



Licensing Committee

31 July 2013

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

Classification Public

Wards Affected All

Accountable Strategic Director Tim Johnson, Education and Enterprise

Originating service Licensing Services

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Recommendation(s) for action or decision:

The Licensing Committee is recommended to:

Agree to endorse and approve the delegation for the Licensing Manager and Development and Regeneration Officer to engage or negotiate with each Stage 2 applicant as set out at 2.4.

Recommendations for noting:

The Licensing Committee is asked to note:

Note the update on the outcome of Stage 1 of the small casino application.

GAMBLING ACT 2005 - SMALL CASINO PREMISES LICENCE
STAGE 2 DELEGATIONS

1.0 Purpose

- 1.1 To provide Councillors with an update on the progress of Stage 1 of the Small Casino Premises Licence application process.
- 1.2 To seek the endorsement and approval of proposed delegations necessary at Stage 2.

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

2.2 Before granting such a licence, the Council is required to hold a two stage application process to ascertain who the casino operator shall be. At Stage 1 applications are subject to a public consultation and determined based on their impact against the licensing objectives, these are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- ensuring that gambling is conducted in a fair and open way, and,
- protecting children and other vulnerable persons from being harmed or exploited by gambling

This is identical to the process that must be followed by an application for any form of gambling premises licence under the Gambling Act 2005.

2.3 If only one application is received by the Council or only one application is successful at Stage 1 then the licence is awarded to this applicant and the process is complete. However should two or more applications received at Stage 1 be successful then they will progress to Stage 2.

2.4 At the close of the Stage 1 application period, 31 October 2012, two applications were received in relation to:

- Casino 36 Limited, The Rubicon Casino, 56-58 Temple Street, Wolverhampton (including the premises formerly known as Beach Nightclub, Temple Street, Wolverhampton)
- Wolverhampton Racecourse Limited, Dunstall Park, Wolverhampton.

2.5 One representation was received in respect of the Wolverhampton Racecourse application; however this was outside the consultation period and was disregarded. As such this application has been provisionally granted at Stage 1.

2.6 A total of 108 representations were received in respect of the Casino 36 Limited application. In accordance with the Gambling Act 2005 the decision of Stage 1 applications where representations are received is to be determined by the Licensing Sub-Committee.

2.7 At the hearing on 19 June 2013 submissions were made to the Licensing Sub-Committee by the legal representatives for the applicant and the Church objectors. Having heard all the arguments Councillors resolved to provisionally grant the application at Stage 1.

2.8 It is proposed that both successful applicants will be notified of the commencement of the Stage 2 process no later than 30 September 2013.

3.0 Progress

3.1 At Stage 2 of the process, the Authority will decide which of the remaining applications would be likely, in its opinion, to result in the greatest benefit to the Authorities area. The decision will be made by the Licensing Committee.

3.2 Applicants will be invited to complete a form demonstrating how their application, if granted, would be likely to result in the greatest benefit to the Authorities area. Supplementary information would be required to enable applications to be thoroughly evaluated

3.3 All Stage 2 applications will be placed before an Evaluation Panel. The function of this panel is to evaluate the applications for the benefit of the Licensing Committee. The Evaluation Panel is not a decision making body, and whilst the Licensing Committee may take the panels evaluations into account, it is not bound to follow them.

3.4 At Stage 2 of the competition, each of the main criteria has been allocated a total number of marks. Applicants will be scored up to a maximum for each criterion depending on the benefits offered within that criterion. Each criterion is allocated into a separate category and will be marked based on the evidence provided in the respective applications. The Evaluation Panel will consist of experts in the field's category that is marked within the application.

3.5 Following approval from SEB for the proposed membership of the Evaluation Panel, it is intended that the final make up of the panel is presented to the Licensing Committee for agreement, following the formal procurement process for the external members of the panel and sub groups.

3.6 Once the procurement process is complete both applicants will be asked for comments on the draft membership of the Evaluation Panel, these comments and the draft panel membership will then be presented to Licensing Committee on 25 September 2013 for agreement.

4.0 Delegation

4.1 The Licensing Committee has responsibility for a wide range of licensing functions. These relate principally to the issue of licences, permits, consents and their enforcement.

4.2 Councillors will be most familiar with premises applications made under the Licensing Act 2003 and a variety of taxi related matters. However, there are many other matters that are only occasionally brought to Councillors attention for consideration.

- 4.3 In order to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee has delegated certain decisions and functions and has established a sub-committee to deal with them.
- 4.4 It is intended that Councillors nominate the Licensing Manager and the Development and Regeneration Officer to engage in discussions or negotiations with a view to the particulars of Stage 2 applications being refined, supplemented or otherwise altered to as to maximise the benefits to the Authority's area, should the application be granted.
- 4.5 If the discussions are with a view to particulars of the application being improved or altered (rather than merely clarified or particularised), the same invitation will be offered to all other applicants to ensure equal treatment. The applicant will be invited to amend the bid documentation to reflect any clarifications or alterations to the bid arising.

5.0 Financial implications

- 5.1 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]

6.1 Legal implications

- 6.1 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.
- 6.2 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)
- 6.3 At stage 2 of the process the authority shall determine which of those who have been given a provisional grant should be awarded the full 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 authorities area.
- 6.4 The Constitution for the Wolverhampton City Council provides that the Licensing Committee exercise the council's functions relating to the processing, determination and management of licensing matters including licensing functions set out in the Gambling Act 2005. The Licensing Committee, as regulatory committee can also delegate certain functions of the Licensing Committee to officers. This can relate to the function outlined in 5.4 above. [SH/18072013/H]

7.0 Equalities implications

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

8.0 Environmental Implications

8.1 This report has no direct environmental implications.

9.0 Schedule of Background Papers

9.1 *29 June 2011 – Revision to the Statement of Gambling Policy – Licensing Committee*
30 May 2012 – Small Casino Licence Application Pack – Licensing Committee