

BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Tuesday, 7th June 2011 and Wednesday, 8th June 2011

Present:- Councillors:- Gabriel Batt, Anthony Clarke, Gerry Curran (Chair) and Douglas Nicol

Also in attendance: Andrew Jones (Environmental Monitoring and Licensing Manager) and Francesca Smith (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Office read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Anthony Clarke substituted for Councillor Gabriel Batt for the hearing of the application by Grosvenor Casinos Ltd (Minute 9).

4 DECLARATIONS OF INTEREST

Cllr Batt declared both a personal and prejudicial interest in the application by Grosvenor Casinos Limited (Minute 9). This is due to the fact that he has a shareholding amounting to at least 1/100th of the total shares in a taxi company whose office on the application site would be removed if the proposal were implemented.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 GAMBLING ACT PROCEDURE

The Chair explained the procedure for the meeting. Copies of the procedure had been made available to members of the public attending the meeting.

7 APPLICATION BY APOLLO RESORTS AND LEISURE LIMITED FOR THE ISSUE OF A PROVISIONAL STATEMENT FOR A PROPOSED SMALL CASINO AT CATTLE MARKET SITE, WALCOT STREET, BATH BA1 5BD

Applicant: Apollo Resorts and Leisure Limited, represented by Mike Nuttall (Managing Director)

Interested Party: John Siddall (not present and not represented)

Mr Nuttall confirmed that he had received and understood the procedure for the hearing.

The Environmental Monitoring and Licensing Manager summarised the application. A representation had been received from an Interested Party in relation to the licensing objective of preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime. The Interested Party had been called away on urgent business and was unable to attend the hearing. The Sub-Committee accepted late documents submitted by the Interested Party and the applicant.

Mr Nuttall stated the case applicant's case and was questioned by Members.

Following an adjournment, the Sub-Committee **RESOLVED** to make a provisional decision to grant the application for a provisional statement and to exclude the default provision as to the hours of operation. The Sub Committee issued a Decision Notice, which is given as Appendix 1 to these Minutes.

8 APPLICATION BY GALA CASINOS LIMITED FOR THE ISSUE OF A PROVISIONAL STATEMENT FOR A PROPOSED SMALL CASINO AT THE CATTLE MARKET SITE, WALCOT STREET, BATH BA1 5BD

Applicant: Gala Casinos Limited, represented by Ewen MacGregor (Group Legal Counsel for the Gala Coral Group)

Interested Party: John Siddall (not present and not represented)

Mr MacGregor confirmed that he had received and understood the procedure for the hearing.

The Environmental Monitoring and Licensing Manger summarised the application. A representation had been received from an Interested Party in relation to the licensing objective of preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime. The Interested Party had been called away on urgent business and was unable to attend the hearing. The Interested Party had submitted a late document, which the Sub-Committee accepted in evidence.

Mr MacGregor stated the applicant's case and was questioned by Members.

Following an adjournment the Sub-Committee **RESOLVED** to make a provisional decision to grant the application for a provisional statement and to exclude the default provision as to the hours of operation. The Sub Committee issued a Decision Notice, which is given as Appendix 2 to these Minutes.

THE MEETING ADJOURNED AT 11.53 AM ON TUESDAY 7TH JUNE 2011 AND RESUMED AT 10.30 AM ON WEDNESDAY 8TH JUNE 2011

9 APPLICATION BY GROSVENOR CASINOS LIMITED FOR THE ISSUE OF A PROVISIONAL STATEMENT FOR A PROPOSED SMALL CASINO AT THE SITE OF THE EXISTING CAR PARK BOUNDED BY MANVERS STREET TO THE

WEST, WALKWAY ADJACENT TO THE POLICE STATION TO THE SOUTH AND SOUTH PARADE TO THE NORTH, BATH

Applicant: Grosvenor Casinos Ltd, represented by Suzanne Davies (Solicitor for the Applicant) and Andrew Cotton (Compliance Manager)

Miss Davies confirmed that she had received and understood the procedure for the hearing.

