

ANNEX K

**Comments from Council Services regarding Global Gaming Ventures
request to extend the duration of the period of their Provisional
Statement.**

Property Services

When Saw close was selected as the Casino site the comprehensive development of the area, of which the Casino forms part was at a relatively early stage. Therefore a lot of stages have had (or still need to be) completed prior to physical work starting.

As well as the obvious planning consent etc. the developer had to find other suitable occupiers (now hotel and restaurants) as the Casino itself is not big enough.

Until the other occupiers had been found the detailed design of how the various users space would fit together could not begin and of course the planning application could not proceed.

In the present economic climate and over the last few years development funding has been difficult to obtain. The Sawclose developer has now arranged funding. This funding of course could not be arranged until the tenants were identified and the fund knew "what it was buying".

As a scheduled ancient monument a detailed archaeological dig had to be carried out on the site before the detailed design could be drawn up.

The bingo club currently on the site is subject to an existing lease to the operator. Terms for terminating this lease had to be agreed.

The developer had to negotiate terms with Property Services for the development, but these negotiations could only be concluded (there are still outstanding matters) once the details of the occupiers and the design were known and the cost on construction estimated.

There is concern that the confirming of all the legal contracts and particularly the funding may collapse if there is no certainty that the project can proceed subject only to planning (subject to planning conditions are normal in property transactions, but anything else adding uncertainty could unravel the scheme). If the funder or even the operator were to walk away not only would the Bath Casino project be seriously delayed but until an alternative occupier for the casino space was found there would be no development of Saw close. In fact it could be worse as the delay may cause the other occupiers to pull out.

In terms of the Saw close development it is worth remembering that the Council does not own all the land and so in the event if the present project collapsing the Council would not be free to simply promote some other alternative scheme with another developer.

Economic Development

We should avoid a situation where GGV keep having to come back for extensions of their Provisional Statement: this process is time consuming, costly for the Council and the applicant and unsettling for GGV and the developer. If it leads to GGV pulling out this will have serious consequences.

We advised on the initial award of the Provisional Statement to GGV that the 12 month limit was too tight given the complicated nature of the development (WHS / listed buildings / archaeology / heritage) and we also advised that the subsequent 6 month extension was too short. We MUST be realistic this time

To convert the Provisional Statement to a Premises Licence GGV need a "right to occupy". The letter from solicitors acting for GGV indicates that this would be triggered by the completion of an "Agreement for Lease" (AFL) which in turn would require a valid planning consent for the whole development.

The master programme prepared by Deeley Freed indicates that they are hoping to achieve an unconditional planning consent (linked to a completed section 106 agreement) by the end of June 2014 which would then allow an AFL to be completed. Andrew Maltby from Deely Freed has confirmed this but cautioned that there could well be delays because of the complicated planning process. GGV's solicitors have indicated that time will be required to finalise the AFL and subsequently prepare the Premises Licence application and there will then be a lead in time for the Licensing Committee report and hearing: so potential timetables could be :

- July '14 unconditional planning – September '14 AFL – November '14 Licensing Committee
OR
- September '14 unconditional planning – November '14 AFL – January '15 Licensing Committee

From the above timetables a 12 month extension to February 2015 does not seem unreasonable however I would suggest that, prior to the Licensing Hearing on the 14th November we should open a dialogue with Deeley Freed and GGV based on a shared internal view of what is a reasonable timetable.

Development Control

The application is valid and currently being considered. We have entered into a Planning Performance Agreement, this agreement confirms that the application should be considered at the Development Control Committee on the 12th February 2014 and the decision issued by 12th March 2014.

Following this, a number of planning conditions will need to be cleared prior to the commencement of the development, this process should be completed by the beginning of July 2014. This is provided the required details are submitted in a timely fashion.