



Licensing Sub-Committee	Agenda Item 5
Puttstars	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for an alcohol licensed premises gaming machine permit under Schedule 13 of the Gambling Act 2005.
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Applicant and Premises	
Application Type	Alcohol Licensed Premises Gaming Machine Permit
Applicant	The Original Bowling Company
Premises	Hollywood Bowl
Premises Address	Units L1 and L4, Northern Gateway Leisure, United Way, Colchester CO4 5UP
Ward	Mile End

1. Application

Application details
<p>An application for a gaming machine permit has been made by The Original Bowling Company for the premises Units L1 and L4, Northern Gateway Leisure, United Way, Colchester CO4 5UP. See Appendix 1.</p> <p>The premises currently have the benefit of separate licences for the ground floor (Hollywood Bowl) and the first floor (Putt Stars). The applicant now wishes to operate these premises as a single combined unit. On the ground floor there will be 20 bowling lanes with ancillary bar and entertainment facilities. On the first floor there will be a further 6 bowling lanes, 2 indoor mini golf courses, with ancillary bar and entertainment facilities.</p> <p>The applicant is seeking a new permit for the combined area on the same terms as was previously granted. See current licences attached at Appendix 2.</p> <p>The previously granted permits authorised 5 Category C and 35 Category D machines each. This application seeks 5 Category C machines and 50 Category D machines: a reduction of 5 Category C and 20 Category D machines.</p> <p>Section 283 of the 2005 Act allows for the provision of more than two Category C or D machines to be made available in premises licensed under the Licensing Act 2003, in accordance with a licensed premises gaming machine permit. An application for a gaming machine permit may be made by the holder of an 'on' licence under the Licensing Act 2003. The Original Bowling Company holds a premises licence for each location under the Licensing Act 2003 and is seeking a combined licence for the single area.</p>

2. Legislation

Gambling Act 2007, Schedule 13

The legislation provides that the Council must consider the application having regard to the licensing objectives, any relevant guidance issued by the Commission, and such other matters as it considers relevant.

On considering the application for a permit the Council can -

- (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.

Conditions may not be attached to a permit, other than the statutory condition that the holder shall comply with any relevant provision of a code of practice issued by the Gambling Commission about the location and operation of a gaming machine.

The Council 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, unless it has notified the applicant of such an intention and given the applicant the opportunity to make representations. Such representations may be oral, written or both.

3. Guidance

Gambling Commission – Guidance to Local Authorities

Licensed premises gaming machine permits

26.8 Licensing authorities may issue licensed premises gaming machine permits for any number of category C or D machines in licensed premises (alcohol licensed premises as described in s.277 of the Act). Where a permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines under s.282 of the Act.

26.9 Holders of licensed premises gaming machine permits are required to comply with a code of practice issued by the Commission on the location and operation of machines.

26.12 In determining an application, the licensing authority must have regard to the licensing objectives and to this guidance. They may also take account of any other matters that are considered relevant to the application. The application does not require notification to the Commission or police before determination, however, licensing authorities are able to specify this as a requirement should they see fit.

4. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making

and determining applications.

3. (Alcohol) Licensed Premises Gaming Machine Permits

3.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises (under the Licensing Act 2003) to automatically have two gaming Machines, of Categories C and/or D, via a notification to the Local Authority.

3.2 Gaming machines can only be located on licensed premises that have a bar for serving alcohol to their customers. Premises restricted to selling alcohol only with food will not be able to apply for a permit.

3.3 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:

- adult machines being in sight of the bar;
- adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- appropriate notices and signage; and
- with regard to the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information and leaflets/help-line numbers for organisations such as GamCare; and
- relevant codes of practice issued by the Gambling Commission.

3.4 The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

3.5 Where the Licensing Authority is satisfied that the applicant has provided sufficient measures to protect children and vulnerable persons from harm, or from being exploited by gambling, the Licensing Authority will grant permits allowing up to a maximum of four machines per premises without the need for the application to be considered and determined by the Licensing Sub Committee.

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