

Democratic Services

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Date: 8 April 2013

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To: All Members of the Licensing Committee

Councillors: Sarah Bevan (Chair), Gabriel Batt, John Bull, Bryan Chalker, Anthony Clarke, Gerry Curran, Douglas Nicol, June Player, Manda Rigby, Dine Romero, Tim Warren and Chris Watt

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Committee: Tuesday, 16th April, 2013

You are invited to attend a meeting of the **Licensing Committee**, to be held on **Tuesday, 16th April, 2013 at 10.30 am** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely



Sean O'Neill
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Sean O'Neill who is available by telephoning Bath 01225 395090 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Sean O'Neill as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing Committee - Tuesday, 16th April, 2013

at 10.30 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 7.

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

7. MINUTES: 29 JANUARY 2013 (Pages 5 - 10)

8. STAGE 2 CASINO PREMISES LICENCE: APPLICATION BY GLOBAL GAMING VENTURES LTD TO EXTEND THE DURATION OF A PROVISIONAL STATEMENT (Pages 11 - 180)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

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BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Tuesday, 29th January, 2013

Present:- Councillors Gabriel Batt, John Bull, Bryan Chalker, Anthony Clarke, Gerry Curran, Paul Myers (In place of Chris Watt), Douglas Nicol (Chair), June Player, Manda Rigby, Dine Romero and Tim Warren

Also in attendance: Andrew Jones (Environmental Monitoring and Licensing Manager), Sue Dicks (Community Safety Manager) and Francesca Smith (Senior Legal Adviser)

18 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

19 ELECTION OF VICE-CHAIR (IF DESIRED)

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

20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Cllr Chris Watt, for whom Cllr Paul Myers substituted.

21 DECLARATIONS OF INTEREST

Cllr Myers declared a non-pecuniary interest in respect of agenda item 8 by virtue of his membership of Midsomer Norton Town Council, consultee and a resident of Redfield Road, Midsomer Norton.

22 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

23 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

24 MINUTES: 9 OCTOBER 2012

These were approved as a correct record and signed by the Chair.

25 DESIGNATED PUBLIC PLACES ORDER TO CONTROL STREET DRINKING IN MIDSOMER NORTON

Cllr Myers withdrew from the Committee table in accordance with his declaration of interest.

The Community Safety Manager presented the report. She explained this was a local community- and business-led appeal and supported by Midsomer Norton Town Council, to help with the nuisance problems associated with alcohol. The proposal for a Designated Public Places Order (DPPO) was the culmination of a process that had begun with a community safety meeting in Midsomer Norton in September 2011 to discuss alcohol-related anti-social behaviour, crime and disorder. At the suggestion of the Community Safety Manager, a Community Alcohol Partnership (CAP) was established, which was the first in the South West to include adults and young people. The CAP was launched in March 2012 and it soon established over 30 local community action plans to include a night time audit survey to include local church and residents, numerous surveys and consultations, education/training sessions with schools, local businesses and community groups, attending local meetings/events and Pub Watch, which established where the community thought the main problems were located and the area identified in the DPPO reflected this. She explained that a DPPO allowed the police to confiscate alcohol in the designated area if they had a reasonable belief that it was fuelling anti-social behaviour. The law required the erection of signs in the designated area; these had to be vandal-proof and cost approximately £20 each. She showed the information leaflets about the DPPO area that had been prepared.

In discussion Members made the following points

- there were too few police on the beat; there should be no need for Street Marshalls
- there should be a total ban on street drinking in the designated area
- too much hinged on an officer's reasonable belief that a member of the public may be drinking from an open container in a public place, so it would be clearer to say no drinking in this area

It was moved by Cllr Warren and seconded by Cllr Rigby and **RESOLVED** unanimously that the area of Midsomer Norton bounding the High Street, as shown on the attached map labelled 'B' to be designated as an area where the Police and other accredited persons may use the powers granted by sections 12-16 of the Criminal Justice and Police Act 2001.

The Community Safety Manager was requested to report to the Licensing Committee on the effectiveness of the DPPO in six months.

26 CHANGE TO SCHEME OF DELEGATION

The Environmental Monitoring and Licensing Manger presented the report. He explained that a change to the Scheme of Delegation, Environmental Services, was required to ensure a separation between the Council as Responsible Authority under the Licensing Act 2003 and its role as adjudicating authority on Licensing Act 2003 applications, following the coming into force of the Police Reform and Social Responsibility Act 2011.

It was proposed by Cllr Romero and seconded by Cllr Batt and **RESOLVED** unanimously:

That the function to make representations be delegated to Officers of the Council, specifically the Environmental Monitoring and Licensing Manager. In their absence the function should be delegated to a Senior Manager within the Council's Public Protection Service and the Council's Terms of Reference and Table of Delegation Functions for the Licensing Committee be amended to reflect this change.

27 PROPOSED CHANGES TO THE LICENSING COMMITTEE TERMS OF REFERENCE

The Environmental Monitoring and Licensing Manager presented the report. He explained that the proposal was to merge the two current licensing sub-committees, the Licensing (Gambling and Licensing) Sub-Committee and the Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee. He noted that there had been discussion in the past about the appropriate allocation of functions between the two sub-committees.

The Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee met on a fixed day each month, whereas the Licensing (Gambling and Licensing) Sub-Committee met only when representations had been made to an application under the Licensing Act 2003 or Gambling Act 2005. There were statutory deadlines specifying how soon hearings had to be held after the end of the representation period for applications, which might not coincide with a monthly fixed date. In that case an extra meeting would have to be held.

Members made the following points to which the Environmental and Licensing Manager responded:

Would the single sub-committee deal with all licensing applications? All, except applications relating to sex establishments, which the full Licensing Committee had to determine.

With only a single Sub-Committee it could happen that several additional meetings in a month might be required to deal with alcohol licensing. The number of applications coming to the Gambling and Licensing Sub-Committee had declined and meetings had become less frequent. He thought that it was unlikely that additional meetings would be necessary very often.

