

Licensing Committee

Grand Jury Room, Town Hall
25 August 2010 at 6.00pm

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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, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

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There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

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**COLCHESTER BOROUGH COUNCIL
LICENSING COMMITTEE
25 August 2010 at 6:00pm**

Members

Chairman : Councillor Barrie Cook.
Councillors John Bouckley, Christopher Garnett,
Michael Lilley and Ann Quarrie.

Substitute Members :

Agenda - Part A
(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

4. Have Your Say!

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been

noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

6. Minutes

1 - 2

To confirm as a correct record the minutes of the meetings held on 19 May 2010 and 2 June 2010.

7. Gaming Machine Permit Application - Gambling Act 2005

3 - 29

Please see report by Head of Environmental and Protective Services.

8. Exclusion of the public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) 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).

LICENSING COMMITTEE
19 MAY 2010

Present :- Councillors Mary Blandon, John Bouckley (Former Mayor) , Barrie Cook, Nick Cope, Mark Cory, Wyn Foster, Dave Harris, Mike Hogg (Former Mayor) , Margaret Kimberley, Michael Lilley and Ann Quarrie

1. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman for the ensuing Municipal Year.

2. Appointment of Deputy Chairman

RESOLVED that Councillor Cope be appointed Deputy Chairman for the ensuing Municipal Year.

LICENSING COMMITTEE

2 June 2010

Present:- Councillor Cook (Chairman)
Councillors Foster and Lilley

Substitute Members:- Councillor Bouckley for Councillor Quarrie
Councillor Garnett for Councillor Kimberley

21. Minutes

RESOLVED that the minutes of the meeting held on 26 February 2010 be confirmed as a correct record.

22. Variation of Sex Establishment Licence // The Private Shop, 74-76 Butt Road, Colchester

The Committee considered a report by the Head of Environmental and Protective Services on an application from Darker Enterprises, the holders of the sex establishment licence for The Private Shop at 74-76 Butt Road, Colchester, to change the graphics and decoration of the shop front. The application had been made in accordance with condition 6 on the licence which required that the size, design, colour and wording used in any advertisement displayed on the premises should be agreed with the Council. A copy of the application and preferred design was appended to the report.

The application was required to be determined having regard to the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and under these provisions the Committee could only have regard to the application as it was submitted. The provisions contained within the act relating to public advertisement and consultation applied only to the grant, renewal or transfer of a sex establishment licence and not to any matter relating to the conditions placed on the licence. Informal advice had been sought from the planning authority and it had confirmed that there were no restrictions in relation to external decoration of this premises.

Mr Scrimshaw attended and with the consent of the Chairman addressed the Committee on behalf of Darker Enterprises and responded to questions from Members of the Committee.

RESOLVED that the preferred design and colour scheme for the graphics and redecoration of The Private Shop at 74-76 Butt Road, Colchester, as set out in the report, be approved.



Licensing Committee

Item

7

25 August 2010

Report of	Head of Environmental & Protective Services	Author	Simon Harvey ☎ 282701
Title	Application for Licensed Premises Gaming Machine Permit made under Section 283 of the Gambling Act 2005.		
Wards affected	Castle Ward		

This report concerns an application submitted by Mr Andy Starr for 15 Category C machines and 20 Category D machines at Rollerworld, Eastgates, Colchester, in accordance with Section 283 of the Gambling Act 2005.

1. Decision Required

- 1.1 The Licensing Committee is asked to determine an application that has been submitted by Mr Andy Starr of Rollerworld, Eastgates, Colchester to site 15 Category C and 20 Category D gaming machines at Rollerworld under Section 283 of the Gambling Act 2005.
- 1.2 The Licensing Committee must make their determination in accordance with the relevant legislation, the Gambling Commissions Guidance to Licensing Authorities and also the Councils own Statement of Gambling Policy.

2. Reasons for Decision

- 2.1 The Councils Statement of Gambling Policy requires that all applications for Licensed Premises Gaming Machine Permits which seek the grant or variation of permit to allow more than four gaming machines to be sited on an alcohol licensed premises has to be considered and determined by the Licensing Committee.

3. Alternative Options

- 3.1 There is no alternative to this policy and applicants cannot lawfully operate more than 4 gaming machines in the Borough of Colchester without the relevant permit having been granted by the Licensing Committee.