The Environmental Monitoring and Licensing Manager summarised the application. There had been two representations from Interested Parties relation to the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. Neither of the Interested Parties had been able to attend the hearing.

Miss Davies stated the case for the applicant and was questioned by Members.

Following an adjournment the Sub-Committee **RESOLVED** to make a provisional decision to grant the application for a provisional statement and to exclude the default provision as to the hours of operation. The Sub Committee issued a Decision Notice, which is given as Appendix 3 to these Minutes.

Appendix 1: Decision Notice for Apollo Resorts and Leisure Ltd

Appendix 2: Decision Notice for Gala Casinos Limited

Appendix 3: Decision Notice for Grosvenor Casinos Ltd

The meeting ended at 11.21 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Licensing (Gambling and Licensing) Sub-Committee
7th June 2011

APPLICATION FOR GRANT OF PROVISIONAL STATEMENT FOR
SMALL CASINO
CATTLE MARKET SITE, WALCOT STREET, BATH BA1 5 BD

DECISION

The Sub-Committee has heard an application by Apollo Resorts and Leisure Limited for a provisional statement for a small casino licence at the above address. The hearing today concerned Stage 1 of the application process pursuant to Schedule 9 of the Gambling Act 2005.

The application

The proposed casino will be sited in a seven storey development (including a lower ground floor). The casino would have a principal entrance from Walcot Street at ground level. The casino would be on the first floor. The only access to the casino at first floor level would be via the principal entrance. At the lower ground and ground floor levels there would be commercial units, which may include bars, restaurants and shops. These would be physically and functionally separate from the casino. The entrance to the hotel would be at ground floor level with accommodation sited on floors 2, 3, 4 and 5.

The applicant has also applied to exclude the default condition as to hours of trade, so as to permit trading for 24 hours per day.

The application has received a representation from a local businessman, Mr. Siddall, who has not attended the hearing. His representation is to the effect that groups of young people often gather and walk along Walcot Street at night. They are frequently boisterous and sometimes clearly intoxicated. As a result, from time to time one of his shop windows is broken at night. He is concerned that more bars and late night venues such as a casino will attract more groups of young people (whether or not they choose to, or are old enough to, use those facilities) with a consequent increase in petty crime and public disorder.

Prior to the hearing, the applicant lodged two further documents, a social responsibility policy and a crime and disorder policy. Mr. Siddall lodged one further document, namely notice that the police have recently executed a drugs warrant in the area. These were admitted by the Sub-Committee under regulation 9(4)(b) of the Gambling Act 2005 (Proceedings of Licensing and Sub-Committee) Regulations 2007.

The applicant was represented by Mr. Mike Nuttall, the Managing Director of the Applicant.

He explained that the company had been interested in the site over a long period and had been successful at Stage 1 in five other areas. The company wished to bring a leisure and entertainment destination to the site.

There had been no representations from responsible authorities or other residents.

Mr. Nuttall stated that the car park currently had no security, night time use, active CCTV or supervision. The proposals would create more footfall but it would be a lighter, brighter area, CCTV externally and 24 hour door supervision (if default conditions are removed). He believed that the development would help with Mr. Siddall's concerns. Casinos do not increase crime and disorder. They are carefully monitored establishments, and the applicant would work in partnership with police. Apollo therefore do not believe that the casino would add to crime and disorder.

Councillor Batt asked whether, in accordance with the authority's statement of principles, the applicant had discussed the application with the police. The applicant had not.

The Sub-Committee has considered, in accordance with Schedule 9 paragraph 4 of the Gambling Act 2005 whether it would grant this licence if it had power to grant more than one premises licence for Bath and North East Somerset. The Sub-Committee's jurisdiction in that regard is governed by section 153 of the Gambling Act 2005 which requires the licensing authority to aim to permit the use of premises for gambling in so far as the authority thinks it:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any relevant guidance issued by the Commission;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b));
- (d) in accordance with the authority's gambling licensing policy (subject to (a) – (c)).