It might be helpful for the single Sub-Committee to have more than three members. A larger pool of trained members would be helpful. Training would need to be improved to cover all licensing issues and it is proposed to introduce a more formal training programme for Members on the committee.

If the new Sub-Committee still comprised three members, they should be 1 Conservative, 1 Liberal Democrat and 1 Independent or Labour. The Sub-Committee would be subject to the usual proportionality rules.

Members debated these issues and made the following points:

- the Gambling and Licensing Sub-Committee initially met three times a week when licences were being converted after the coming into force of the Licensing Act 2003. Since then there had been a significant decline in the need to hold such meetings
- the new Sub-Committee should be non-political
- the majority Group could concede a place to the Independents
- proportionality had not been observed when substitutes from the same Group had not been available
- the Council could be asked to exempt the Sub-Committee from the proportionality rules
- the workload of a single Sub-Committee and its Chair would be too great
- the decision to have only one Sub-Committee could be reviewed if it proved unworkable
- if the new Sub-Committee had 3 members, there should always be a pool of 5 who could be drawn on to make it easier to arrange a meeting
- some members did not want to sit on a Sub-Committee all the time, but if they were trained they could be substitutes occasionally
- there should be a larger pool of trained members to draw on
- all but two members indicated that they had received training
- the Sub-Committee should have a Vice-Chair

The Environmental Monitoring and Licensing Manager suggested that experience over the past two years made it unlikely that the workload of a single Sub-Committee would be too great. He suggested that with better management that the single sub-committee could deal with all the applications currently being brought before both committees.

After further discussion it was moved by Cllr Romero and seconded by Cllr Chalker and **RESOLVED** by 8 votes to 2

1. That the Terms of Reference for the Licensing Committee be amended to reduce the number of Sub-Committees from two to one.
2. That the changes to the Terms of Reference are introduced from the date of the Council's Annual General Meeting in May 2013.

It was moved by Cllr Romero and seconded by Cllr Clarke and **RESOLVED** that the Sub-Committee should have a Vice-Chair (unpaid).

It was moved by Cllr Curran and seconded by Cllr Romero and **RESOLVED** that all members of the Licensing Committee should receive training in the full range of licensing issues.

The meeting ended at 3.28 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council	
MEETING:	Licensing Committee
MEETING DATE:	16th April 2013
TITLE:	Stage 2 Casino Premises Licence - Application by Global Gaming Ventures Limited to extend the duration of a Provisional Statement
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Annex A: Provisional Statement granted to Global Gaming Ventures and Annexes.</p> <p>Annex B: Schedule 9 Agreement</p> <p>List of attachments which are exempt from the public domain</p> <p>Annex C: Application by Global Gaming Ventures Limited to extend the duration of a Provisional Statement</p> <p>Annex D: Extracts from the final report of the Casino Advisory Panel</p> <p>Annex E: Representations from Global Gaming Ventures Ltd</p> <p>Annex F: Decision of the Licensing Committee dated 9 August 2012 on the application made by Global Gaming Ventures for the grant of a Provisional Statement for a small casino</p> <p>Annex G: Correspondence between B&NES and Global Gaming Ventures Limited regarding the timescales for construction in their Stage 2 bid</p>	

1 THE ISSUE

- 1.1 An application has been made by Jeffrey Green Russell Limited, solicitors acting on behalf of Global Gaming Ventures Limited ("GGV"), to extend the duration of a Provisional Statement granted to GGV by the Licensing Committee on 9 August 2012.

2 RECOMMENDATION

The Licensing Committee is asked to:

- 2.1 Determine whether or not to grant the application in the terms sought or impose an alternative duration to that sought or decide that the duration of the Provisional Statement is not extended.

3 FINANCIAL IMPLICATIONS

- 3.1 Under Schedule 9 (10) (4) of the Gambling Act 2005 (“the 2005 Act”) the Council has the legal responsibility to determine an application to extend the duration of a Provisional Statement granted by the Council. The 2005 Act makes no provision to charge a fee for an application to extend the duration of a Provisional Statement and the Council has no mechanism to make a charge.
- 3.2 The cost of running the competition, granting the licence and associated work was covered by a specific reserve of £300,000 plus £32,000 from the original bid applicants. Circa £8,250 of this remains and will be drawn down as required by Public Protection to cover the cost of providing specialist legal support to the Licensing Committee (“the Committee”) and the committee process and any costs over the earmarked reserve will be met from service revenue budgets.
- 3.3 If the Licensing Committee determine to extend the duration of the Provisional Statement, this will extend the time period for applying for a premises licence and may in turn cause a consequential delay in the application for the licence, the development of the scheme and the benefits provided in the Schedule 9 Agreement dated 16 August 2012 and made between the Council, GGV, Deeley Freed Estates and AS Wollenberg.

4 THE REPORT

- 4.1 The Licensing Authority (“the Authority”), was given permission to grant one small casino premises licence (“the Licence”) in its area on 20 May 2008 under the Gambling (Geographical Distribution of Casino Premises Licences) Order 2008.
- 4.2 The Council resolved to take the necessary steps to issue the Licence within its area pursuant to those Regulations, Part 8 and Schedule 9 of the 2005 Act and The Gambling (Inviting Competing Applications for Large and Small Premises Licences) Regulations 2008.
- 4.3 The application process involved a two stage competition procedure. Stage One is a regulatory stage where, if a licensing authority was able to grant more than one Licence, it would award each successful applicant.
- 4.4 Under Section 204 of the 2005 Act an applicant may apply for a provisional statement in respect of premises that they expect to be constructed or altered or expects to acquire a right to occupy. Once a provisional statement has been granted, an applicant can then apply for a Licence once the relevant criteria have been met.
- 4.5 Four applications, each for a provisional statement, were received and all applications were successful. All four applicants were then invited to apply for Stage 2 of the application process.

