

# Great Yarmouth Borough Council's Statement of Licensing principles in respect of the licensing of the large casino

## Part B – paragraph 4

### Casinos

- 4.1 In 2006, Great Yarmouth Borough Council submitted a proposal to the Independent Casino Advisory Panel to license one regional, one large and two small casinos. On 19 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were made. The latter Order specifies which Licensing Authorities may issue Large and Small Casino Premises Licences. Great Yarmouth Borough Council was one of the eight authorities authorised to issue a large Casino Premises Licence.
- 4.2 On 26 February 2008, the Secretary of State issued the Code of Practice on Determinations relating to large and small Casinos. The Licensing Authority will comply with this Code which sets out:
- a) the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and
  - b) matters to which the Licensing Authority should have regard in making those determinations.
- 4.3 The Licensing Authority is aware that where it is permitted to grant a Premises Licence for a large casino, there are likely to be a number of operators who will want to operate the casino. The Licensing Authority will stage a 'competition' under Schedule 9 of the Gambling Act 2005 and will run such a competition in line with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and the Code of Practice.
- 4.4 In accordance with the above regulations the Licensing Authority will publish an invitation calling for applications for the large Casino Premises Licence.
- 4.5 Where the Licensing Authority receives more than one application for a Large Casino Premises Licence, there will be a two stage application process in accordance with the above legislation and Code of Practice.

### General Principles

- 4.6 The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must:
- (a) hold or have applied for an Operating Licence; or
  - (b) have the right to occupy the premises in question.
- 4.7 In making any decision in respect of an application, the Licensing Authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building regulation and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, recommend that applicants obtain planning permission as soon as reasonably practicable as deliverability of a project is one of the criteria which will be considered by the Licensing Authority in making its determination.

- 4.8 The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any contract, arrangement or other relationship.
- 4.9 The Licensing Authority's decision will not be prejudged and where advice is sought this will be impartial advice.

#### Casino Application Stage 1

- 4.10 The Large Casino Licensing Process will be started by the Licensing Authority publishing an invitation calling for applications.
- 4.11 The Licensing Authority shall provide a detailed application pack which will include a Statement of the principles that it proposes to apply and the procedures that it proposes to follow, in assessing applications for the Large Casino Premises Licence.
- 4.12 At Stage 1, the Licensing Authority cannot accept any additional information other than the prescribed application form and plan laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.
- 4.13 With regard to Stage 1, the General Principles as stated in Part B - paragraph 1 of the Gambling Policy shall apply to all applications.
- 4.14 The Licensing Authority recognises that each of the other competing applicants is considered as an 'interested party' and as a result may make representations. It is recognised that the Licensing Authority's decision may be appealed against, in which case the Licensing Authority will not proceed to Stage 2 until all appeals have been dealt with.
- 4.15 If this process results in more than one provisional decision to grant a Premises Licence, Stage 2 will be implemented.

#### Casino Application Stage 2

- 4.16 At Stage 2, applicants will be required to state and demonstrate what benefit their applications, if granted, would bring to the Borough of Great Yarmouth. An explanation of the proposed evaluation process will be enclosed in the application pack that will be sent to all applicants. The Licensing Authority will pay specific regard to the provisions listed under paragraph 4.19 and criteria attached in appendix 4.
- 4.17 The Licensing Authority will decide between the competing applications (evaluating using the principles as stated in paragraph 4.19 and criteria in appendix 4) and grant the available licence to the applicant that in its opinion will result in the greatest benefit to the Borough of Great Yarmouth.
- 4.18 The Licensing Authority may during the second stage engage in discussions or negotiations with each second stage applicant with a view to the application being refined, expanded or altered so as to maximise the benefits to the area. Furthermore, the Licensing Authority may enter into a written agreement with an applicant and may take such agreement into account in determining which

application would result in the greatest benefit to the Borough. The Licensing Authority (and its advisors) shall keep confidential each applicant's proposals unless it receives a specific written approval to discuss this with other competing applicants, and only if all applicants agree to share bid information.

