

Bath & North East Somerset Council		
MEETING:	Licensing Committee	
MEETING DATE:	11 January 2018	
TITLE:	Saw Close Casino Limited- variation to Schedule 9 agreement under the Gambling Act 2005	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1- existing Schedule 9 agreement		
Appendix 2- proposed variations to Schedule 9 agreement		

1 THE ISSUE

- 1.1 A small casino licence was awarded by the Council in 2012 for the operation of a casino at Saw Close in Bath. At this time a Schedule 9 agreement under the Gambling Act 2005 was drawn up which listed conditions which should be fulfilled by the casino operator prior to, and upon opening of the casino. In view of the time period which has elapsed since the confirmation of the agreement, there is a need to provide clarification to ensure that the agreement remains workable and relevant for both the Council and casino operator.

2 RECOMMENDATION

- 2.1 That the Committee consider and agree the amendments to the Schedule 9 agreement contained in Appendix 2.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are a number of conditions in the agreement which relate to both financial and employment benefits which must be delivered by the casino operator. In making amendments to these conditions, there are no financial implications for the Council, apart from a recommendation to waive the fine identified in Para 3, Schedule 1 of the existing agreement in circumstances where reasonable endeavours have been made by the casino operator to recruit suitably qualified, local staff.
- 3.2 There have been no budget forecasts predicated on receiving income from the collection of any fine and there is no impact on current revenue budgets.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Schedule 9 agreement has been drawn up under paragraph 5(3)(b) of Schedule 9 Gambling Act 2005 and is attached to the small casino licence on transfer in accordance with section 188(5)(c) of the Gambling Act 2005.
- 4.2 Officers do not have the delegated authority to vary the agreement which was determined by the Licensing Committee in 2012. Therefore, it follows that any variation must receive Committee approval, not only in terms of Council procedure but also as a matter of courtesy to the current Licensing Committee.

5 THE REPORT

- 5.1 The Council, Global Gaming Venture (Group) Limited (GGV), Deeley Freed Estates Limited and Mr Anthony Wollenberg entered into an agreement under Schedule 9 of the Gambling Act 2005 relating to the grant of a small casino licence provisional statement for the premises at Saw Close, Bath on 16 August 2012.
- 5.2 Saw Close Casino Limited was created at the time to operate the casino.
- 5.3 On 20 June 2017 Century Casinos Europe GmbH purchased the entire issued share capital of Saw Close Casino Limited and the Council has agreed that the rights, obligations and liabilities under the Schedule 9 agreement may be novated to Saw Close Casino Limited. On the novation taking place, the casino licence will be transferred to Saw Close Casino Limited and compliance with the Schedule 9 agreement will be made a condition of this licence.
- 5.4 The original Schedule 9 agreement is shown in Appendix 1 and there is a need to provide some clarification to the conditions outlined in Schedule 1 to the agreement which relate to the provision of employment opportunities. This is to ensure that both the Council and casino operator have clarity over the conditions which must be achieved. The proposed amendments are shown in Appendix 2.
- 5.5 In addition to these amendments, there is a recommendation concerning the applicable fine outlined in Para 3 of Schedule 1 because of changes in the local job market since 2012 and the difficulties that the casino operator may face in recruiting suitably qualified staff. It is recommended that the following is inserted into the revised agreement:

“If staff cannot be sourced from Bath & North East Somerset despite the reasonable endeavours of Saw Close Casino Ltd due to labour market conditions outside of their control, then the fine will be waived. This will be determined on an annual basis.

The B&NES Licencing Committee will determine whether reasonable endeavours by the casino operator have been made, based on but not limited to the following:

- *Recruitment and marketing campaigns targeting B&NES residents*
- *Partnership working with B&NES Council to access potential employees, for example through links to training providers, employment support organisations and other employers of similar roles to share part-time staff*

- *Terms and conditions of employment*
- *Salary/wages offered*
- *Knowledge of local labour market conditions as assessed by the Council's Employment & Skills team based on knowledge of the experience of other local employers of similar roles".*

6 RATIONALE

6.1 Clear and full understanding of the requirements of the Schedule 9 agreement is necessary for the successful operation of the casino and to ensure that employment opportunities for B&NES residents are secured. The proposed amendments will ensure that the agreement is future proofed and remains relevant so that the operator can achieve compliance with the licence condition.

7 OTHER OPTIONS CONSIDERED

7.1 There are no other options available to ensure that the casino operator can effectively comply with the Schedule 9 agreement and therefore, licence condition.

8 CONSULTATION

8.1 Consultation has been carried out with representatives of the casino operator and officers from B&NES Economic Regeneration. The proposed amendments have been jointly agreed between both parties.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Head of Legal & Democratic Services and Council Solicitor), section 151 Officer (Divisional Director-Business Support) and the Group Manager Public Protection & Health Improvement have had the opportunity to input to this report and have cleared it for publication.

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Background papers	Licensing Committee papers from Licensing Committee held on 7 August 2012
Please contact the report author if you need to access this report in an alternative format	