- 4.6 Two applications were received at Stage 2 from Apollo Resorts and Leisure Limited and GGV. If there is more than one application at Stage 2, the Authority is required to determine which of the competing applications, if granted the Licence, would be likely to deliver the greatest benefit to the Authority's administrative area.
- 4.7 Under Schedule 9 paragraph 5 (b) of the 2005 Act where a licensing authority does award more than one Licence it may enter into a written agreement with an applicant, whether as to the provision of services in respect of the authority's area or otherwise (a Schedule 9 Agreement)
- 4.8 An independent Evaluation Panel was appointed to assess the bids and draft a report to the Committee with recommendations on which development would deliver the greatest benefit to the Authority's administrative area.
- 4.9 The Committee met on 7 August 2012 to consider the Panel's report, and assess the two bids. The Committee itself conducted an extensive evaluation of each application in accordance with the Council's devised Evaluation Criteria and Scoring Matrix. The Committee's decision and reasons determining which applicant's bid would be likely to result in the greatest benefit to the area of the Authority was agreed by all Members on 9 August 2012.
- 4.10 The Committee resolved on 9 August 2012 to grant a Provisional Statement, with conditions, to GGV.
- 4.11 Under Schedule 9 paragraph 10 (3) of the 2005 Act, an Authority may provide in the provisional statement for it to cease to have effect at the end of a specified period.
- 4.12 The Committee considered the duration of the Provisional Statement to be granted under Schedule 9. Given the state of advancement of the proposal, the Committee considered that it was reasonable to provide that the Provisional Statement shall cease to have effect at the end of 12 months from the decision.
- 4.13 Following the Committee's decision, the duration of the Provisional Statement was imposed as a condition. The Authority sent notification of the Committee's decision and reasons together with statutory notices of Grant and the Provisional Statement itself to GGV on 16 August 2012. The Notice of Grant and Provisional Statement with Annexes issued to GGV is attached at Annex A and a copy of the Schedule 9 Agreement is attached at Annex B.
- 4.14 The Schedule 9 Agreement dated 16 August 2012 provides that various benefits will be triggered once the casino is open and operating and others when Deeley Freed Limited has entered into various contractual obligations. A summary of the benefits are; an allocation of the of gaming yield will be paid to the Council, a guarantee as to the provision of jobs and training, the offer of development opportunities and to work with BANES Public Realm and Strategy Team.
- 4.15 Jeffery Green Russell Limited, Solicitors acting on behalf of GGV, has made a written application to the Council requesting that the duration of the Provisional Statement is extended for an additional 18 months, or such other reasonable period as the Committee may grant. A copy of the letter received from GGV is provided at Annex C.

- 4.16 The Committee resolved on 9 August 2012 that the Provisional Statement would cease to have effect at the end of 12 months, from that date, on the basis that the development was at an advanced state. To remind Members of the material upon which they assessed the bid by GGV and the timescales involved for the delivery of the scheme, that part of the final report of the Casino Advisory Panel relevant to GGV's application is provided at Annex D. The representations made by GGV to the Evaluation Panel's report is provided at Annex E. A copy of the decision made by the Licensing Committee on 9 August 2012 is provided at Annex F. Correspondence between GGV, Deeley Freed and B&NES regarding the duration of the Provisional Statement, post grant, is provided at Annex G. It is understood that the applicant will be providing further submissions to support their request to extend the time of the Provisional Statement, if this information arrives in time then they will be circulated to the committee ahead of the meeting.
- 4.17 The Gambling Act 2005 Schedule 9 paragraph 7(2) (c) provides that a Schedule 9 Agreement may be varied. Therefore, the Committee can consider whether to request an additional financial payment from GGV as a means of showing its commitment in progressing the scheme.
- 4.18 Where an Authority grants or rejects an application to extend the duration of a Provisional Statement the applicant may appeal in the Magistrates' court within a period of 21 days beginning on the day that the applicant receives notice of the decision
- 4.19 On 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
 - c) remit the case to the Authority to decide in accordance with a direction of the court
 - d) make an order about costs
- 4.20 A decision shall have no effect while an appeal could be brought or has been brought and has not yet been finally determined or abandoned but an Authority can decide that the decision may take effect pending the outcome of an appeal.
- 4.21 A party to an appeal in the Magistrates' court may appeal on a point of law to the High Court.

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.

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
The Committee fail to determine the request to extend the duration of the Provisional Statement.	The request is not considered in accordance with the relevant legislation and agreed procedures exposing the Council to the risk of a judicial review and possible claims for compensation.	That officers ensure that the Committee follow the relevant legislation and agreed procedures and give due consideration to the request and come to a decision and provide reasons for their decision.

6 EQUALITIES

6.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

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

7 CONSULTATION

7.1 There is no provision for the making of representations on such an application and therefore 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) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Andrew Jones, Environmental Monitoring and Licensing Manager. Tel: 01225 477557
Background papers	<p>The Gambling Act 2005</p> <p>The Gambling (Geographical Distribution of Casino Premises Licences) Order 2008.</p> <p>The Gambling (Inviting Competing Applications for Large and Small Premises Licences) Regulations 2008</p> <p>Guidance to Licensing Authorities issued by the Gambling Commission dated May 2009.</p> <p>B&NES Statement of Principles dated January 2013</p>
Please contact the report author if you need to access this report in an alternative format	

ANNEX A
PROVISIONAL STATEMENT GRANTED TO GLOBAL GAMING VENTURES AND
ANNEXES

**NOTICE OF GRANT OF AN APPLICATION FOR A
PROVISIONAL STATEMENT**

This notice is issued in accordance with regulations made under section 164(2) of the Gambling Act 2005

Bath and North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

An application for a provisional statement in relation to the following type of premises:

use of the premises for the operation of a small casino

is granted to:

Global Gaming Ventures Limited (formerly Great Eastern Quays Casino Limited)

of the following address:

Millennium Bridge House, 2 Lambeth Hill, London, EC4V 4AJ

the number of whose operating licence is:

000-026991-N-310079-002

The premises or proposed premises to which the application relates are:

Former Saw Close Clinic and Gala Bingo Hall, Saw Close, Bath, BA1 1EY.

