



Licensing Committee

31 July 2013

Report Title **GAMBLING ACT 2005 - SMALL CASINO PREMISES LICENCE STAGE 2 STORAGE PROTOCOL**

Classification	Public
Wards Affected	All
Accountable Strategic Director	Tim Johnson, Education and Enterprise
Originating service	Licensing Services
Accountable officer(s)	Colin Parr, Licensing Manager
Telephone	(10902) 550105
Email	colin.parr@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Licensing Committee is recommended to:

- Councillors are requested to approve the Stage 2 storage protocol.

GAMBLING ACT 2005 - SMALL CASINO PREMISES LICENCE
STAGE 2 STORAGE PROTOCOL

1.0 Purpose

- 1.1 To submit for approval by the Committee the storage protocol for Stage 2 applications

2.0 Background

- 2.1 In May 2008 Parliament gave Wolverhampton City Council the right to grant a premises licence for a Small Casino under the Gambling Act 2005. The process of issuing a small casino premises licence involves 2 Stages.
- 2.2 At the close of Stage 1 application period, 31 October 2012, two applications were received. Both were successful in the provisional grant of the premises licence/provisional statement application and will be invited to complete a Stage 2 application demonstrating how their application, if granted, would be likely to result in the greatest benefit to the Authorities area.
- 2.3 Supplementary information is likely to be required at Stage 2 to enable applications to be thoroughly evaluated
- 2.4 In accordance with Section 5.4.6 of the Department of Culture Media and Sport (DCMS) Code of Practice for Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos issued on 26 February 2008, the Licensing Authority is required to have in place a Protocol governing the storage of confidential information during the Stage 2 of the Casino licensing process.

3.0 Delegation

- 3.1 Officers have drafted the Protocol and this is attached as Appendix A to this report. Councillors are asked to approve the Protocol so that the Licensing Authority is ready to accept casino stage 2 applications.

4.0 Financial Implications

- 4.1 Members agreed fees and charges for this function on 1 February 2012. The fee for this application is £8000.00 and is non-refundable. [TK/15072013/J]

5.0 Legal Implications

- 5.1 In accordance with provisions under the Act Schedule 9 shall apply to an application for a casino premises licence where a limit under section 175 has effect. Schedule 9 deals with procedure for this two stage consideration. Paragraph 4 (1) provides that the authority should first consider whether they would grant under s163.. In this instance an authority may, under s163, make a provisional decision to grant an application or reject it.
- 5.2 In making decisions at stage 1, the authority shall aim to permit the use of the premises for gambling in so far as the authority thinks it is:

- i. In accordance with any relevant code of practice issued by the Gambling Commission and;
- ii. In accordance with any relevant guidance issued by the Commission and,
- iii. Reasonably consistent with the licensing objectives (subject to the above) and;
- iv. In accordance with the authority's Statement of Gambling Police (the Statement) under the Act (subject to all of the above)

5.3 At Stage 2 of the process the authority shall determine which of those who have been granted a provisional grant shall be awarded the full small casino premises licence and with regard to this shall determine which of the competing applications would, in the authority's opinion, be likely if granted to result in the greatest benefit to the authority's area.

5.4 Section 5.4.6 of the DCMS Code of Practice provides that a licensing authority are required to have a protocol governing the storage of confidential of confidential information submitted by applications during the Stage 2 process. [SH/18072013/P]

6.0 Equalities Implications

6.1 The committee will take into account their equality duties in determining this application.

7.0 Environmental Implications

7.1 This report has no direct environmental implications.

8.0 Schedule of Background Papers

8.1 *29 June 2011 – Revision to the Statement of Gambling Policy – Licensing Committee*
30 May 2012 – Small Casino Licence Application Pack – Licensing Committee



Licensing Authority Casino Applications Stage 2 Storage Protocol

Wolverhampton City Council Licensing Authority's Casino Applications – Stage 2 Storage Protocol

Introduction

In accordance with Section 5.4.6 of the DCMS Code of Practice for Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos issued on 26 February 2008 (“the Code of Practice”) the Licensing Authority is required to have in place a Protocol governing the storage of confidential information during Stage 2 of the Casino licensing process.

The Licensing Authority complies fully with the Data Protection Act 1998 including the Council's own Policy on the correct handling, use, storage, retention and disposal of all Casino Licensing Applicants' associated documentation or information. It also complies fully with its obligations under all other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of data and document submission.

