

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

APPLICATION FOR GRANT OF PROVISIONAL STATEMENT FOR
SMALL CASINO
CATTLE MARKET SITE, WALCOT STREET, BATH BA1 5 BD

DECISION

The Sub-Committee has heard an application by Gala 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 for the ground, mezzanine and lower ground floor (with an entrance from a new piazza off Walcot Street) of a proposed development on land currently known as Walcot Street Cattle Market Car Park.

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 a representation from a local businessman, Mr. Siddall, who has not attended the hearing. His representation is to the effect that groups of young people often gather and walk along Walcot Street at night. They are frequently boisterous and sometimes clearly intoxicated. As a result, from time to time one of his shop windows is broken at night. He is concerned that more bars and late night venues such as a casino will attract more groups of young people (whether or not they choose to, or are old enough to, use those facilities) with a consequent increase in petty crime and public disorder.

Prior to the hearing, Mr. Siddall lodged a further document, namely notice that the police have recently executed a drugs warrant in the area. This was admitted by the Sub-Committee under regulation 9(4)(b) of the Gambling Act 2005 (Proceedings of Licensing and Sub-Committee) Regulations 2007.

The applicant was represented by Mr. Ewen Macgregor, Group Legal Counsel for the Gala Coral Group.

He explained that the Gala Coral Group is the largest cross-sector gaming organisation in the United Kingdom, with large numbers of bingo clubs, betting offices and casinos. The Group held a certificate of social responsibility from Gamcare, which made the Group subject to unannounced audit at its casinos, and also contributes in excess of £700,000 per annum to help and research on the issue of problem gambling.

The casino would be at lower ground floor, with a proposed conference / concert space above and above that residential accommodation with a roof garden. The

company had filed its operating policies and procedures for its UK casinos with the Council as part of its application.

As for Mr. Siddall's representations, Gala's experience is that casinos are not a burden on the public or private purse in relation to nuisance or crime and disorder, even in its casinos licensed for 24 hours per day. This is because the sale of alcohol is not the primary purpose for a visit to a casino. The spend per head on alcohol in a Gala casino is about £2. Therefore, those departing are not fuelled by large amounts of alcohol. Within the premises there are high levels of CCTV, and the development as a whole will be brighter, lighter and with more security at night than there is at present. Gala's experience is also that casino guests tend to arrive and depart in small groups, as opposed to other leisure venues where large groups may leave together at the terminal hour. Casinos are the most highly regulated and secure leisure environments on the high street. They do not therefore cause anti-social behaviour.

Gala had not previously engaged with public authorities in Bath concerning this application, but should it be granted a licence it would then engage with the police in relation to security for the development as a whole.

Councillor Nicol asked whether alcohol is given away. Mr. Macgregor stated that the figure of £2 included complimentary alcohol service, although that formed only a fraction of the £2 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 the thrust of Mr. Macgregor's representations. The Sub-Committee sympathises with Mr. Siddall's 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.

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.

7th June 2011