The provisional statement number is: 12/03060/GAPROV

If a premises licence for the type of premises specified in the provisional statement were to be issued, the licensing authority would attach the conditions set out in Annex A to this Notice, in exercise of their powers under section 169(1)(a) of the Gambling Act 2005.

The licensing authority did receive representations in relation to the application.

The representations received in relation to the application, together with the licensing authority's response, are set out in Annex B to this Notice.

ANNEX A – CONDITIONS TO BE ATTACHED

Conditions to be attached		Reasons for attaching conditions
1.	The principal entrance to the premises shall be from a street.	Conditions 1 -16 inclusive are mandatory conditions and are attached under the provisions of The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (SI 2007/1409).
2.	No entrance to the premises shall be from premises that are used wholly or mainly by children, by young persons, or by both.	
3.	No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.	
4.	A gap of at least 2 metres shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.	
5.	No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.	
6.	<p>1) The rules of each type of casino game that is available to be played on the premises shall be displayed in a prominent place within both the table gaming area and other gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.</p> <p>2) The condition in sub-paragraph (1) may be satisfied by—</p> <p>(a) displaying a clear and legible sign setting out the rules; or</p> <p>(b) making available to customers leaflets or other written material containing the rules.</p>	

7.	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming table, gaming machine or betting machine in order to do so.	
8.	A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	
9.	<p>1) The premises shall contain a table gaming area, the floor area of which is no less than 500m².</p> <p>2) Subject to sub-paragraph (3) below, in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.</p> <p>3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.</p>	
10.	No gambling shall be permitted in the table gaming area of the premises other than gambling by way of table gaming.	
11.	<p>1) The premises shall contain a non-gambling area which comprises no less than 250m².</p> <p>2) The non-gambling area may consist of one or more areas within the premises.</p> <p>3) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.</p> <p>4) Facilities for gambling shall not be provided in the non-gambling area.</p>	

	<p>5) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (3), shall contain recreational facilities that are available for use by customers on the premises.</p>	
12.	<p>A notice shall be displayed in a prominent place in each part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.</p>	
13.	<p>No more than 40 separate betting positions may be made available for use in relation to betting machines at any time.</p>	
14.	<p>The licensee shall ensure compliance with any relevant Code of Practice issued by The Gambling Commission about access to casino premises for children and young persons.</p>	
15.	<p>The licensee shall not —</p> <p>(1) give credit in connection with gambling authorised by the licence, or</p> <p>(2) participate in, arrange, permit or knowingly facilitate the giving of credit in connection with gambling authorised by the licence</p> <p>(3) the conditions in paragraph 2.1 and 2.2 above shall not prevent the licensee from permitting the installation and use on the premises of a machine enabling cash to be obtained on credit from a person (the “credit provider”) provided that—</p> <p>(a) the licensee has no other commercial connection with the credit provider in relation to gambling,</p>	

	<p>(b) the licensee neither makes nor receives any payment or reward (whether by way of commission, rent or otherwise) in connection with the machine, and</p> <p>(c) any conditions about the nature, location or use of the machine attached by virtue of sections 167, 168 or 169 of the Act are complied with.</p>	
16.	The premises shall not be used to provide facilities for gambling on Christmas Day.	
17.	The Schedule 9 Agreement dated 16 August 2012 annexed hereto shall be complied with.	Condition 17 is imposed under paragraph 7 of Schedule 9 to the Gambling Act 2005.

ANNEX B – REPRESENTATIONS

Representation

Received on 4 March 2011 by email:

The Bath Chronicle article "*Four firms battle it out to build Casino in Bath*" published on 3 March has been brought to my attention. No doubt there will be a full public consultation in due course, but in the interim the article invites comment on aspects such as Crime and Disorder, Fairness and Protection of the Vulnerable. There will be others better placed to comment on aspects associated with crime and disorder, and fairness will be a matter of judgment taking into account the various arguments surrounding the planning application. I write as the Chairman of the Royal National Hospital for Rheumatic Diseases, affectionately known as "The Min" and a landmark in the centre of Bath since 1738. The Hospital, which provides specialist care for a wide range of outpatients and inpatients with long term debilitating conditions, is situated immediately next door to one of the proposed sites identified in the Chronicle article; quote "*The other bidders are Great Eastern Quays Casino, which is targeting the former NHS clinic and the Gala Bingo Hall at Sawclose*". Many of our patients, young and older, are particularly vulnerable, restricted in their movement, and in need of a carefully nurtured, calm environment within which their conditions can be addressed. Any plan to site a Casino immediately next to a National Hospital which has provided specialist care for over two Centuries strikes the Board and the Governors, who represent over 4,000 members of the Trust, as potentially misplaced, misguided and most unlikely to be in the interests of protecting the vulnerable who are placed in our care.

Yours sincerely

Peter Franklyn
Chairman RNHRD

Licensing authority's response

Officer Comments:

It is accepted that Mr Franklyn represents the Royal Mineral Hospital and is therefore an interested party.

However, Mr Franklyn has addressed the objective of protecting vulnerable people but he has not identified or evidenced how patients at the hospital are particularly vulnerable and at risk from gambling.

Paragraph 5.22 of the DCMS guidance states:-

"The Act does not seek to prohibit particular groups of adults from gambling in

the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons', but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs".

Mr Franklyn has not provided any evidence that patients at the hospital fall within the above definition.

Recommendations:

Reject the representation on the grounds that it is not relevant in that it does not provide any evidence of a potential problem and that the comments made will certainly not influence the Authority's determination of the application.