A major consideration will be to ensure that the process for these competitions is transparent, fair, confidential and clearly understood.

Stage 1 Process

All Stage 1 applications shall be made in the form and manner prescribed by the Gambling Act 2005 (Premises Licences and Provisional Statements (England and Wales) Regulations 2007). No other information other than the information required by these Regulations that govern the making of applications shall be included in or submitted with an application under the Stage 1 process.

Where any such additional information is submitted the Licensing Authority shall return all documentation, electronic or otherwise, to the applicant with the explanation that the information does not fall within the above prescribed Regulations.

Stage 2 Process

In accordance with Section 5.4.6 of the Code of Practice the Licensing Authority will follow this Protocol governing the storage of confidential information submitted by applicants.

Storage, access and removal

All Casino Licensing Applicants' supporting information, associated documents and data (including electronic data) will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are authorised to see it as part of their duties. A signed record of authorised officers shall be kept with this data.

Any authorised person seeking to remove any information from the secure environment shall complete a log book specifying the following information:

- date it has been removed
- officer removing the information
- description of the document removed
- reason for removal
- date and time returned

Handling

In accordance the Data Protection Act 1998 and the Licensing Authority's procedures all information is only passed to those who are authorised to receive it in the course of their duties.

All Casino Licensing Applicants' supporting information, associated documents and data (including electronic data) will be handled as strictly confidential matters at all times.

It is recognised that interested parties may make representations at Stage 1 and the Licensing Authority will need to proceed to hold the necessary hearings. As such, all Application Forms in the prescribed format will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. Any additional information supplied at this stage will be returned to the applicant.

Where representations have been received, all relevant documents will be submitted to the Licensing Sub Committee in accordance with the Licensing Authority's normal procedures. In addition, all hearings will be conducted in accordance with normal procedures and a copy of the Hearings Procedure is available upon request. All determination notices will be made public on the Council's web site.

Where an appeal is lodged, the Licensing Authority will maintain strict confidentiality until the appeals are determined and the Licensing Authority will not proceed to Stage 2.

All Casino Licensing Applicants' supporting information, associated documents and data (including electronic data) will be subject to a formal acceptance procedure and a record will be maintained of all those to whom any information has been revealed and the Licensing Authority acknowledge that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

These formal procedures will include any information provided at the second stage, whereby a Licensing Authority may engage in discussions of negotiations (during the second stage) with each second stage applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise benefits to the Authority's area that would

result from it (were it granted). This may include financial or other contributions subject to negotiation.

The Licensing Authority shall not discuss or divulge the details of a person's application with the other competing applicants without the person's prior permission.

Usage

All Casino Licensing Applicants' supporting information, associated documents and data (including electronic data) information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

After the closing date (as defined in the invitation regulations) but before considering an application, a Register of Interests shall be prepared by the Licensing Authority. The Register will detail any pre-existing contracts, arrangements or other relationships between the applicant and the Licensing Authority shall ensure that this is made available to the public upon application. In addition, the Register shall record every telephone call, letter and enquiry received to ensure the process is fair, open, consistent and transparent.

A copy of the information contained in the Register shall be provided by the Licensing Authority free of charge to each applicant and to any other person who requests it.

Retention

Once a relevant decision has been made, all unsuccessful Casino Licensing Application Forms and supporting information (other than the prescribed information submitted at Stage 1), associated documents and data (including electronic data) information shall not be kept for any longer than is absolutely necessary. This is generally for a maximum period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep the above information for longer than six months, the Licensing Authority will consult with the **Head of Environmental Services???** and will give full consideration to data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, all unsuccessful Casino Licensing Applications and supporting information, associated documents and data (including electronic data) will be immediately destroyed by secure means, i.e. by shredding, pulping, deep burial or burning. Whilst awaiting destruction, the above information will be kept securely. Prior to destruction, the Casino

Licensing applicant may request the return of such information whereupon the Licensing Authority shall return all relevant documentation.

The Licensing Authority will not keep any photocopy or other image of the unsuccessful Casino Licensing Applicants' application and supporting information, associated documents and data (including electronic data). However, notwithstanding the above, the Licensing Authority will keep a record of the date of receipt of an Application, the name of the Applicant, the type of Licence requested, the reason for which the Application was submitted, a reference number identifying the Application and the details of the final decision. This information will be retained throughout the Application/Licensing Process and for 6 months thereafter.

DRAFT