



Colchester  
City Council

# Licensing Sub-Committee Hearings Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ**

**Wednesday, 09 August 2023 at 11:00**

**The Licensing Sub-Committee** hears and determines applications made under the Licensing Act 2003.

## Information for Members of the Public

### Access to information and meetings

You have the right of access to all meetings of the Council, its Committees and Cabinet which may be conducted remotely such as by live audio or video broadcast / webcast. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is published on the Council's website at least 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>.

Occasionally certain issues, for instance, commercially sensitive information or details concerning an individual have to be considered in private. When this is the case an announcement will be made, the live broadcast will end and the meeting will be moved to consider in private.

E-mail: [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk)  
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**COLCHESTER CITY COUNCIL**  
**Licensing Sub-Committee Hearings**  
**Wednesday, 09 August 2023 at 11:00**

**The Licensing Sub-Committee Hearing Members are:**

Dave Harris - Member, Roger Mannion - Member, Carl Powling - 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 4 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 registerable interest or non-registerable interest.

**5 Gambling Act 2005 - Alcohol Licensed Premises**

5 - 16

The Sub-Committee will be asked to determine an application for a gaming machine permit that has been made by The Original Bowling Company for the premises Units L1 and L4, Northern Gateway Leisure, United Way, Colchester CO4 5UP.

### **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](mailto:democratic.services@colchester.gov.uk)  
website: [www.colchester.gov.uk](http://www.colchester.gov.uk)



<b>Licensing Sub-Committee</b>	<b>Agenda Item 5</b>
<b>Puttstars</b>	<b>FOR GENERAL RELEASE</b>

<b>Purpose of the Report</b>	To determine an application for an alcohol licensed premises gaming machine permit under Schedule 13 of the Gambling Act 2005.
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<b>Applicant and Premises</b>	
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

<b>Application details</b>
<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.

**Report Author** – Sarah White, Licensing Team Leader

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telephone 01206 506420





**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
CONVERSION / NEW / VARIATION / TRANSFER**

**(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE  
PREMISES)**

*Please refer to guidance notes at the back of this form before completing*

To: Licensing Team  
Colchester Borough Council

**SECTION A – What do you want to do?**

1. Please indicate what you would like to do:

a) **Notify** licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D  
*(If you choose this option then please complete sections D and E)*

b) Apply to **convert** an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines)  
*(If you choose this option then please complete sections B, D and E)*

c) Apply for a **new** licensed premises gaming machine permit  
*(If you choose this option then please complete sections B, D and E)*

d) Apply to **vary** an existing licensed premises gaming machine permit  
*(If you choose this option then please complete sections B, D and E)*

e) Apply to **transfer** an existing licensed premises gaming machine permit  
*(if you choose this option then please complete sections C, D and E)*

**SECTION B – Application for grant (Includes conversion, new and variation applications)**

2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)

Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C		...5...
D		...50...
Total		...55...

3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.

Existing permit provided\*

*(reasons why existing permit cannot be provided)*

\*Please keep a copy of your existing permit on the premises to which it relates.

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<p><b>Section C – Application for permit transfer</b> (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</p> <p>4. Name of person requesting the transfer</p> <p>.....</p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <table><tr><td>Requested</td><td></td></tr><tr><td>Granted</td><td><input type="checkbox"/></td></tr></table> <p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p> <table><tr><td>Existing permit provided</td><td><input type="checkbox"/></td></tr><tr><td>Reasons why existing permit cannot be provided</td><td><input type="checkbox"/></td></tr></table> <p>.....</p> <p>.....</p>	Requested		Granted	<input type="checkbox"/>	Existing permit provided	<input type="checkbox"/>	Reasons why existing permit cannot be provided	<input type="checkbox"/>	
Requested									
Granted	<input type="checkbox"/>								
Existing permit provided	<input type="checkbox"/>								
Reasons why existing permit cannot be provided	<input type="checkbox"/>								

<p><b>Section D – General Information</b></p> <p>7. Name of Premises The Original Bowling Company Limited t/a Hollywood Bowl</p> <p>8. Address of Premises Ground Floor and First Floor Units L1 and L4, Northern Gateway Leisure, United Way, Colchester, CO4 5UP</p> <p>9. Telephone number of Premises TBC</p> <p>10. Name of existing Premises Licence holder The Original Bowling Company Limited</p> <p>11. Address of Premises Licence holder (if different from 8 above) Focus 31, North Wing, Cleveland Road, Hemel Hempstead, HP2 7BW</p> <p>12. Telephone number (daytime) of Premises Licence holder 01442 840 200</p> <p>13. E-mail address of Premises Licence holder (where available) c/o TLT Solicitors – Ewen.Macgregor@TLT.com</p> <p>14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant TLT Solicitors One Redcliff Street Bristol BS1 6TP T: 03330 061251 E: Ewen.Macgregor@TLT.com</p> <p>15. Licensing Act 2003 Premises Licence Reference (i.e. number) New Premises Licence applied for <b>12<sup>th</sup> July 2023</b></p>
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PREMISES)**

**Section E – Fee and Signature(s)**

We enclose a sum of £150.00 (cheques should be made payable to Colchester Borough Council Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)

**Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.**

**Dated 13<sup>th</sup> July 2023**

**Signed (by or on behalf of Licensing Act 2003 Premises Licence holder)**



.....  
**Print Name Ewen Macgregor for TLT Solicitors on behalf of Applicant**

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £50.00. If you wish to have more than 2 gaming machines then the fee payable is £100.00.