A reply was sent to Mr Franklyn by email on 15 April 2011.

PROVISIONAL STATEMENT

This provisional statement is issued under section 164 of the Gambling Act 2005 (as applied by section 204(2) of that Act) by

Bath and North East Somerset Council

Part 1 – Details of person to whom the provisional statement is issued

This provisional statement is issued to:

Global Gaming Ventures Limited (formerly Great Eastern Quays Casino Limited)

of the following address:

Millenium Bridge House, 2 Lambeth Hill, London, EC4V 4AJ

who holds an operating licence which has been given the following licence number by the Gambling Commission:

000-026991-N-310079-002

Part 2 – Details of the premises or proposed premises in respect of which the provisional statement is issued:

This provisional statement has been issued in respect of the following premises or proposed premises:

Former Saw Close Clinic and Gala Bingo Hall, Saw Close, Bath, BA1 1EY.

Part 3 – Provisional statement details

This provisional statement confirms that the premises or proposed premises mentioned in Part 2 of this statement have in principle been deemed suitable to be licensed for use for the following type of activity:

Use of the premises for the operation of a small casino

This provisional statement is issued on 16 August 2012 and shall cease to have effect at the end of 12 months.

If a premises licence for the type of premises referred to above in this Part were to be issued, the authority would attach the following conditions under section 169(1)(a) of the Gambling Act 2005:

1. The principal entrance to the premises shall be from a street.
2. No entrance to the premises shall be from premises that are used wholly or mainly by children, by young persons, or by both.
3. No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.
4. A gap of at least 2 metres shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.
5. No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.
6. (1) The rules of each type of casino game that is available to be played on the premises shall be displayed in a prominent place within both the table gaming area and other gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.

(2) The condition in sub-paragraph (1) may be satisfied by—
 - (a) displaying a clear and legible sign setting out the rules; or
 - (b) making available to customers leaflets or other written material containing the rules.
7. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming table, gaming machine or betting machine in order to do so.
8. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
9. (1) The premises shall contain a table gaming area, the floor area of which is no less than 500m².

(2) Subject to sub-paragraph (3) below, in determining the floor area of the table gaming area, any number of separate areas within the premises may be taken into account.

- (3) Any separate area that comprises less than 12.5% of the minimum required table gaming area shall not be taken into account in determining the table gaming area.
10. No gambling shall be permitted in the table gaming area of the premises other than gambling by way of table gaming.
11. (1) The premises shall contain a non-gambling area which comprises no less than 250m².
- (2) The non-gambling area may consist of one or more areas within the premises.
- (3) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.
- (4) Facilities for gambling shall not be provided in the non-gambling area.
- (5) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in subparagraph (3), shall contain recreational facilities that are available for use by customers on the premises.
12. A notice shall be displayed in a prominent place in each part of the premises used for providing facilities for betting, setting out the terms on which persons are invited to bet on the premises.
13. No more than 40 separate betting positions may be made available for use in relation to betting machines at any time.
14. The licensee shall ensure compliance with any relevant Code of Practice issued by The Gambling Commission about access to casino premises for children and young persons.
15. The licensee shall not —
- (1) give credit in connection with gambling authorised by the licence, or
- (2) participate in, arrange, permit or knowingly facilitate the giving of credit in connection with gambling authorised by the licence
- (3) the conditions in paragraph 2.1 and 2.2 above shall not prevent the licensee from permitting the installation and use on the premises of a machine enabling cash to be obtained on credit from a person (the "credit provider") provided that—

(a) the licensee has no other commercial connection with the credit provider in relation to gambling,

(b) the licensee neither makes nor receives any payment or reward (whether by way of commission, rent or otherwise) in connection with the machine, and

(c) any conditions about the nature, location or use of the machine attached by virtue of sections 167, 168 or 169 of the Act are complied with.

16. The premises shall not be used to provide facilities for gambling on Christmas Day.

17. The Schedule 9 Agreement dated 16 August 2012 annexed hereto shall be complied with.

Signed on behalf of the issuing licensing authority

A handwritten signature in cursive script that reads "Sue Green". The signature is written in black ink and is positioned above a horizontal dotted line.

ANNEX B
SCHEDULE 9 AGREEMENT

PROPOSED AGREEMENT BETWEEN
BATH AND NORTH EAST SOMERSET COUNCIL

-AND-

GLOBAL GAMING VENTURES LIMITED

-AND-

DEELEY FREED ESTATES LIMITED

-AND-

ANTHONY STEPHEN WOLLENBERG

UNDER SCHEDULE 9 OF THE GAMBLING ACT 2005
RELATING TO THE GRANT OF A CASINO LICENCE PROVISIONAL
STATEMENT

FOR PREMISES AT
FORMER SAW CLOSE CLINIC & GALA BINGO HALL,
SAW CLOSE,
BATH, BA1 1EY

*I hereby certify that this is an
accurate copy of the original.*

M. J. D.

Solicitor

*Bath - North East
Somerset Council*

This Agreement is dated 16 August 2012

PARTIES

- (1) Bath and North East Somerset Council of 9-10 Bath Street, Bath, BA1 1SN ("the Council")
- (2) Global Gaming Ventures Limited of Millennium Bridge House, 2 Lambeth Hill, London, EC4V 4AJ ("the Licensee")
- (3) Deeley Freed Estates Limited, 7 Whiteladies Road, Bristol BS8 1NN ("DF")
- (4) AS Wollenberg of 6 Carlyle Close, London N2 OQU ("The Guarantor")

INTRODUCTION

- (1) The Council is the licensing authority for the purposes of the Gambling Act 2005 for Saw Close, Bath ("the Premises")
- (2) The Licensee has applied for a provisional statement under the said Act for the Premises.
- (3) The Council has determined to grant the Licensee a provisional statement subject to the conditions mentioned therein and to the terms of this Deed.
- (4) The parties have agreed to enter into a legal agreement under Schedule 9 of the said Act in order to secure delivery of the benefits referred to in this Deed.
- (5) The parties acknowledge that the said provisional statement will contain a condition so as to give effect to the Licensee's obligations contained in this Deed.
- (6) This Deed is executed by the Council as the licensing authority pursuant to its powers in Schedule 9 paragraph 5 of the said Act.