In applying that test, the Sub-Committee may not have regard to the expected demand for the proposed facility (s 153)(3)) and nor may it have regard to whether the proposal is likely to be permitted in accordance with planning or building law (s 210). This approach applies both to the principle of the licence sought and to the application to exclude the default condition relating to hours of operation. The Sub-Committee may not have regard to information which is relevant at Stage 2 of the Schedule 9 procedure unless it is also relevant to the determination at Stage 1 (see Regulation 6 of the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and paragraph 4.4 of the Secretary of State's Code of Practice). Furthermore, the Sub-Committee may not at this stage have regard to whether any of the competing applications is more deserving of being granted (Schedule 9 paragraph 4(2)(a) Gambling Act 2005). The Sub-Committee confirms that it has obeyed all of these requirements.

The Sub-Committee has accepted the thrust of Mr. Nuttall's representations in this case. The Sub-Committee sympathises with Mr. Siddall's views, but does not believe that the casino is likely to add to crime and disorder. Rather, the further supervision and monitoring brought by the casino is likely to assist in the prevention of crime and

disorder. Furthermore, it does not believe that it would be in the interests of a hotel or a casino for there to be crime and disorder in their immediate environs, and the Sub-Committee believes that any responsible operation will wish to work to resolve any such issues.

In the circumstances, the Sub-Committee is satisfied that the relevant tests have been met and that it is appropriate to make a provisional decision to grant the application.

For the avoidance of doubt, any eventual licence for these premises will be subject to the statutory conditions included under:

- sections 176(3) of the Gambling Act 2005 (as to compliance with the Commission's Code of Practice as to access for children and young persons);
- section 177 thereof as to the giving of credit;
- section 183, which prohibits the use of the premises for gambling on Christmas Day.

Given that there are competing applications for the small casino licence, this is a provisional decision issued under Schedule 9 paragraph 4(2)(c) of the Gambling Act 2005. If it transpires that other applications are successful at Stage 1, then those applications will join this one at Stage 2 of the competition.

Decision

The Sub-Committee therefore makes a provisional decision to grant the application for a provisional statement and to exclude the default condition as to hours of operation.

7th June 2011

Licensing (Gambling and Licensing) Sub-Committee
7th June 2011

APPLICATION FOR GRANT OF PROVISIONAL STATEMENT FOR
SMALL CASINO
CATTLE MARKET SITE, WALCOT STREET, BATH BA1 5 BD

DECISION

The Sub-Committee has heard an application by Gala Casinos Limited for a provisional statement for a small casino licence at the above address. The hearing today concerned Stage 1 of the application process pursuant to Schedule 9 of the Gambling Act 2005.

The application

The application description is for the ground, mezzanine and lower ground floor (with an entrance from a new piazza off Walcot Street) of a proposed development on land currently known as Walcot Street Cattle Market Car Park.

The applicant has also applied to exclude the default condition as to hours of trade, so as to permit trading for 24 hours per day.

The application has received a representation from a local businessman, Mr. Siddall, who has not attended the hearing. His representation is to the effect that groups of young people often gather and walk along Walcot Street at night. They are frequently boisterous and sometimes clearly intoxicated. As a result, from time to time one of his shop windows is broken at night. He is concerned that more bars and late night venues such as a casino will attract more groups of young people (whether or not they choose to, or are old enough to, use those facilities) with a consequent increase in petty crime and public disorder.

Prior to the hearing, Mr. Siddall lodged a further document, namely notice that the police have recently executed a drugs warrant in the area. This was admitted by the Sub-Committee under regulation 9(4)(b) of the Gambling Act 2005 (Proceedings of Licensing and Sub-Committee) Regulations 2007.

The applicant was represented by Mr. Ewen Macgregor, Group Legal Counsel for the Gala Coral Group.

He explained that the Gala Coral Group is the largest cross-sector gaming organisation in the United Kingdom, with large numbers of bingo clubs, betting offices and casinos. The Group held a certificate of social responsibility from Gamcare, which made the Group subject to unannounced audit at its casinos, and also contributes in excess of £700,000 per annum to help and research on the issue of problem gambling.

