training was kept up to date. Darryl Lewis confirmed that the training was delivered to staff via an electronic programme, and refresher training was also managed through this system, meaning that at anytime it was possible to see which staff required refresher training to ensure that this was delivered. In addition to this, staff were afforded monthly opportunities to raise any issues they had encountered and request additional training or support. Measures were also in place to support customers whose gambling raised concerns with staff, or who wished to self-exclude from the premises, although such concerns were experienced extremely infrequently in this style of premises. The Sub-Committee were assured that staff were constantly moving through the premises, and would be well positioned to observe the category 'C' gaming machines to ensure that they were used appropriately. All policies and procedures were in place across both of the proposed sites.

The applicant requested that the Sub-Committee considered both applications on the agenda at the same time, as they were identical in scope.

RESOLVED that: the licensed premises gaming machine permit applied for by The Original Bowling Company (t/a Hollywood Bowl) in respect of the premises Unit L4, Ground Floor, Northern Gateway Leisure, United Way, Colchester, CO4 5UP be granted. The permit authorises the provision of 5 category C gaming machines, and 35 category D gaming machines.

Reasons for the determination

In reaching its decision, the Sub-Committee examined all the documents submitted, and considered all the representations made at the hearing.

The Sub-Committee was particularly assured by the policies and procedures that had been adopted by the applicant to mitigate against gaming harms, including staff training programmes, self-exclusion policies and machine placement, and expressed confidence in the way that the management of the premises had been presented.

58. Alcohol Licensed Premises Gaming Machine Permit – Puttstars

RESOLVED that: the licensed premises gaming machine permit applied for by The Original Bowling Company (t/a Puttstars) in respect of the premises Units L1 and L4, First Floor, Northern Gateway Leisure, United Way, Colchester CO4 5UP be granted. The permit authorises the provision of 5 category C gaming machines and 35 category D gaming machines.

Reasons for the determination

In reaching its decision, the Sub-Committee examined all the documents submitted, and considered all the representations made at the hearing.

The Sub-Committee was particularly assured by the policies and procedures that had been adopted by the applicant to mitigate against gaming harms, including staff training programmes, self-exclusion policies and machine placement, and expressed confidence in the way that the management of the premises had been presented.

23 March 2022

Report of	Assistant Director of Communities	Author	Jon Ruder
Title	Allocation of Hackney Carriage Plate		☎ 282840
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report concerns the allocation of a hackney carriage plate which has become available.

2. Recommended Decision

- 2.1 That the plate be allocated in accordance with the approved procedure set out in the Council's Hackney Carriage and Private Hire Licensing Policy.

3. Reason for Recommended Decisions

- 3.1 To ensure that due process is followed in the allocation of the plate.

4. Alternative Option

- 4.1 Not to allocate the plate.

5. Background Information

- 5.1 Following the availability of a Hackney Carriage licence, the Council needs to determine its allocation.
- 5.2 The Council's Hackney Carriage and Private Hire Licensing Policy sets out the procedure to be followed to ensure that the plate is allocated in a fair and open manner.
- 5.3 Those who apply and meet the relevant criteria detailed above will be allocated a number in advance of the draw. The draw will consist of an excel based programme to randomly pick a number. The number corresponds to the applicant.

The relevant extracts of the Policy are set out below -

Eligibility

2.1 In order to qualify for the allocation process the following eligibility criteria must be met:

- The applicant must not already hold a hackney carriage plate.
- The applicant must not have had a licence suspended or revoked during a five year period immediately prior to the start of the process.
- The applicant must be compliant with all conditions within the Council's current policy and have not received penalty points within one year prior to the start of the process.

Process

4.1 All persons who have indicated an interest will be notified of a plate becoming available and the relevant process. A notice will be placed on the Colchester Borough Council website. This will detail the process and indicate a closing date for registration to apply and be entered in a randomly generated draw.

4.2 Those who apply and meet the relevant criteria detailed above will be entered into a draw that will consist of an excel based programme to randomly pick an applicant.

4.3 To avoid any ambiguity the draw will be carried out at a meeting of the Licensing Sub-Committee at a specified date and time.

4.4 The number of draws will depend on the number of plates available.

Conditions

6.1 The plate that is newly re-issued cannot be sold or transferred for a period of five years from issue.

6.2 The vehicle licence granted remains a wheelchair accessible licence in perpetuity.

6.3 The vehicle provided must be accessible to customers seated in either in either a manual or electric wheelchair.

6.4 The outcome of the draw is final.

- 5.3 The Council has followed the process set out and the names of all the eligible parties have been added to the programme to enable the draw to take place at the Committee. The draw is taking place at the Committee and not the Sub-Committee in the interests of expediency; the Committee has the relevant powers to enable it to take this action.

6. Equality, Diversity and Human Rights implications

- 6.1 The Hackney Carriage and Private Hire Licensing Policy, of which this forms a part, was developed in accordance with and taken account of all relevant legislation and national and local strategies.

7. Standard References

- 7.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

8. Environmental and Sustainability Implications

- 8.1 The environmental and sustainability implications of the licensing of Hackney Carriage Vehicles have been considered as part of the Council's Hackney Carriage and Private Hire Licensing Policy.
- 8.2 In line with the Healthier Air for Colchester Air Quality Action Plan the Council has set the following compliance dates and standards for emissions from licensed vehicles –
- Euro 5 for diesel vehicles/Euro 4 for petrol from 2018
 - Euro 6 for diesel vehicles / Euro 4 for petrol from 2020
 - From 2025 all new registrations to meet an LPG, low emission or electric hybrid standard.

Any new vehicle licensed following this allocation process must comply with these standards.