1. CONSTRUCTION OF THIS DEED

- 1.1 Where in this Deed reference is made to any clause, paragraph or schedule, such reference is to a clause, paragraph or schedule in this Deed.

- 1.2 Words importing the singular meaning include the plural and vice versa, except where the context requires otherwise.
- 1.3 Words of the masculine gender include other genders, and words denoting persons include corporate persons and associations.
- 1.4 Any reference to an Act of Parliament includes any modification or re-enactment of the same and all instruments or orders of whatever nature made under it or deriving from it.
- 1.5 References to the Licensee shall include successors in title to that party in relation to the operation of the casino.
- 1.6 Reference to DF shall, until practical completion of the development of the Premises by or on behalf of DF as anticipated by this Agreement, include successors in title to DF in relation to the construction of that development.

2. LEGAL BASIS

This Deed is made pursuant to Schedule 9 of the Gambling Act 2005, section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and all other powers enabling such agreement.

3. CONDITIONALITY

This Deed is conditional upon grant of a provisional statement ("the Provisional Statement") for the Premises.

4. BENEFITS

- 4.1 The Licensee covenants to provide the benefits set out in paragraphs 1, 2, 3, 5 and 6 of Schedule 1 from the relevant dates specified in that Schedule.
- 4.2 DF covenants to provide the benefits set out in paragraphs 4, 7, 8, and 9 of Schedule 1 from the relevant dates specified in that Schedule.
- 4.3 In the event that any of the said benefits are not provided at any time following the relevant date specified in the Schedule, the Licensee or DF (as applicable to the particular benefit) covenant to pay the Council the relevant liquidated and ascertained damages set out in Schedule 1. Where the relevant benefit is supplied for only a proportion of the month, the liquidated and ascertained damages for that month shall be reduced proportionately.
- 4.4 The Licensee or DF, as the case may be, acknowledge and agree that the obligation in Clause 4.3 will be without prejudice to any other remedies which the Council has for non-provision of the said benefits, including but not limited to enforcement of the conditions of the provisional statement, a claim in debt or specific performance.

5. TERMINATION OF AGREEMENT

- 5.1 The Licensee's or DF's, as the case may be, covenants herein shall continue unless and until the Provisional Statement is surrendered or terminates for any other reason.
- 5.2 Upon surrender or termination (occurring due to breach by the Licensee) of the Provisional Statement, the Licensee or DF as the case may be shall remain liable for any liabilities accrued under this Deed and/or breach of covenant prior to surrender or termination of the provisional statement and the Council's remedies in respect thereof shall not be affected by such surrender.
- 5.3 For the avoidance of doubt in the event that the grant of a premises licence for a casino follows the grant of the Provisional Statement:
- 5.3.1 the Licensee's or DF's covenants herein shall continue in full force and effect unless and until the premises licence is surrendered or terminates; and
- 5.3.2 all references herein to the Provisional Statement shall be deemed to include reference to a premises licence following the grant of the Provisional Statement.
- 5.4 For the avoidance of doubt, in the event of transfer of the Licence or Provisional Statement, the Licensee's or DF's covenants herein shall (subject to clause 5.2) continue unless and until the Council agrees in writing to cancel this Deed.
- 5.5 In the event of such cancellation, the Licensee shall remain liable for any liabilities accrued under this Deed and/or breach of covenant prior to cancellation and the Council's remedies in respect thereof shall not be affected by such cancellation.

6. WAIVER OF AGREEMENT

No waiver (whether express or implied) by the Council of any breach or default in performing any of the covenants, terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant covenants, terms or conditions or for acting upon any subsequent breach or default.

7. INTEREST AND INDEXATION

- 7.1 Any monetary payments due under this Deed shall carry interest at the rate of 1% above the Bank Rate of the Bank of England from time to time from the date they fell due until the date of payment.
- 7.2 Any fixed monetary payments due under this Deed shall increase on 1st January of each year by an amount equivalent to the increase in

the Retail Price Index issued by the Office for National Statistics on 1st January of the preceding year.

8. MISCELLANEOUS

- 8.1 The Licensee shall pay to the Council on completion of this Deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed. These costs shall be limited to £3500.00
- 8.2 If any clause of this Deed is found to be invalid, illegal or unenforceable, then this shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 8.3 This Deed is governed by and interpreted in accordance with the law of England and Wales.

9. GUARANTEE

For as long as the casino is operational, the Guarantor as primary obligor hereby guarantees the Licensee's obligations to promptly discharge the quarterly payments referred to in the Schedule, provided always that the Guarantor's liability under this clause shall be capped at £100,000. The Guarantor's liability as primary obligor shall not be affected, impaired or discharged by reason of any act, omission, matter or thing which but for this provision might operate to release or otherwise exonerate the Guarantor from his obligations under this Deed.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

SCHEDULE 1

In this Schedule 'Post gaming tax and VAT Gaming Yield' means the gaming win from live table gaming (including automated games), slot machines and sports betting, less applicable gaming duty and VAT.