4. Application Information

- 4.1 An application for the grant of a Licensed Premises Gaming Machine Permit has been submitted by Mr Andy Starr who seeks to operate 15 Category C and 20 Category D gaming machines at Rollerworld, East Gates, Colchester. Mr Starr's application is attached to this report. (See attached as appendix 1).
- 4.2 Mr Starr previously held a Section 34 Permit issued under the Gaming Act 1968 which was the legislation that preceded the Gambling Act 2005 and which permitted him to operate 35 Amusement With Prizes machines at Rollerworld. These permits had a life of three years only and unfortunately due to unforeseen circumstances Mr Starr did not convert and renew the old permit in order to operate the machines under the Gambling Act 2005 before it expired as at the 7 November 2009. (See attached as appendix 2).

4.3 This means that he has to apply as a new applicant under the Gambling Act for an (Alcohol) Licensed Premises Gaming Machine Permit, rather than convert and renew his old Section 34 permit.

5. Supporting Information

5.1 The relevant legislation in relation to alcohol licensed premises is Section 283 of the Gambling Act 2005. Information on this section is attached to this report. (See attached as appendix 3).

5.2 Rollerworld holds a Premises Licence granted under the Licensing Act 2003 to sell alcohol and is therefore entitled to apply for Category C & D machines to be operated on the premises. The definition of an alcohol licensed premises is attached to this report (See attached as appendix 4).

5.3 The machines applied for in Mr Starr's application are Category C and D gaming machines. These machines are at the very lower end of the category in a scale of machines which runs from A to D. Only Casino's, Members Clubs and Commercial Clubs are permitted to operate machines in categories A to B which in simple terms offer players the chance of winning a much higher payout.

5.4 Attached to this report is a table which details what types of gaming machine are covered by categories C and D which are the categories applied for at Rollerworld. Only persons over the age of 18 years old can play on Category C machines. The maximum payout allowed on a Category C machine is £70. (See attached as appendix 5).

5.5 Category D machines have a much lower payout and often consist of 'Crane' machines which offer some form of prize usually in the form of a soft toy or similar, 'multi slot' machines which are typically horse racing type games and 'pushers' which usually consist of a moving deck of pre-placed coins which the player attempts to dislodge into a collecting tray by dropping coins into a slot. These machines can be played by persons under the age of 18 years.

5.6 Under Section 282 of the Gambling Act 2005 an alcohol licensed premises has an automatic entitlement to operate two Category C or D machines on the premises. This entitlement is replaced however if the applicant submits an application for more than two machines, but they are free to apply for any number of C or D machines although the number granted can be determined by the decision or policy of the Licensing Authority.

5.7 Mr Starr has applied for 15 Category C machines and 20 Category D machines which is the same number that were sited and operated under his former Section 34 permit.

5.8 If granted, the permit must be operated in compliance with the Gambling Commissions Code of Practice for the operation of Gaming Machine Permits issued in June 2007. A copy of this code is attached. (See appendix 6).

5.9 No conditions can be attached to the grant of a Gaming Machine Permit by the Licensing Authority. However the Licensing Authority can direct the form and manner of the application and also what additional information and documents it requires to be provided by the applicant in support of the application.

5.10 In determining this application the Licensing Authority must have regard to the relevant legislation, to the guidance issued by the Gambling Commission to Licensing Authorities in relation to the Gambling Act 2005 and to its own Statement of Gambling Policy. The most recent Gambling Commission guidance was issued in May 2010. The relevant part

of the Gambling Act 2005 that refers to the grant of Gaming Machine Permits is attached to this report. (See attached as appendix 7).

- 5.11 The Licensing Authority may also take into account any other matters that it considers to be relevant to the application such as its own Statement of Gambling Policy.
- 5.12 The Licensing Authority may grant or refuse an application submitted under Section 283 of the Gambling Act 2005. In granting an application the authority may also vary the number or category of gaming machines authorised by the permit.
- 5.13 Once granted a permit lasts indefinitely although there is an annual fee to be paid in order for it to continue to be in force. The permit continues to be in force unless the annual fee is unpaid, the permit is surrendered, the premises no longer holds a premises licence to sell alcohol, or the permit is cancelled by the Licensing Authority.
- 5.14 The holder of a permit may apply to vary the permit by changing the number or category of machines authorised. The Licensing Authority may cancel a permit only in specified circumstances which includes if the premises are used mainly or wholly by children or young persons, or if an offence has been committed under the Gambling Act.

6. Colchester Borough Council's Statement of Gambling Policy

- 6.1 The following sections taken from the Council's Statement of Gambling Policy are included for the information and advice of the Licensing Committee and also the applicant. The sections referred to are pertinent to the Committee's determination of the grant of a Gaming Machine Permit for alcohol licensed premises.

