

**Access to Information Arrangements**

**Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-12-010

Meeting / Decision: Licensing Act 2003 Committee

Date: 7 & 8 August 2012

Author: Janice D'Costa  
Andrew Jones

Report Title: To Consider and Determine Applications Under Stage Two of the Casino Competition for the Issue of a Provisional Statement for a Small Casino in Bath

Exempt Appendix Title:

Annex G: Proposed Schedule 9 agreement between the Council and Apollo Resorts and Leisure Limited and Gala Casinos Limited

Annex H: Proposed Schedule 9 agreement between the Council and Global Gaming Ventures and others

Annex I: Final Report of the Casino Advisory Panel

Annex J: Representations made from Apollo Resorts and Leisure Limited

Annex K: Representations made from Global Gaming Ventures

The Report contains 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 Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

## PUBLIC INTEREST TEST

Factors for withholding:

- Regulation 8 (2)(b) of the Gambling Act 2005 (Proceedings of Licensing Committees & Sub-Committees) (Premises Licences & Provisional Statements) (England & Wales) Regulations 2007, states that part or all of the hearing can take place in private where there is a need to protect as far as possible, the commercial or other legitimate interests of a party.
- The Council considers that the information contained within the exempt appendices relates to the financial and business affairs of the parties who have submitted applications for Stage 2 of the competition and that release of this information would be likely to prejudice the commercial interests of these parties.

Factors for disclosure:

- Further public understanding of the issues concerned.
- Promote 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.

Reasons why the public interest favours non-disclosure:

- The exempt appendix contains the observations and opinions of an external consultant. It also contains information that would likely prejudice the commercial interests of the parties.
- It would not be in the public interest if advisors and officers could not express in confidence opinions which are held in good faith and on the basis of the best information available.
- It is important that the Committee should be able to retain some degree of private thinking space while decisions are being made, in order to discuss openly and frankly the issues under discussion and that they are able to share important information with Elected Members tasked with representing the local community.

- The Council considers that the public interest has been served by the fact that a significant amount of information about the process and nature of the issues has been made available on these issues – by way of the main report and open appendices.