Benefit	Starting date	Liquidated and ascertained damages: sum payable per calendar month (where applicable).
<p>1. £250,000. One time lump sum payment.</p> <p>This sum is intended for use as determined by BATHNES.</p>	<p>£125,000 on grant of provisional statement, the balance on the opening of the Casino.</p>	<p>Full indemnity</p>
<p>2. 5% of quarterly post gaming tax and VAT Gaming Yield. This sum is intended for use as determined by BATHNES with the proviso that a proportion thereof, at the discretion of BATHNES, is to be used for education and training for BATHNES residents to secure and progress careers in the leisure and entertainment spheres.</p>	<p>£15,000 minimum per calendar month whilst the casino is operational, payable quarterly in arrears and the balancing payment - if payable - within a period of six months from the relevant year end, if the certified payment is greater than £180,000.</p>	<p>Full indemnity.</p>
<p>3. 78 FULL TIME CASINO JOBS. These jobs and casino supply chain will produce total salaries, wages, taxes and benefits of £1,779,000 per annum and goods and services of £1,000,000 per year.</p> <p>Three full time apprenticeships. It is proposed that 70% of total gambling staff jobs will be awarded to BATHNES residents, but for the purposes of compensation, the "agreed target" is 55%</p>	<p>Casino opening.</p>	<p>Licensee to pay compensation to BATHNES in the event that the performance for BATHNES residents in positions of employment within the Casino fall short of the agreed target by more than 10% (a) upon opening and (b) annually thereafter for a maximum total period of 10 years. The compensation will be paid in the event that actual performance is less than 90% of the agreed target (being 55% of the total permanent casino jobs upon opening the casino and the casino's financial year end and each subsequent year for 9</p>

Benefit	Starting date	Liquidated and ascertained damages: sum payable per calendar month (where applicable).
		<p>years). (i) If the shortfall is less than 10%- no compensation; for a shortfall of between 10% and 20%; compensation of £1,750 for each position beyond the 10% expected to be but not filled by a BATHNES resident, subject to a maximum for this shortfall of £7,500 plus, if applicable for a shortfall between 20% and 30%, £1,000 for each position beyond the 20% expected to be but not filled by a BATHNES resident, subject to a maximum for this shortfall of £7,500, plus, if applicable, for a shortfall of more than 30%, £1,000 for each position beyond the 30% expected to be, but not filled by a BATHNES resident, subject to a maximum for this shortfall of £5,000.</p> <p>Noting that (a) the maximum compensation payable for not achieving the BATHNES employment target in the Casino will be capped at £20,000 at each of the 10 specific dates of accounts, i.e. upon opening and the nine subsequent year ends for the Casino, (b) In the event that the Licensee is able to fulfil part or all of any shortfall in its jobs obligations elsewhere within BATHNES, or a neighbouring borough, then the calculation for compensation payable will be adjusted to reflect the net shortfall after accounting for the jobs it has secured for BATHNES residents elsewhere.</p> <p>Licensee to pay compensation to BATHNES in the event that the</p>

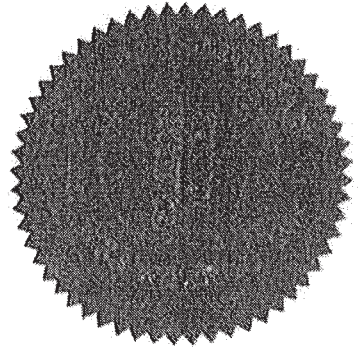
Benefit	Starting date	Liquidated and ascertained damages: sum payable per calendar month (where applicable).
<p>3 (a) In addition to the 3 apprenticeship jobs mentioned in 3. above, an additional 17 job/training opportunities will be provided to BATHNES candidates nominated by The Learning Partnership to at least the level of NVQ Level 2 in the fields of cuisine, hospitality, croupiers and other skills relevant to work in casinos.</p> <p>3 (b) In addition to and as part of 3. and 3 (a) above, GGV/Groupe Partouche will provide interviews for a minimum of 50 candidates who have been nominated by Learning Partnerships as having qualified from the Pre-Employment Training Course. There will be 25 candidates who have qualified under general employability and 25 who have qualified under sector-based employability. In this way and subject to The Learning Partnership nominating 50 candidates at the time prescribed</p>	<p>From Opening of Casino and Over the Following Three Years of Operation.</p> <p>During and just after the period when the casino is being fitted out and opened.</p>	<p>number of BATHNES residents in positions of apprenticeships in the Casino fall short of an agreed target of 3 upon opening and annually thereafter for a maximum all inclusive period of 5 years from the official date of Casino opening. The compensation will be equivalent to £1,000 per annum for each shortfall of an apprentice position and £2,000 for each apprentice position not filled by a BATHNES resident.</p>

Benefit	Starting date	Liquidated and ascertained damages: sum payable per calendar month (where applicable).
<p>above, it is intended that GGV will achieve a target of 30% or more of the total of casino jobs going to suitably qualified BATHNES residents. It should be noted that GGV will not restrict itself to only interviewing BATHNES candidates nominated by Learning Partnerships</p>		
<p>4. 120 CONSTRUCTION JOBS/APPRENTICESHIPS: DF commit to provide that 95% of net new jobs should come from BATHNES residents: all local labour obligations are passed on to sub-contractors and 80% of subcontractors come from within 25 miles.</p>	<p>On commencement of development by or on behalf of DF.</p>	<p>Compensation payable to BATHNES where performance for BATHNES residents in positions of employment fall short of the agreed target by more than 10% in any year. Compensation to apply for the construction period. For a shortfall of less 20% - no compensation, for a shortfall of more than 20% and less than 30% compensation of £1,500 for each position beyond the 20% expected to be but not filled by a BATHNES resident, subject to a maximum for this shortfall of £10,000 plus, if applicable, for a shortfall between 30% and 40%, £1,000 for each position beyond the 30% expected to be, but not filled by a BATHNES resident, subject to a maximum for this shortfall of £10,000. Noting that (a) the maximum compensation payable for not achieving the BATHNES residents employment target during the construction phase will be capped at £20,000. (b) In the event that Deeley Freed are able to fulfil part or all of any shortfall in its jobs obligations elsewhere within BATHNES, or a neighbouring</p>