16.7 Licensing Objectives:

Premises Licences granted must be reasonably consistent with the Licensing Objectives. In considering whether applications are consistent with the licensing objectives, the Licensing Authority will take into account the following:-

(i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime –

Whilst the Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime, it will nevertheless pay close attention to the proposed location of gambling premises in terms of promoting this licensing objective.

Where an area has known high levels of crime and disorder the Licensing Authority will consider carefully whether gambling premises are suitable to be located there, and will also consider whether it is reasonable and necessary to attach conditions such as the provision of door supervisors.

The Licensing Authority is aware, however, that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Gambling Act 2005. The main distinction is that disorder will generally arise from patrons whereas nuisance issues will relate to the premises themselves.

(ii) Ensuring that gambling is conducted in a fair and open way –

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that, in relation to the licensing of tracks, its role will be

different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain reasonable and necessary conditions to ensure that the environment in which betting takes place is suitable.

(iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling –

In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term ‘vulnerable person’ in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

28. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 28.5 Where the ‘on’ premises licence holder wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction under the Act on the number of machines that may be applied for and applications to vary the number of machines may be made at any time. However it should be noted that the Colchester Borough Council as the Licensing Authority will only grant a maximum of four machines without the need for the application to be considered by the Licensing Committee.
- 28.6 The Licensing Authority has the power to reduce the number of machines granted. It is also able to cancel a permit if for example the premises are used wholly or mainly by children, or an offence under the Act has been committed, or the holder of the permit fails to pay the annual fee. There is a right of appeal against such a cancellation and where an appeal has been made the cancellation does not take effect until the period for determining the appeal has elapsed.
- 28.7 Premises such as Hotels or Restaurants that restricted to only selling alcohol where it is ancillary to a table meal will not be able to apply for a Permit.
- 28.8 Where all new applications 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 from being exploited by gambling.
- 28.9 The Licensing Authority will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds or vulnerable persons 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;
 - Awareness and use of proof of age verification.
 - Appropriate notices and signage specifying age restrictions, for example no under 18’s to play this machine;
 - Regarding 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
 - Adequate separation of gaming machines and any cash dispensers or ATM’s located on the premises.

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.

28.10 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.

28.11 The location and operation of machines under the automatic entitlement or the permit must comply with the Gaming Machines Code of Practice published by the Gambling Commission.

Appendix 11

Gaming Machines

Alcohol Licensed Premises

Premises holding a premises licence under the Licensing Act 2003 may be authorised to operate machines of class C or D provided the premise's licence authorises the sale and supply of alcohol for consumption on the premises without it being a condition that the sale and supply of alcohol has to be accompanied by food.

The following paragraphs apply only to those premises.

Where the holder of a premises licence wishes to provide more than two gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction under the Gambling Act on the number of machines that may be applied for and applications to vary the number of machines may be made at any time.

However it should be noted that Colchester Borough Council as the Licensing Authority will only grant a maximum of 4 machines without the need for the application to be considered and determined by the Council's Licensing Committee.

In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
- any documentary evidence, e.g. supporting statistical evidence providing details of usage, etc.;
- each application on its own merits and in its own right;
- the Codes of Practice or Guidance issued under the Gambling Act 2005.

7. Strategic Plan References

7.1 There are no direct links to the Council's Strategic Plan pertinent to this application.

8. Consultation

- 8.1 There is no requirement under Section 283 of the Gambling Act for the Licensing Authority to consult with any other party in regards to an application submitted for a Gaming Machine Permit.

9. Publicity Considerations

- 9.1 There are no publicity considerations in respect of this application

10. Financial Implications

- 10.1 The applicant has the right of appeal to the Magistrates Court against any decision that the Licensing Committee may make in regard to this application and costs including the cost of any such appeal made, could be awarded against the Council.

11. Human Rights Implications

- 10.1 A Gaming Permit is to be regarded as the property of the permit holder, but their right to the use of that property must also be balanced against any other public interests that might apply in relation to this application.

12. Community Safety Implications

- 12.1 The relevant parts of the Council's Statement of Gambling Policy that have been included in this report along with the Gambling Commissions Code of Practice for the operation of Gaming Machine Permits shown as appendix 6 take into account any community safety implications that may arise from the application submitted or may arise from the grant of a permit.

13. Health and Safety Implications

- 13.1 It is not considered that any health and safety implications arise in respect of the application submitted, or could arise from the grant of a permit.

14. Risk Management Implications

- 14.1 Any risk management implications are considered as part of the information shown under paragraph 10 which sets out the financial implications for the Council in regards to any refusal of this application or any variation that may be made to it.

15. Options

- 15.1 On considering an application for a permit a Licensing Authority 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.