**Official Use Only**

**Date of receipt: .....**

**Signature and name of staff who received: .....**

**Date of receipt of fee: .....**

**Signature and name of staff who received fee: .....**

**Application accepted / returned (please delete as appropriate)**

**Date of premises licence (Licensing Act 2003) transfer (if applicable): .....**

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
CONVERSION / NEW / VARIATION / TRANSFER**

**Guidance notes:**

1. This form is to be used for the **notification of up to 2 gaming machines** of categories C and / or D under Section 282 of the Gambling Act 2005, or for the **conversion of an existing Section 34 gaming machine permit** under the Gaming Act 1968, or for a **new application, variation or transfer of a alcohol licensed premises gaming machine permit** under the Gambling Act 2005.
2. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.
3. The gaming machines must be located on these licensed premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. There is no statutory limit to the number of machines which may be applied for although the licensing authority has some discretion in this regard. It should also be noted that the licensing authority can cancel the permit or vary the number of machines should the premises be mainly used for making gaming machines available for use on the premises (Schedule 13 paragraph 16 Gambling Act 2005). You may therefore wish to contact the licensing authority to ask whether there is a local policy as regards applications and whether application for certain numbers of machines are decided via a hearing of local councillors.
6. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable by ..... and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £x. There are no annual fees payable for 2 machines or less.
7. Sections 282 and 283, as well as SI 2007 / ..... of the Gambling Act 2005 provide for two types of gaming machines which can be located in alcohol licensed premises. These are:
  - Category C: Maximum stake = 50p / Maximum prize = £35
  - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. **All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005.** The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of the code of practice please contact the Gambling Commission or your local Council licensing service.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.
  10. Where you are notifying the local licensing authority of 2 machines or less, you may wish to request an acknowledgement of receipt of the notification. The form attached to this application can be utilised for this purpose.

**Gambling Act 2005****COLCHESTER  
BOROUGH  
COUNCIL**Rowan House, 33 Sheepen Road  
Colchester, CO3 3WG**LICENSED PREMISES  
GAMING MACHINE PERMIT**

Permit No: WK/000047426

This licensed premises gaming machine permit authorises:

**The Original Bowling Company**

To make gaming machines, of the category and number specified below, available for use on the following premises:

**Puttstars, Weston Homes Community Stadium, United Way, Colchester, Essex,  
CO4 5UP**

Number of Specified Category C gaming machines authorised by this permit:	5
Number of Specified Category D gaming machines authorised by this permit:	35
Number of Category C and/or D gaming machines authorised by this permit:	40

Date on which this permit takes effect: **09/06/2021**The permit is issued by: **Colchester Borough Council****Lucie Breadman**  
Assistant Director of Communities

Compliance with these provisions is a condition of your permit and failure to do so could result in revocation of the permit.

1. All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

Permit holders must have in place arrangements for such supervision.

2. All gaming machines situated on the premises shall be located in a place that requires a customer who wishes to use any ATM made available on the premises to cease gambling at the gaming machine in order to do so. ATM means a machine located on the premises which enables a person using it to obtain cash by use of a credit or debit card.

This form is prescribed by regulation 4 of the Gambling Act 2005 (Licensed Premises Gaming Machines Permits) (England and Wales) Regulations 2007

**Gambling Act 2005****COLCHESTER  
BOROUGH  
COUNCIL**

Rowan House, 33 Sheepen Road  
Colchester, CO3 3WG

**LICENSED PREMISES  
GAMING MACHINE PERMIT**

Permit No: WK/000047425

This licensed premises gaming machine permit authorises:

**The Original Bowling Company**

To make gaming machines, of the category and number specified below, available for use on the following premises:

**Hollywood Bowl,  
Weston Homes Community Stadium, United Way, Colchester, Essex, CO4 5UP**

Number of Specified Category C gaming machines authorised by this permit:	5
Number of Specified Category D gaming machines authorised by this permit:	35
Number of Category C and/or D gaming machines authorised by this permit:	40

Date on which this permit takes effect: **09/06/2021**

The permit is issued by: **Colchester Borough Council**

**Lucie Breadman**  
Assistant Director of Communities

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This form is prescribed by regulation 4 of the Gambling Act 2005 (Licensed Premises Gaming Machines Permits) (England and Wales) Regulations 2007