

**Licensing Sub-Committee
Wednesday, 9 August 2023**

Present: Councillor Harris, Councillor Mannion, Councillor Powling,

Substitutes: None

89. Appointment of Chairman

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

90. Gambling Act 2005 – Alcohol Licensed Premises

Sarah White, Licensing Team Leader, attended the meeting to introduce the report. The Sub-Committee heard that an application for a gaming machine permit had been made by The Original Bowling Company for premises located in the Northern Gateway development in Colchester. The premises currently had the benefit of separate licences for the ground floor and first floor and the applicant now wished to operate these premises as a single combined unit. The application sought permission for 5 Category C gaming machines and for 50 Category D gaming machines. The application had been referred to the Sub-Committee in line with the Council's Gambling Act 2005 Policy.

Ewen Macgregor, TLT Solicitors attended the meeting to represent the applicant. The reason for the application was that the Original Bowling Company had originally intended to operate two separate premises at the location, providing ten pin bowling and miniature golf respectively. For a variety of reasons, the decision had now been taken to combine the two units which necessitated the application for the new gaming machine permit which was before the Sub-Committee. The permits which had previously been granted for the units allowed for the provision of 5 Category C gaming machines and 35 Category D gaming machines in each unit, totalling 10 Category C and 70 Category D gaming machines. The current application, therefore, represented a reduction in the total number of gaming machines which it was proposed to make available to the public.

The Original Bowling Company was the single largest operator of ten pin bowling locations across the United Kingdom with in excess of 60 sites, with its Puttstars operation currently represented by 5 or 6 sites. All of the premises within this estate were audited both internally and externally, and the Sub-Committee had been provided with a document setting out this process. The use of facial recognition software was also to be used by the company to ensure that the Category C

machines, which were restricted to being used by people over the age of 18, were being used lawfully. This technology would not replace members of staff, but would compliment other procedures which were already in place to prevent underage gambling. All Category C gaming machines would be positioned within easy sight of the bar so that they could be easily monitored by staff.

Although the request for 50 Category D machines may seem to be high, it was explained to the Committee that each position on a single gaming machine now needed to be differentiated within the permit which was applied for, and it was the case that a single gaming machine may have a number of positions for gaming, such as a 'penny falls' style machine. What had therefore been applied for was a permit for 50 positions, and not 50 gaming machines.

No representations had been received in respect of the application, and no concerns had been raised, and the application was referred to the Sub-Committee only as a result of the Council's Policy on account of the large number of machines which had been applied for. The Sub-Committee was invited to grant the application.

Darryl Lewis, Chief Operating Officer Hollywood Bowl, attended the meeting and offered assurance to the Committee that similar premises to what was proposed for the Colchester site were already in operation with no issues elsewhere in the country. The changes in the proposed operation of the premises which had necessitated the application were as the result of the continued monitoring and improvement of the applicant's business model. Each premises would be assigned a very experienced manager.

A Sub-Committee member expressed some concern in respect of the proposed use of facial recognition technology. Tony Stone, Head of Amusements Hollywood Bowl, attended the meeting and explained to the Committee that the technology was new, and that Hollywood Bowl would be the first operator in the United Kingdom to utilise it across all their businesses. At the current time, the success rate of the technology was 99.7%, and the Sub-Committee was reminded that this technology was only an addition to the policies and procedures which were already in place for staff at the venues. The facial recognition machines were tested on a daily basis and monitored by external auditors who physically tested the machines, and this was how the success rate was measured.

In response to questioning from the Sub-Committee, Enen Macgregor confirmed that although the precise location of the Category C machines was not fixed, they would always be sited in a location which was clearly visible from the bar, allowing them to be supervised. Additionally all staff were trained to recognise and respond to gaming harms and there were GamCare signs on the side of all the machines. Banning orders were an option if customers behaved in a manner which was not suitable for a family entertainment environment.

RESOLVED that: the licensed premises gaming machine permit applied for by The Original Bowling Company in respect of the premises Units L1 and L4, Northern Gateway Leisure, Unted Way, Colchester, CO4 5UP authorising the provision of 5 category C gaming machines, and 50 category D gaming machines, be granted.

Reasons for the decision

In reaching its decisions, the Sub-Committee carefully 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.