16. Recommendation

- 16.1 Because of the quasi-judicial nature of the hearing and the proceedings that will take place, a recommendation as to the determination of this application cannot be put to Members of the Licensing Committee.

**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:
Colchester Borough Council
Licensing Manager
33 Sheepen Road
Colchester CO3 3WG



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 15
D 20
Total 35

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.

**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)

<p>Section C – Application for permit transfer (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>	<p>Requested <input type="checkbox"/></p> <p>Granted <input type="checkbox"/></p>
<p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p>	<p>Existing permit provided <input type="checkbox"/></p> <p>Reasons why existing permit cannot be provided</p> <p>.....</p> <p>.....</p>

Section D – General Information

7. Name of Premises..... ROLLERWORLD

8. Address of Premises..... EASTGATES COLCHESTER
CO1 2TJ

9. Telephone number of Premises..... 01206 868868

10. Name of existing Premises Licence holder
ANDY STARR

11. Address of Premises Licence holder (if different from 8 above)

.....

12. Telephone number (daytime) of Premises Licence holder

.....

13. E-mail address of Premises Licence holder (where available)

.....

14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

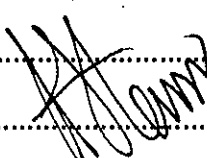
.....

.....

15. Licensing Act 2003 Premises Licence Reference (i.e. number) 004462

**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)

Section E – Fee and Signature(s)	
I enclose a sum of (£ 150)* (cheques should be made payable to Colchester Borough Council.) <input checked="" type="checkbox"/>	
I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)	
<u>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.</u>	
Dated	02 AUG 2010
Signed (by or on behalf of Licensing Act 2003 Premises Licence holder).....	
Print Name.....	ANDY STARR

* Please see table of current fees attached.

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 shown on the attached table of fees. 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.



Europes Finest Rollerskating Rink

Simon Harvey
Licencing Manager
Colchester Borough Council
33 Sheepen Road
Colchester
Essex
CO3 3WG

2nd August 2010

Dear Sir

Re: Gaming Machine Permit Application

Further to the completed application enclosed we offer the following

- 1 Machines suitable for over 18's are only accessible in our licensed bar.
- 2 We are seeking to maintain our previous permit positions that numbered 35

Thanking you in anticipation

Yours faithfully

Andy Starr

Enc.

EASTGATES ★ COLCHESTER ★ ESSEX ★ CO1 2TJ ★ UK
T 01206 868868 F 01206 870400

www.rollerworld.co.uk



VAT Registration No. 549 9910 8514

Registration No. 1867872



Appendix 2

Gaming Act 1968

Permit No 006850

For use of
Machines for Gaming by way of Amusement-with-Prizes for the purposes of section
34(1) of the Act

Colchester Borough Council being the Local Authority within whose area the under-mentioned premises are situated hereby grant to:

Mr Andy Starr
of: Rollerworld, Eastgates, Colchester, Essex, CO1 2TJ

this (renewal of the) permit for the use of machines for gaming for the purposes of s.34(1) of the Gaming Act 1968 on the premises known as:

// Rollerworld, Eastgates, Colchester, Essex, CO1 2TJ

of which premises the above mentioned is the occupier.

This permit is issued subject to the condition that the number of machines which may be made available on the premises for gaming shall be limited to: 35

This permit shall be in force from 8th November 2006 and, subject to paragraphs 18 to 20A of Schedule 9 to the said Act, shall cease to be in force at midnight on 7th November 2009.

Fee Paid: £32.00

Dated: 7th November 2006

Licensing Manager

Note: this permit is not transferable and shall cease to have effect if the holder of the permit ceases to be the occupier of the premises to which it relates (save as provided by para. 20 of Schedule 9 to the Act in the event of the death of the holder).

283 Licensed premises gaming machine permits

(1) A person does not commit an offence under section 37 or 242 if he makes a gaming machine of Category C or D available in accordance with a licensed premises gaming machine permit.

(2) A licensed premises gaming machine permit is a permit issued by a licensing authority authorising a person to make gaming machines of Category C or D (or both) available for use on premises to which this section applies.

(3) A licensed premises gaming machine permit shall, by virtue of this subsection, be subject to the condition that the holder comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine.

(4) Subsection (1) does not disapply section 37 or 242 in respect of premises at a time when gaming machines are made available for use on those premises in reliance on a club gaming permit or a club machine permit.

(5) Schedule 13, which makes further provision about licensed premises gaming machine permits, shall have effect except in relation to Scotland.