The casino would be at lower ground floor, with a proposed conference / concert space above and above that residential accommodation with a roof garden. The

company had filed its operating policies and procedures for its UK casinos with the Council as part of its application.

As for Mr. Siddall's representations, Gala's experience is that casinos are not a burden on the public or private purse in relation to nuisance or crime and disorder, even in its casinos licensed for 24 hours per day. This is because the sale of alcohol is not the primary purpose for a visit to a casino. The spend per head on alcohol in a Gala casino is about £2. Therefore, those departing are not fuelled by large amounts of alcohol. Within the premises there are high levels of CCTV, and the development as a whole will be brighter, lighter and with more security at night than there is at present. Gala's experience is also that casino guests tend to arrive and depart in small groups, as opposed to other leisure venues where large groups may leave together at the terminal hour. Casinos are the most highly regulated and secure leisure environments on the high street. They do not therefore cause anti-social behaviour.

Gala had not previously engaged with public authorities in Bath concerning this application, but should it be granted a licence it would then engage with the police in relation to security for the development as a whole.

Councillor Nicol asked whether alcohol is given away. Mr. Macgregor stated that the figure of £2 included complimentary alcohol service, although that formed only a fraction of the £2 figure.

The Sub-Committee has considered, in accordance with Schedule 9 paragraph 4 of the Gambling Act 2005 whether it would grant this licence if it had power to grant more than one premises licence for Bath and North East Somerset. The Sub-Committee's jurisdiction in that regard is governed by section 153 of the Gambling Act 2005 which requires the licensing authority to aim to permit the use of premises for gambling in so far as the authority thinks it:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any relevant guidance issued by the Commission;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b));
- (d) in accordance with the authority's gambling licensing policy (subject to (a) – (c)).

In applying that test, the Sub-Committee may not have regard to the expected demand for the proposed facility (s 153)(3)) and nor may it have regard to whether the proposal is likely to be permitted in accordance with planning or building law (s 210). This approach applies both to the principle of the licence sought and to the application to exclude the default condition relating to hours of operation. The Sub-Committee may not have regard to information which is relevant at Stage 2 of the Schedule 9 procedure unless it is also relevant to the determination at Stage 1 (see Regulation 6 of the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and paragraph 4.4 of the Secretary of State's Code of Practice). Furthermore, the Sub-Committee may not at this stage have regard to whether any of the competing applications is more deserving of being granted (Schedule 9 paragraph 4(2)(a) Gambling Act 2005). The Sub-Committee confirms that it has obeyed all of these requirements.

The Sub-Committee has accepted the thrust of Mr. Macgregor's representations. The Sub-Committee sympathises with Mr. Siddall's views, but does not believe that the casino is likely to add to crime and disorder. Rather, the further supervision and monitoring brought by the casino is likely to assist in the prevention of crime and disorder. Furthermore, it does not believe that it would be in the interests of a casino for there to be crime and disorder in its immediate environs, and the Sub-Committee believes that any responsible operation will wish to work to resolve any such issues.

In the circumstances, the Sub-Committee is satisfied that the relevant tests have been met and that it is appropriate to make a provisional decision to grant the application.

For the avoidance of doubt, any eventual licence for these premises will be subject to the statutory conditions included under:

- sections 176(3) of the Gambling Act 2005 (as to compliance with the Commission's Code of Practice as to access for children and young persons);
- section 177 thereof as to the giving of credit;
- section 183, which prohibits the use of the premises for gambling on Christmas Day.

Given that there are competing applications for the small casino licence, this is a provisional decision issued under Schedule 9 paragraph 4(2)(c) of the Gambling Act 2005. If it transpires that other applications are successful at Stage 1, then those applications will join this one at Stage 2 of the competition.

Decision

The Sub-Committee therefore makes a provisional decision to grant the application for a provisional statement and to exclude the default condition as to hours of operation.

