

Licensing (Gambling and Licensing) Sub-Committee
7th June 2011

APPLICATION FOR GRANT OF PROVISIONAL STATEMENT FOR
SMALL CASINO
SITE OF EXISTING CAR PARK BOUNDED BY MANVERS STREET TO
THE WEST, WALKWAY ADJACENT TO THE POLICE STATION TO THE
SOUTH AND SOUTH PARADE TO THE NORTH, BATH.

DECISION

The Sub-Committee has heard an application by Grosvenor Casinos Limited for a provisional statement for a small casino licence at the above address. The hearing today concerned Stage 1 of the application process pursuant to Schedule 9 of the Gambling Act 2005.

The application

The application description is as follows. "Basement car park with entrance lobby, leading to ground floor, comprising reception and principal entrance to the casino, leading to first floor casino; ground floor also comprises exit and staff entrance on walkway adjacent to police station (with shared exit and deliveries on walkway adjacent to police station and shared exit routes to walkway off South Parade and to South Parade), together with hotel foyer/entrance and proposed retail each operating independently of the applicant company; mezzanine floor comprising staff facilities; proposed independently operated hotel to be constructed on remaining floors up to and including the fourth floor."

The applicant has also applied to exclude the default condition as to hours of trade, so as to permit trading for 24 hours per day.

The application has received representations from Mr. Peter Srubsole and Mrs. P. Jessop, neither of whom have attended the hearing.

Mr. Srubsole's representation states that during the hours of darkness there are vulnerable people wandering on Manvers Street, who have addictions in relation to drugs, alcohol and gambling. He states that the members of the nearby Manvers Street Baptist Church feel strongly that a casino would add to such problems.

Mrs. Jessop states that the area is quiet yet densely populated, which causes her concern since the casino would operate through the night. She also points to places of worship in the area which are visited by vulnerable groups such as children and the elderly and are used for weddings and funerals, and she also notes the proximity of a home for elderly people. Finally, she points to the utility of the site as a car park and suggests that a marina would be a more suitable use.

The applicant was represented by Suzanne Davies, Solicitor for the Applicant, who attended with Andrew Cotton from the Applicant company.

She explained that the applicant was a part of Rank, which also operated bingo and casino premises, together with interactive gambling facilities through its Blue Square brand.

If Grosvenor is granted the licence ultimately, Grosvenor would operate the casino itself. Its aspiration is to develop a G Casino, which offers a mixed entertainment and gambling facility, including sports bar, restaurant, live entertainment area, slots area and poker room together with the usual table gaming facilities. The development is part of a broader development including a hotel and retail uses.

Rank has well-established social responsibility policies which were submitted as part of the application, and which are relevant to the objections which have been made.

As for crime and disorder, Miss Davies stated that casinos are not sources of crime and disorder. She highlighted that the operating licence granted by the Gambling Commission can be reviewed and suspended or revoked should there be insufficient controls over crime and disorder. If that occurs, then no casinos could be operated by the company. Furthermore, there is extensive internal and external supervision and monitoring. A casino therefore tends to reduce rather than increase crime and disorder in the immediate area.

So far as alcohol is concerned, the average spend per head, including complimentary, is about £2 per head. People resort to casinos for gaming, and the consumption of alcohol is ancillary to that.

Regarding protection of the vulnerable, Grosvenor is accredited by Gamcare, and all of the company's policies have been reviewed by Gamcare and are also regularly reviewed by the company. Grosvenor also supports the Great Foundation, which funds research into problem gambling.

Persons under 18 are not allowed into the premises at all, and systems ensure that they are not admitted. There are also self-exclusion procedures, and when persons self-exclude they are excluded across all casinos in the estate. There is no membership requirement in gambling legislation, and many operators run an open door policy. Grosvenor Casinos does not because it takes its responsibilities for protecting the vulnerable very seriously, and has a registration procedure including proof of identity. This results in a photographic card which must then be produced on each further attendance, and enables a company to keep a record of any relevant issues in relation to the customer. Staff training is undertaken to notice key indicators of problem gambling, and interaction with problem gamblers, with literature in the casinos regarding help with problem gambling. Miss Davies referred to a number of other measures in relation to risk assessment, advertising and product development to guard against problem gambling.