Section 277 Alcohol Licence (Definition)

In this Act—

(a) “alcohol licence” means a premises licence under Part 3 of the Licensing Act 2003 (c. 17),

(b) “on-premises alcohol licence” means a premises licence under that Part which authorises the supply of alcohol for consumption on the licensed premises,

Fig. 1

Category of machine	Maximum Stake £	Maximum Prize £
A	Unlimited	Unlimited
B1	2	4000
B2	100	500
B3 & B3A	1	500
B4	1	250
C	50p	70
D (Non money prize - other than a crane grab machine)	30p	8
D (Non money prize – crane grab machine)	1	50

D (Money Prize)	10p	5
D (Combined money & non money prize – other than a coin pusher or penny falls machine)	10p	8 (Of which no more than 5 may be a money prize)
D (Combined money & non money prize – coin pusher or penny falls machine)	10p	15 (Of which no more than 8 may be a money prize)

Section 235 Gaming machine (Definition)

(1) In this Act "gaming machine" means a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes).

(2) But—

(a) a domestic or dual-use computer is not a gaming machine by reason only of the fact that it can be used to participate in remote gambling,

(b) a telephone or other machine for facilitating communication (other than a computer) is not a gaming machine by reason only of the fact that it can be used to participate in remote gambling,

(c) a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on future real events,

(d) a machine is not a gaming machine by reason only of the fact that it dispenses lottery tickets or otherwise enables a person to enter a lottery provided that the results of the lottery—

(i) are not determined by the machine, and

(ii) are not announced by being displayed or communicated by the machine without there being an interval, between each entry to the lottery and the announcement, of at least such duration as the Secretary of State shall prescribe by order,

(e) a machine is not a gaming machine if—

(i) it is designed or adapted for the playing of bingo, and

(ii) it is used in accordance with a condition attached to a bingo operating licence under section 75 or 77 by virtue of section 85(2)(b),

(f) a machine is not a gaming machine if—

(i) it is designed or adapted for the playing of bingo by way of prize gaming, and

(ii) it is used in accordance with a condition attached to a gaming machine general operating licence under section 75 or 77 by virtue of section 85(2)(b),

(g) a machine is not a gaming machine if—

(i) it is designed or adapted for the playing of bingo by way of prize gaming,

(ii) it is made available for use in reliance on a family entertainment centre gaming machine permit or a prize gaming permit, and

(iii) any requirements prescribed for the purposes of this paragraph in a code of practice under section 24, as to the specification of the machine or the circumstances in which it is made available for use, are complied with,

(h) a machine is not a gaming machine by reason only of the fact that it is designed or adapted to be—

(i) controlled or operated by an individual employed or concerned in arranging for others to play a real game of chance, or

(ii) used in connection with a real game of chance the arrangements for which are controlled or operated by an individual, and

(i) a machine is not a gaming machine by reason only of the fact that it is designed or adapted to enable individuals to play a real game of chance, if—

(i) its design or adaptation is such that it does not require to be controlled or operated by a person employed or concerned in arranging for others to play the game,

(ii) it is not designed or adapted for use in connection with a game the arrangements for which are controlled or operated by an individual, and

(iii) it is used in accordance with a condition attached to a casino operating licence under section 75 or 77 by virtue of section 85(2)(b).

(3) In this Act—

(a) a reference to a machine is a reference to any apparatus which uses or applies mechanical power, electrical power or both,

(b) a reference to a machine being designed or adapted for a purpose includes—

(i) a reference to a computer being able to be used for that purpose (subject to subsection (2)), and

(ii) a reference to any other machine to which anything has been done as a result of which it can reasonably be expected to be used for that purpose (subject to subsection (2)),

(c) a reference to a part of a gaming machine—

(i) includes a reference to any computer software designed or adapted for use in a gaming machine, but

(ii) does not include a reference to a component of a gaming machine which does not influence the outcome of a game,

(d) a reference to installing a part of a gaming machine includes a reference to installing computer software for the purpose of altering the operation of a gaming machine,

(e) a reference to adapting a gaming machine includes a reference to adapting a machine so that it becomes a gaming machine, and

(f) “domestic computer” and “dual-use computer” shall have the meanings assigned by the Secretary of State by regulations.

(4) Regulations under subsection (3)(f) may, in particular, make provision by reference to—

(a) the location of a computer,

(b) the purposes for which a computer is used,

(c) the circumstances in which a computer is used,

(d) the software installed on a computer, or

(e) any other matter.