Benefit	Starting date	Liquidated and ascertained damages: sum payable per calendar month (where applicable).
<p>4 (a) DF commits to providing jobs for a minimum of 10 unemployed BATHNES residents and providing 10 apprenticeships to BATHNES residents to be delivered locally.</p>	<p>On commencement of development by or on behalf of DF.</p>	<p>borough, then the calculation for compensation payable will be adjusted to reflect the net shortfall after accounting for the jobs it has secured for BATHNES residents elsewhere.</p> <p>Regarding the target of 10 apprenticeships to be provided to BATHNES residents during the construction period, DFE commit to pay compensation to BATHNES equivalent to £1,000 for each shortfall of an apprentice position and £2,000 for each apprentice position not filled by a BATHNES resident.</p> <p>For the avoidance of doubt it is confirmed that these compensation payments are one off payments and are not payable monthly.</p>
<p>5. Full time training courses for casino employees</p>	<p>On recruitment following grant of Provisional Statement.</p>	
<p>6. Full time Gambling Addiction Program as per attached policies.</p>	<p>Casino opening</p>	
<p>7. DF to first offer their development supply chain opportunities to local BATHNES businesses, including social enterprises and not for profit sector.</p>	<p>On-going from DF exchanging contract with BATHNES for the acquisition of the property.</p>	
<p>8. DF commits to use all reasonable endeavours to obtain the necessary planning consents for and to use all reasonable endeavours to procure a hotel operator for the scheme who agrees to provide a 4 star boutique hotel with a minimum of 65 rooms.</p>	<p>On-going from DF exchanging contract with BATHNES for the acquisition of the property.</p>	

Benefit	Starting date	Liquidated and ascertained damages: sum payable per calendar month (where applicable).
This is expected to provide 35 jobs with annual wages of £700,000		
9. DF to commit to work with the BATHNES Public Realm and Movement Strategy team, working towards consolidating and extending the East West Leisure Axis identified in BATHNES report to the Casino Advisory Panel of 2006.	On-going from DF exchanging contract with BATHNES for the acquisition of the property.	

THE COMMON SEAL OF
BATH AND NORTH EAST SOMERSET COUNCIL
was affixed in the presence of



[Handwritten signature]
Authorised signatory:

EXECUTED AS A DEED by
GLOBAL GAMING VENTURES LIMITED

AS witness
.....
Authorised signatory

In the presence of :

Witness signature *R. Amsterdam*

Witness name *RAI AMSTERDAM*

Witness address *82 High Street, Station Rd, London, NW4 3ST*

EXECUTED AS A DEED BY
ANTHONY STEPHEN WOLLENBERG

AS witness
.....

In the presence of :

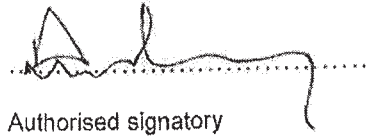
Witness signature *R. Amsterdam*

Witness name *RAI AMSTERDAM*

Witness address *82 High Street, Station Rd, London, NW4 3ST.*

In the presence of:

EXECUTED AS A DEED by
DEELEY FREED ESTATES LIMITED


Authorised signatory

In the presence of :

Witness signature



Witness name

NICOLA GOULD

Witness address

56 HAMPDEN CLOSE, YATE, BRISTOL, BS37 5UP.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: 404/13

Decision Maker:

Date: 16th April 2013

Author: Andrew Jones

Report/Appendix:

Stage 2 Casino Premises Licence - Application by Global Gaming Ventures Limited to extend the duration of a Provisional Statement

Appendix A – Provisional Statement granted to Global Gaming Ventures and Annexes.

Appendix B – Schedule 9 Agreement

Exempt Appendix C - Application for an extension of Provisional Statement by Global Gaming Ventures Ltd.

Exempt Appendix D - Extracts from final report of the Casino Advisory panel

Exempt Appendix E - Representations from Global Gaming Ventures Ltd

Exempt Appendix F - Decision by Licensing Committee concerning application for grant of a Provisional Statement for a small casino.

Exempt Appendix G – Correspondence between B&NES and Global Gaming Ventures Ltd regarding timescale for Provisional Statement.

Annexes C - G to the Report contain exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

- 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in

disclosure at this time. It is therefore recommended that the Panel resolve to exclude the public, should they wish to discuss the appendices to the report. The paragraphs below set out the relevant public interest issues in this case.

Public Interest Test

If a Decision Maker wishes to consider a Report / Appendix relating to a Decision in private, they must be satisfied on two matters.

Firstly, they must be satisfied that the information contained within the Report / Appendix falls within one of the accepted categories of exempt information under the Local Government Act 1972.

Paragraph 3 of the revised Schedule 12A of the 1972 Act exempts information which relates to the financial or business affairs of any particular person (including the authority holding that information). There is information set out in Appendices C-G which relates to the financial and business affairs of Global Gaming Ventures Limited. The Council's Information Compliance Manager has confirmed that this information falls within the exemption under paragraph 3.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds.

Factors for disclosure:

Disclosure would:

- Further public understanding of the issues concerned.
- Promote accountability and transparency by the Council for the decisions it takes.
- Allow individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.
- Promote accountability and transparency in the spending of public money.
- Further public participation in the public debate of issues.

Factors for withholding:

The Appendices C-G contain commercial information detailing the applicants bid for a casino premises licence. The bid was part of a competition for the licence and the Annexes include sensitive commercial information which if made available would prejudice the commercial interests of the parties involved and would provide competitors with an unfair advantage.

Reasons why the public interest favours withholding the information:

The Council considers that the public interest has been served by the fact that a significant amount of information has been made available on these issues – by way of the main report.

It is considered that disclosure of sensitive commercial information would prejudice the commercial interests of the applicant. Disclosure of this information would provide competitors with an unfair advantage.

It is important for public authorities to have some measure of 'private thinking space', and that they are able to share important information with Members tasked with representing the local community.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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