#### Principles that apply in determining whether or not to grant a Casino Premises Licence

4.19 At stage 2, the Licensing Authority will assess applications having regard to the following:

- 4.19.1 The deliverability of the proposed scheme. In particular the Licensing Authority will wish to consider what legal assurances there are that the proposed development will be delivered in time, and that the promised benefits will both materialise and be maintained.
- 4.19.2 Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community.
- 4.19.3 Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- 4.19.4 Any provision that is made for ensuring that gambling is conducted in a fair and open way.
- 4.19.5 Likely effects of an application on employment and regeneration in the Borough.
- 4.19.6 Design and location of the proposed development.
- 4.19.7 Range and nature of non gambling facilities to be offered as part of the proposed development.
- 4.19.8 Any financial and other contributions.

In carrying out the assessments, the Licensing Authority has set out matters which are likely to receive the greatest weight (appendix 4). However, an operator is not debarred from putting forward other benefits which the authority will take into consideration and weight to the extent that it considers them relevant.

4.20 Although applicants are able to submit an application for any site within the Borough which will be judged on its own individual merits, the Licensing Authority is provisionally of the view that there are two areas of Great Yarmouth that are likely to bring the greatest benefit to the Borough. These are:

- 4.20.1 Great Yarmouth Town Centre
- 4.20.2 Great Yarmouth Seafront

4.21 The applicant will be expected to provide:

- 4.21.1 A completed questionnaire giving details of the applicant's previous experience and capacity to deliver the project, together with a pro forma draft written agreement. Such agreement is intended to secure provision of the benefits offered by the applicant and to ensure that applications are judged on

an equal basis. Applicants will be invited to complete the annexes to the agreement with the benefits they are offering. The agreement is likely to be made a condition of the licence, so that any breach of the agreement will also be subject to remedies under the Gambling Act, 2005. Whilst it is not obligatory for applicant's to offer to enter into agreement, this is likely to affect the Authority's evaluation of the benefit arising from the application.

- 4.21.2 A scaled plan of the premises indicating the location of all gaming machines, tables and Automated Telling Machines, bars and any non-gaming areas, together with an indication of any Notices/Rules that will be displayed in the gaming area (this plan will not form part of the licence but is sought to assist the process).
- 4.21.3 Detailed numbers of all staff and Personal Licence Holders to be employed, together with a clear management structure.
- 4.21.4 Description of all activities to be provided at the premises, including any proposals for the provision of late night refreshment and regulated entertainment.
- 4.21.5 An indication of the availability of the site chosen and its legal interest in it.
- 4.21.6 Evidence of availability of funding and an estimated cost of the scheme.
- 4.21.7 Evidence of financial standing including submission of the applicant's last 3 year financial accounts, together with 2 financial references confirming that there is sufficient finance in place to ensure delivery of the project.
- 4.21.8 Two professional references, or similar, to evidence that the applicant has proven ability and track record within the casino gambling sector.
- 4.21.9 Submission of a clear and detailed Business Plan.
- 4.21.10 A timescale for implementation and completion of the works setting out the various project stages of construction. This is to enable the Licensing Authority to be kept informed of when the project is likely to be completed and that the applicant is on target for final completion.
- 4.21.11 Evidence that there will be consultation with statutory bodies and responsible authorities to ensure that all statutory regulations/legislation is in place during the construction of the development (e.g. health and safety, highway approvals, etc.).
- 4.21.12 Evidence of a robust training plan in place for all employees. Training to cover all matters including awareness of the three Licensing Objectives, in particular the third Licensing Objective, knowledge of the gambling legislation, an awareness of problem gambling and all relevant internal procedures. In addition, applicants are required as part of their training plan to evidence customer service training and a knowledge of the local area.
- 4.21.13 Evidence of proposed policies and procedures to protect children and vulnerable persons from harm. The applicant should evidence clearly how they intend to promote the three Licensing Objectives.
- 4.21.14 Evidence of proposed policies detailing the mechanisms enabling the applicant to identify problem gamblers. (This Policy should be incorporated

within the Training Plan for all employees. The Policy is likely to set out how advice and support will be provided to those engaged in or affected by problem gambling).

It is appreciated that the matters listed in paragraphs 4.20.12 – 4.20.14 are covered by the Gambling Commission's Licence Conditions and codes of Practice (LCCP) and the conditions imposed upon the operating licence held by casino operators. However, as it is the operator's responsibility to adopt their own policies in such matters, the Licensing Authority wishes to see what measures they adopt.