GAMBLING COMMISSION

Gaming Machine Permits Code of Practice

- Club Gaming Permits and Club Machine Permits
- Alcohol Licensed Premises Permits and Permissions

June 2007

Introduction

- i. This is the Gambling Commission's Code of Practice issued under section 24 Gambling Act 2005 (the Act) relating to provision of facilities for gambling in accordance with club gaming, club machine and licensed premises gaming machine permits. This includes:
 - registrations under Parts II and III Gaming Act 1968 which, under transitional provisions, are treated as club gaming and club machine permits respectively; and
 - alcohol licensed premises gaming machine permits (formerly s34 1968 Act permits).
- ii. The Code will come into force on 1 September 2007.
- iii. Those items marked in bold and shaded are the provisions which are a condition of the permit and must be complied with.

Section A: Location and operation of machines

All permit holders

Compliance with these provisions is a condition of your permit, and failure to do so could result in revocation of the permit.¹

- 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.**

¹ Compliance with these provisions is a condition of the relevant permit as a result of the Gambling Act 2005: section 271 for Club Gaming Permits, section 273 for Club Machine Permits, section 282 for alcohol licensed premises using their automatic machine permissions and section 283 for licensed premises Gaming Machine Permits and alcohol licensed premises Gaming Machine Permits.

Section B: Access to gambling by children and young persons

All permit holders

This section sets out the best practice which the Gambling Commission considers should be implemented by permit-holders, compliance with this provision is not a condition of your permit.

- 3 Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:
 - checking the age of apparently underage customers; and
 - refusing access to anyone who appears to be underage, and who tries to use category B or C gaming machines and cannot produce an acceptable form of identification.
- 4 Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.
- 5 Permit holders should only accept identification which:
 - contains a photograph from which the individual can be identified;
 - is valid; and
 - is legible and has no visible signs of tampering or reproduction.

(The Commission considers acceptable forms of identification to include any identification carrying the PASS logo (eg Citizencard, Validate and the Government's own Connexions card); driving licence (including a provisional licence) with photocard; and passport).

- 6 Procedures should be in place for dealing with cases where a child or young person repeatedly attempts to gamble on category B or C machines, including oral warnings, reporting the offence to the Gambling Commission and the police, and making available information on problem gambling.

Section C: Self exclusion

This section sets out the best practice which the Gambling Commission considers should be implemented by permit-holders, compliance with this provision is not a condition of your permit.

Club gaming permit and club machine permit holders only

- 7 Permit holders should put in place procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.
- 8 Permit holders should implement procedures designed to ensure that an individual who has self-excluded cannot gain access to gambling; this includes:
 - a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the operator);
 - photo identification (where available and in particular where enforcement of the system may depend on photographic ID), and a signature;
 - staff training to ensure that relevant staff are able to enforce the systems; and
 - the removal of those self-excluded persons found in the gambling area or attempting to gamble from the premises.

- 9** Self-exclusion procedures should require individuals to take positive action in order to self-exclude. This can be a signature on a self-exclusion form.
- 10** Before an individual self-excludes, permit holders should provide or make available sufficient information about what the consequences of self-exclusion are. Customers should be given the opportunity to discuss self-exclusion in private, where possible.
- 11** Permit holders should take all reasonable steps to ensure that:
- * the self-exclusion period is a minimum of six months and give customers the option of extending this to a total of at least five years;
 - * a customer who has decided to enter a self-exclusion agreement is given the opportunity to so do immediately without any cooling off period. However, if the customer wishes to consider the self exclusion further (for example to discuss with problem gambling groups) the customer may return at a later date to enter into self exclusion;
 - * at the end of the period chosen by the customer (and at least six months later), maintain the self-exclusion in place, unless the customer takes positive action in order to gamble again. No marketing material may be sent to the individual unless that has taken positive action in order to gamble again, and has agreed to accept such material; and
 - * where a customer chooses not to renew, and makes a positive request to begin gambling again, give the customer 1 day to cool off before being allowed access to the gambling facilities.
- 12** Please note that the Commission does not require the permit-holder to carry out an assessment or make any judgement of whether the individual should have access to gambling. The requirement to take positive action in person or over the phone is purely to:
- a) check that the customer has considered the decision to access gambling again and allow them to consider the implications; and
 - b) implement the 1 day cooling-off period and explain why this has been put in place.

Gambling Commission June 2007

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted fairly and openly, and by protecting children and vulnerable people from being harmed or exploited by gambling. The Commission also provides independent advice to government on gambling in Britain.

For further information or to register your interest in the Commission please visit our website at: www.gamblingcommission.gov.uk

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SCHEDULE 13 LICENSED PREMISES GAMING MACHINE PERMITS

Making of application

1 (1) A person who applies to a licensing authority (in its capacity as a licensing authority under the Licensing Act 2003 (c. 17)) for an on-premises alcohol licence or who holds an on-premises alcohol licence issued by a licensing authority (in that capacity) may apply to that licensing authority (in its capacity as a licensing authority under this Act) for a licensed premises gaming machine permit.

