

**Access to Information Arrangements**

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

Information Compliance Ref: LGA-1441-13

Meeting / Decision: Licensing Committee

Date: 14 November 2013

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Report/Appendix:

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

**List of attachments to this report:**

Annex A: Provisional Statement granted to Global Gaming Ventures and Annexes.

Annex B: Schedule 9 Agreement

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

**List of attachments which are exempt from the public domain**

Annex C: Application by Global Gaming Ventures Limited to extend the duration of the Provisional Statement ; dated 26 February 2013

Annex D: Extracts from the final report of the Casino Advisory Panel

Annex E: Representations from Global Gaming Ventures Ltd

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

Annex G: Correspondence between B&NES and Global Gaming Ventures Limited regarding the timescales for construction in their Stage 2 bid

Annex H: Decision of the Licensing Committee dated 16 April 2013 on the application made by Global Gaming Ventures to extend the period of the duration of the Provisional Statement.

Annex I: Application by Global Gaming Ventures to extend the duration of the Provisional Statement; dated 4 October 2013

Annex J: Documents supporting Global Gaming Ventures application to extend the duration of the Provisional Statement from Deeley Freed and Fladgate.

Annex L: Update on the progress of the development provided by Deeley Freed (5<sup>th</sup> November 2013).

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 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 the Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed 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 the organisations which is commercially sensitive to the organisations. The officer responsible for this item believes that this information falls within the exemption under paragraph 3 and this has been confirmed by the Council's Information Compliance Manager.

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:

- 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 Exempt Annexes contain detailed commercial information detailing the applicants bid for a casino premises licence. The bid was part of a competition for the licence and the Exempt Annexes include sensitive commercial information which if made available would likely prejudice the commercial interests of the parties involved.
- Some of the exempt appendices contain the opinions of Council officers and an external consultant. 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.

Reasons why the public interest favours withholding the information:

- It is considered that disclosure of detailed sensitive commercial information would prejudice the commercial interests of the parties involved.
- 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 has been made available on these issues – by way of the main report.