Miss Davies clarified that if the licence was granted, the company would liaise with the police on crime prevention measures as the development proceeded.

Councillor Clarke asked how many people had self-excluded through the company's procedures. It was established from Gambling Commission statistics that 6,000 people

had self-excluded through the entire casino industry in 2009/2010. It was reasonable to suppose that Grosvenor's figures were a commensurate proportion of that figure.

The Sub-Committee has considered, in accordance with Schedule 9 paragraph 4 of the Gambling Act 2005 whether it would grant this licence if it had power to grant more than one premises licence for Bath and North East Somerset. The Sub-Committee's jurisdiction in that regard is governed by section 153 of the Gambling Act 2005 which requires the licensing authority to aim to permit the use of premises for gambling in so far as the authority thinks it:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any relevant guidance issued by the Commission;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b));
- (d) in accordance with the authority's gambling licensing policy (subject to (a) – (c)).

In applying that test, the Sub-Committee may not have regard to the expected demand for the proposed facility (s 153(3)) and nor may it have regard to whether the proposal is likely to be permitted in accordance with planning or building law (s 210). This approach applies both to the principle of the licence sought and to the application to exclude the default condition relating to hours of operation. The Sub-Committee may not have regard to information which is relevant at Stage 2 of the Schedule 9 procedure unless it is also relevant to the determination at Stage 1 (see Regulation 6 of the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and paragraph 4.4 of the Secretary of State's Code of Practice). Furthermore, the Sub-Committee may not at this stage have regard to whether any of the competing applications is more deserving of being granted (Schedule 9 paragraph 4(2)(a) Gambling Act 2005). The Sub-Committee confirms that it has obeyed all of these requirements.

The Sub-Committee has accepted Miss Davies' representations.

The Sub-Committee is aware of the residential community near the site. However, it has heard no evidence that crime and disorder is likely to increase as a result of a licence. As for public nuisance, this is not a material consideration under the Gambling Act. However, if Grosvenor is awarded a casino premises licence, it will need also to have a licence for the supply of alcohol under the Licensing Act 2003. Public nuisance is a material consideration under that Act. Therefore, concerns regarding nuisance would be taken into account at that stage.

The Sub-Committee is unable to take into account Mrs. Jessop's views concerning the importance of the car park and its potential as a marina because these are planning matters which lie beyond its remit.

The Sub-Committee sympathises with local residents' views, but does not believe that the casino is likely to add to crime and disorder. Rather, the further supervision and monitoring brought by the casino is likely to assist in the prevention of crime and disorder. Furthermore, it does not believe that it would be in the interests of a casino for there to be crime and disorder in its immediate environs, and the Sub-Committee

believes that any responsible operation will wish to work to resolve any such issues. It is not without note that the premises is next to a police station.

Furthermore, the Sub-Committee was fully satisfied that all issues regarding protection of the vulnerable would be properly handled. The Sub-Committee was particularly impressed with the provision for a full registration procedure.

In the circumstances, the Sub-Committee is satisfied that the relevant tests have been met and that it is appropriate to make a provisional decision to grant the application.

For the avoidance of doubt, any eventual licence for these premises will be subject to the statutory conditions included under:

- sections 176(3) of the Gambling Act 2005 (as to compliance with the Commission's Code of Practice as to access for children and young persons);
- section 177 thereof as to the giving of credit;
- section 183, which prohibits the use of the premises for gambling on Christmas Day.

Given that there are competing applications for the small casino licence, this is a provisional decision issued under Schedule 9 paragraph 4(2)(c) of the Gambling Act 2005. If it transpires that other applications are successful at Stage 1, then those applications will join this one at Stage 2 of the competition.

Decision

The Sub-Committee therefore makes a provisional decision to grant the application for a provisional statement and to exclude the default condition as to hours of operation.

8th June 2011