(2) An application may not be made under this Schedule if a licence under Part 8 has effect in relation to the premises.

2 An application for a permit must—

- (a) be made in such form and manner as the licensing authority may direct,
- (b) specify the premises in respect of which the permit is sought,
- (c) specify the number and category of gaming machines in respect of which the permit is sought,
- (d) contain or be accompanied by such other information or documents as the licensing authority may direct, and
- (e) be accompanied by the prescribed fee.

3 Sections 154 and 155 shall have effect in relation to the functions of a licensing authority under this Schedule as they have effect in relation to functions of a licensing authority under Part 8.

4 (1) A licensing authority to whom an application is made under this Schedule shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.

(2) On considering an application for a permit a licensing authority shall—

- (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.

5 (1) A licensing authority may not attach conditions to a permit.

(2) As soon as is reasonably practicable after granting an application, a licensing authority shall issue a permit to the applicant.

(3) As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—

- (a) the refusal, and
- (b) the reasons for it.

6 (1) A licensing authority may grant an application under this Schedule only if the applicant holds an on-premises alcohol licence.

(2) A licensing authority may not refuse an application, or grant an application in respect of a different category or smaller number of gaming machines than that specified in the application, unless they have—

(a) notified the applicant of their intention to refuse the application, or grant the application 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, and

(b) given the applicant an opportunity to make representations.

(3) A licensing authority may satisfy sub-paragraph (2)(b) by giving the applicant an opportunity to make—

- (a) oral representations,
- (b) written representations, or
- (c) both.

(4) Sub-paragraph (2)(b) shall not apply in respect of a refusal if the refusal was by virtue of sub-paragraph (1).

Form of permit

7 (1) A permit must be in the prescribed form and must specify—

- (a) the person to whom it is issued,
- (b) the premises,
- (c) the number and category of gaming machines which it authorises, and
- (d) the date on which it takes effect.

(2) If the person to whom a permit is issued changes his name or wishes to be known by another name—

(a) he may send the permit to the licensing authority with—

- (i) the prescribed fee, and
- (ii) a request that a new name be substituted for the old name, and

(b) the licensing authority shall comply with the request and return the permit to the holder.

Maintenance

8 The holder of a permit shall keep it on the premises to which it relates.

9 (1) The holder of a permit—

(a) shall pay a first annual fee to the issuing licensing authority within such period after the issue of the permit as may be prescribed, and

(b) shall pay an annual fee to the issuing licensing authority before each anniversary of the issue of the permit.

(2) In this paragraph “annual fee” means a fee of such amount as may be prescribed.

10 (1) An occupier of premises in respect of which a permit has effect commits an offence if without reasonable excuse he fails to produce the permit on request for inspection by —

- (a) a constable,
- (b) an enforcement officer, or
- (c) an authorised local authority officer.

(2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

11 (1) Where a permit is lost, stolen or damaged, the holder may apply to the licensing authority for a copy.

(2) An application under sub-paragraph (1) must be accompanied by the prescribed fee.

(3) A licensing authority shall consider an application under this paragraph and shall grant it if satisfied—

- (a) that the permit has been lost, stolen or damaged, and
- (b) where the permit has been lost or stolen, that the loss or theft has been reported to the police.

(4) As soon as is reasonably practicable after granting an application under this paragraph a licensing authority shall issue a copy of the permit certified by the authority as a true copy.

(5) A copy of a permit issued under this paragraph shall be treated as if it were the permit.

12 A permit shall continue to have effect unless and until it ceases to have effect in accordance with a provision of this Schedule.

13 A permit shall cease to have effect if—

- (a) an on-premises alcohol licence ceases to have effect with respect to the premises to which it relates, or
- (b) the permit holder ceases to be the holder of an on-premises alcohol licence.

14 A permit shall cease to have effect if the permit holder gives to the licensing authority—

- (a) notice of surrender, and
- (b) either—
 - (i) the permit, or
 - (ii) a statement explaining why it is not reasonably practicable to produce the permit.

Variation

15 (1) The holder of a permit may apply to the licensing authority to vary the number or category (or both) of gaming machines authorised by the permit.

(2) Paragraphs 1 to 7 and 21 shall have effect (with any necessary modifications) in relation to an application for variation under this paragraph as they have effect in relation to an application for the issue of a permit.

Cancellation and forfeiture

16 (1) The licensing authority which issued a permit may cancel it, or may vary the number or category (or both) of gaming machines authorised by it, if they think that—

- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
- (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
- (c) the premises are mainly used or to be used for making gaming machines available, or
- (d) an offence under this Act has been committed on the premises.