7th June 2011

Licensing (Gambling and Licensing) Sub-Committee
7th June 2011

APPLICATION FOR GRANT OF PROVISIONAL STATEMENT FOR
SMALL CASINO
SITE OF EXISTING CAR PARK BOUNDED BY MANVERS STREET TO
THE WEST, WALKWAY ADJACENT TO THE POLICE STATION TO THE
SOUTH AND SOUTH PARADE TO THE NORTH, BATH.

DECISION

The Sub-Committee has heard an application by Grosvenor Casinos Limited for a provisional statement for a small casino licence at the above address. The hearing today concerned Stage 1 of the application process pursuant to Schedule 9 of the Gambling Act 2005.

The application

The application description is as follows. "Basement car park with entrance lobby, leading to ground floor, comprising reception and principal entrance to the casino, leading to first floor casino; ground floor also comprises exit and staff entrance on walkway adjacent to police station (with shared exit and deliveries on walkway adjacent to police station and shared exit routes to walkway off South Parade and to South Parade), together with hotel foyer/entrance and proposed retail each operating independently of the applicant company; mezzanine floor comprising staff facilities; proposed independently operated hotel to be constructed on remaining floors up to and including the fourth floor."

The applicant has also applied to exclude the default condition as to hours of trade, so as to permit trading for 24 hours per day.

The application has received representations from Mr. Peter Srubsole and Mrs. P. Jessop, neither of whom have attended the hearing.

Mr. Srubsole's representation states that during the hours of darkness there are vulnerable people wandering on Manvers Street, who have addictions in relation to drugs, alcohol and gambling. He states that the members of the nearby Manvers Street Baptist Church feel strongly that a casino would add to such problems.

Mrs. Jessop states that the area is quiet yet densely populated, which causes her concern since the casino would operate through the night. She also points to places of worship in the area which are visited by vulnerable groups such as children and the elderly and are used for weddings and funerals, and she also notes the proximity of a home for elderly people. Finally, she points to the utility of the site as a car park and suggests that a marina would be a more suitable use.

The applicant was represented by Suzanne Davies, Solicitor for the Applicant, who attended with Andrew Cotton from the Applicant company.

She explained that the applicant was a part of Rank, which also operated bingo and casino premises, together with interactive gambling facilities through its Blue Square brand.

If Grosvenor is granted the licence ultimately, Grosvenor would operate the casino itself. Its aspiration is to develop a G Casino, which offers a mixed entertainment and gambling facility, including sports bar, restaurant, live entertainment area, slots area and poker room together with the usual table gaming facilities. The development is part of a broader development including a hotel and retail uses.

Rank has well-established social responsibility policies which were submitted as part of the application, and which are relevant to the objections which have been made.

As for crime and disorder, Miss Davies stated that casinos are not sources of crime and disorder. She highlighted that the operating licence granted by the Gambling Commission can be reviewed and suspended or revoked should there be insufficient controls over crime and disorder. If that occurs, then no casinos could be operated by the company. Furthermore, there is extensive internal and external supervision and monitoring. A casino therefore tends to reduce rather than increase crime and disorder in the immediate area.

So far as alcohol is concerned, the average spend per head, including complimentary, is about £2 per head. People resort to casinos for gaming, and the consumption of alcohol is ancillary to that.

Regarding protection of the vulnerable, Grosvenor is accredited by Gamcare, and all of the company's policies have been reviewed by Gamcare and are also regularly reviewed by the company. Grosvenor also supports the Great Foundation, which funds research into problem gambling.

Persons under 18 are not allowed into the premises at all, and systems ensure that they are not admitted. There are also self-exclusion procedures, and when persons self-exclude they are excluded across all casinos in the estate. There is no membership requirement in gambling legislation, and many operators run an open door policy. Grosvenor Casinos does not because it takes its responsibilities for protecting the vulnerable very seriously, and has a registration procedure including proof of identity. This results in a photographic card which must then be produced on each further attendance, and enables a company to keep a record of any relevant issues in relation to the customer. Staff training is undertaken to notice key indicators of problem gambling, and interaction with problem gamblers, with literature in the casinos regarding help with problem gambling. Miss Davies referred to a number of other measures in relation to risk assessment, advertising and product development to guard against problem gambling.

