

## Bath & North East Somerset Council

MEETING:	Licensing Act 2003 Committee
MEETING DATE:	13 December 2011
TITLE:	Grant of a Premises Licence for a Small Casino in Bath – Stage 2 of the Casino Competition
WARD:	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Exempt Appendix 1 – Joint Venture between Stage 1 applicants at Stage 2	
Annexes A - T Copy correspondence	
Exempt Appendix 2 – Late submission of an application at Stage 2	
Annexes A - U Documents and copy correspondence	
All the above documentation is exempt as it contains information relating to the financial or business affairs of the parties and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
Annexes which refer to the substance of the applications have been redacted in order to preserve confidentiality.	

### 1. THE ISSUE

- 1.1 Bath and North East Somerset Council, as the Licensing Authority, have been granted permission to issue a premises licence for a small casino under The Gambling (Geographical Distribution of Casino Premises Licences) Order 2007 (“the 2007 Order”).
- 1.2 Council has resolved to take the necessary steps to issue the licence within its area pursuant to those Regulations, Part 8 and Schedule 9 of the Gambling Act 2005 (“the Act”) and The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 (“the 2008 Regulations”).
- 1.3 The procedure is based on a two stage competition process under the 2008 Regulations. Stage 1 is a regulatory process under which the Council grants a provisional statement/premises licence to any applicant who meets the licensing objectives contained in section 1 of the Act.
- 1.4 The Council received four applications for provisional statements and all were granted on 7 and 8 June 2011. The applicants were Apollo Resorts and Leisure

Limited (“Apollo”), Global Gaming Ventures Limited (“GGV”) Gala Casinos Limited (“Gala”) and Grosvenor Casinos Limited.

- 1.5 All of the applicants were invited to participate in Stage 2 of the competition on 28 July 2011. Only two applied at Stage 2.

## **2. RECOMMENDATIONS**

- 2.1 The Licensing Committee (“the Committee”) is asked to determine whether both competitors may stay in the competition having taken into account all of the facts and circumstances contained in the correspondence.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 The Committee must award the provisional statement/premises licence to the applicant whose application is likely to result in the greatest benefit to the area. Should one competitor be excluded from the competition, the Council may not be able to obtain the greatest benefit as there will be no competition and it will have to award the provisional statement/premises licence to the other competitor.
- 3.2 It is open to Full Council to make a no casino resolution in which case there would be no competition at all and the Council would not be able to take advantage of the benefits which the successful applicant would have been able to deliver in the District.
- 3.3 If the Committee decide to include or exclude one of the competitors, from the casino competition, it is open to that competitor to challenge this decision by way of Judicial Review. In the alternative, if the Committee do decide to include both competitors in the casino competition, it is open to either competitor to challenge this decision by way of Judicial Review.

## **4. THE REPORT**

- 4.1 Certain functions under the Act are delegated to the Committee including the determination of applications made at Stage 2 of the competition. The Committee must award the provisional statement/premises licence to the applicant whose application is likely to result in the greatest benefit to the area.
- 4.2 Full details of the issues to be discussed regarding Stage 2 of the competition are contained in Exempt Appendices 1 and 2 and their Annexes

## **5. RISK MANAGEMENT**

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## **6. EQUALITIES**

- 6.1 The Council's Equality Policy has been followed in writing this report.

6.2 The Committee will take into account their equality duties in determining this issue.

## 7. CONSULTATION

7.1 No consultation was required for this issue.

## 8. ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Human Rights.

## 9. ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services), Section 151 Officer (Divisional Director - Finance), Divisional Director Environmental Services and Chair of the Licensing Committee have had the opportunity to input into this report and have cleared it for publication.

<b>Contact person</b>	Andrew Jones, Environmental Monitoring and Licensing Manager 01225 477557
<b>Background papers</b>	The Gambling Act 2005 The Gambling (Geographical Distribution of Casino Premises Licences) Order 2007 The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 The Categories of Casino Regulations 2008 Code of Practice - Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos dated 26 February 2008 Guidance to Licensing Authorities issued by the Gambling Commission 3rd Edition dated May 2009 BANES Statement of Principles dated February 2010
<b>Please contact the report author if you need to access this report in an alternative format</b>	