(2) Before cancelling or varying a permit under this paragraph a licensing authority shall—

- (a) give the permit holder at least 21 days' notice of the authority's intention to consider cancelling or varying the permit,
- (b) consider any representations made by the holder,
- (c) hold a hearing if the holder requests one, and
- (d) comply with any prescribed requirements for the procedure to be followed in considering whether to cancel or vary a permit.

(3) If a licensing authority cancel or vary a permit under this paragraph they shall as soon as is reasonably practicable give notice of the cancellation or variation and the reasons for it to—

- (a) the permit holder, and
- (b) the Commission.

(4) The cancellation or variation of a permit shall not take effect until—

- (a) the period specified in paragraph 21(2)(c) has expired without an appeal being brought, or
- (b) any appeal brought has been determined.

17 (1) The licensing authority which issued a permit shall cancel it if the holder fails to pay the annual fee in accordance with paragraph 9.

(2) But a licensing authority may disapply sub-paragraph (1) if they think that a failure to pay is attributable to administrative error.

18 (1) Where a permit holder, or the officer of a permit holder, is convicted of a relevant offence the court by or before which he is convicted may order forfeiture of the permit.

(2) Forfeiture under this paragraph shall be on such terms (which may include terms as to suspension) as may be specified by—

(a) the court which orders forfeiture,

(b) a court to which an appeal against the conviction, or against any order made on the conviction, has been or could be made, or

(c) the High Court, if hearing proceedings relating to the conviction.

(3) Subject to any express provision made under sub-paragraph (2), a permit shall cease to have effect on the making of a forfeiture order under this paragraph.

(4) The terms on which forfeiture is ordered under this paragraph shall, in particular, include a requirement that the permit holder deliver to the licensing authority within such time as the order may specify—

(a) the permit, or

(b) a statement explaining why it is not reasonably practicable to produce the permit.

(5) As soon as is reasonably practicable after making or suspending an order for forfeiture under this paragraph a court shall notify the licensing authority.

Transfer of permit

19 (1) A person may apply for the transfer of a permit to him if—

(a) he is applying for the transfer of an on-premises alcohol licence to him in accordance with—

(i) section 42 of the Licensing Act 2003 (c. 17) (application for transfer), or

(ii) section 50 of that Act (transfer following death of holder), and

(b) a permit has effect in respect of the same premises.

(2) The provisions of this Schedule shall have effect (with any necessary modifications) in relation to an application for the transfer of a permit as they have effect in relation to an application for the issue of a permit.

(3) A person applying for the transfer of a permit to him must supply with his application—

(a) the permit, or

(b) a statement explaining why it is not reasonably practicable to produce the permit.

(4) A licensing authority may not approve an application for the transfer of a permit under this paragraph unless the transfer of the on-premises alcohol licence is approved under section 45 of the Licensing Act 2003 (determination of application).

(5) Where a licensing authority refuse an application for the transfer of a permit under this paragraph by virtue of sub-paragraph (4), the provisions of paragraph 6(2)(b) shall not apply to the refusal.

20 (1) This paragraph applies where—

(a) the transfer of an on-premises alcohol licence is to be given immediate effect under section 43 of the Licensing Act 2003 (interim effect of transfer application), and

(b) the applicant has also made an application under paragraph 19.

(2) A permit in respect of those premises shall have effect during the application period as if the applicant for the transfer were the permit holder.

(3) In this paragraph "application period" has the same meaning as in section 43 of the Licensing Act 2003.

Appeal

21 (1) The applicant for or holder of a permit may appeal if the licensing authority—

(a) reject an application for a permit,

(b) grant an application for a permit in respect of a smaller number of machines than that specified in the application or a different category of machines from that specified in the application (or both), or

(c) give a notice under paragraph 16.

(2) An appeal under this paragraph must be instituted—

(a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,

(b) by notice of appeal given to the designated officer, and

(c) within the period of 21 days beginning with the day on which the appellant or holder receives notice of the decision against which the appeal is brought.

(3) On an appeal the magistrates' court may—

(a) dismiss the appeal;

(b) substitute for the decision appealed against any decision that the licensing authority could have made (with effect from such date and on such transitional or other terms as the court may specify);

(c) restore a permit (with effect from such date and on such transitional or other terms as the court may specify);

(d) remit the case to the licensing authority to decide in accordance with a direction of the court;

(e) make an order about costs.

(4) Sub-paragraph (1) applies to a decision of a licensing authority following remittal under sub-paragraph (3)(d).

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