Miss Davies clarified that if the licence was granted, the company would liaise with the police on crime prevention measures as the development proceeded.

Councillor Clarke asked how many people had self-excluded through the company's procedures. It was established from Gambling Commission statistics that 6,000 people

had self-excluded through the entire casino industry in 2009/2010. It was reasonable to suppose that Grosvenor's figures were a commensurate proportion of that figure.

The Sub-Committee has considered, in accordance with Schedule 9 paragraph 4 of the Gambling Act 2005 whether it would grant this licence if it had power to grant more than one premises licence for Bath and North East Somerset. The Sub-Committee's jurisdiction in that regard is governed by section 153 of the Gambling Act 2005 which requires the licensing authority to aim to permit the use of premises for gambling in so far as the authority thinks it:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any relevant guidance issued by the Commission;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b));
- (d) in accordance with the authority's gambling licensing policy (subject to (a) – (c)).

In applying that test, the Sub-Committee may not have regard to the expected demand for the proposed facility (s 153(3)) and nor may it have regard to whether the proposal is likely to be permitted in accordance with planning or building law (s 210). This approach applies both to the principle of the licence sought and to the application to exclude the default condition relating to hours of operation. The Sub-Committee may not have regard to information which is relevant at Stage 2 of the Schedule 9 procedure unless it is also relevant to the determination at Stage 1 (see Regulation 6 of the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and paragraph 4.4 of the Secretary of State's Code of Practice). Furthermore, the Sub-Committee may not at this stage have regard to whether any of the competing applications is more deserving of being granted (Schedule 9 paragraph 4(2)(a) Gambling Act 2005). The Sub-Committee confirms that it has obeyed all of these requirements.

The Sub-Committee has accepted Miss Davies' representations.

The Sub-Committee is aware of the residential community near the site. However, it has heard no evidence that crime and disorder is likely to increase as a result of a licence. As for public nuisance, this is not a material consideration under the Gambling Act. However, if Grosvenor is awarded a casino premises licence, it will need also to have a licence for the supply of alcohol under the Licensing Act 2003. Public nuisance is a material consideration under that Act. Therefore, concerns regarding nuisance would be taken into account at that stage.

The Sub-Committee is unable to take into account Mrs. Jessop's views concerning the importance of the car park and its potential as a marina because these are planning matters which lie beyond its remit.

The Sub-Committee sympathises with local residents' views, but does not believe that the casino is likely to add to crime and disorder. Rather, the further supervision and monitoring brought by the casino is likely to assist in the prevention of crime and disorder. Furthermore, it does not believe that it would be in the interests of a casino for there to be crime and disorder in its immediate environs, and the Sub-Committee

believes that any responsible operation will wish to work to resolve any such issues. It is not without note that the premises is next to a police station.

Furthermore, the Sub-Committee was fully satisfied that all issues regarding protection of the vulnerable would be properly handled. The Sub-Committee was particularly impressed with the provision for a full registration procedure.

In the circumstances, the Sub-Committee is satisfied that the relevant tests have been met and that it is appropriate to make a provisional decision to grant the application.

For the avoidance of doubt, any eventual licence for these premises will be subject to the statutory conditions included under:

- sections 176(3) of the Gambling Act 2005 (as to compliance with the Commission's Code of Practice as to access for children and young persons);
- section 177 thereof as to the giving of credit;
- section 183, which prohibits the use of the premises for gambling on Christmas Day.

Given that there are competing applications for the small casino licence, this is a provisional decision issued under Schedule 9 paragraph 4(2)(c) of the Gambling Act 2005. If it transpires that other applications are successful at Stage 1, then those applications will join this one at Stage 2 of the competition.

Decision

The Sub-Committee therefore makes a provisional decision to grant the application for a provisional statement and to exclude the default condition as to hours of operation.

8th June 2011