4.21.15 Evidence of its proposed policy detailing commitment to educating the community on gambling and problem gambling.

4.21.16 Evidence of its admissions policy incorporating procedures to refuse entry to under age and drunk people, door supervisors and dress codes.

4.21.17 Confirmation that all gambling advice is available in a language other than English when a predetermined percentage of regular customers are identified as speaking that language.

4.21.18 Evidence of its Social Responsibility Policy. (Under this Policy the applicant may wish to provide within the gaming area a specific practice area/room that enables any customer to learn how to gamble on the various activities offered without feeling intimidated or embarrassed. Where there is a practice room there shall be information provided that emphasises the importance of staying in control of their gambling, the steps they can take to achieve this and where to access help should they become concerned about their gambling. There should also be leaflets and information clearly setting out these points).

4.21.19 An indication on the plan where the separate non gambling refuge area of the premises is located. This area should provide a refuge from gambling and could be by way of a non threatening sound proofed quiet room that is always available for those concerned about their own or someone else's gambling. Within this room there should be installed the facility to telephone the national helpline, access an online counselling facility or contact a local face-to-face counselling service or Gamcare. Leaflets with contact addresses and telephone numbers should be prominently displayed within this room.

4.22 The Licensing Authority will expect applicants to present a detailed package that will bring maximum benefit to the Borough and it is expected that the applicant will have undergone detailed research and liaised with the relevant departments of the Council prior to submitting their application.

### Process

4.23 Further details and an explanation of the proposed evaluation process will be set out in the Application Pack that will be sent to all applicants.

4.24 Following the Stage 1 procedure, if there is only one successful applicant, a casino premises licence (or provisional statement) will be awarded to that applicant. If there is more than one successful applicant, then all of the successful applicants will be invited to participate in Stage 2.

- 4.25 In general, the procedure will follow the DCMS Code of Practice. However, the Code leaves individual authorities to determine the detail of their own procedure. As it is recognised that the Licensing Authority does not necessarily have planning or regeneration expertise it may in certain circumstances seek advice on an applicant's proposal from officers in other relevant departments such as Planning, Highways, Finance, Regeneration, and Legal or seek independent expertise from outside the Council. For this purpose, the Licensing Authority shall constitute a non-statutory Panel to assist in the evaluation of the Stage 2 application process. This panel shall be called the 'Advisory Panel'.
- 4.26 It is accepted that only the Licensing Authority will make the final decision on the successful applicant. The function of the Advisory Panel will be to evaluate the applications for the benefit of the Licensing Committee. The Advisory Panel will not be a decision-making body, and while the Licensing Committee will take the Panel's evaluations into account, it is not bound to follow them.
- 4.27 Members of the Panel will comprise of individuals who are not biased and whose personal interests will not compromise their independence. They will be individuals who are able to maintain the confidentiality on which the integrity of this process demands. It will be for the Licensing Authority to determine which individuals would best represent the interests of the community. The list of panel members and the terms of reference of the Advisory Panel will be included in the application pack. The terms of reference will include further details of the functions of the panel and the procedures of the evaluation process to ensure fairness and transparency to all applicants. To ensure there are no conflicts of interest, applicants will be asked if they object to any member of the panel. Where objections are made, it will be necessary to give details of the substance of such objection.
- 4.28 The Licensing Authority will give equal time to all applications and will carefully scrutinise all proposals prior to making any decision.
- 4.29 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority shall ensure that there is a Register of Interest in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. Applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during the second stage of the competition.
- 4.30 In addition, the Licensing Authority shall have a Protocol governing the storage of confidential information submitted during the second stage so as to maintain confidentiality. This Protocol is available from the licensing section upon request.
- 4.31 It is strongly recommended that the licensing application includes all documents and paperwork in support of the proposals (hereinafter referred to the 'bid documentation'). Once all the bid documentation has been submitted, the Advisory Panel will carry out a preliminary evaluation of each application. Following the preliminary evaluation, officers may be deputed to deal with applicants with a view to the application being refined, expanded or altered so as to maximise the benefits to the area. The Advisory Panel may elect to interview applicants (the same facility will be offered to all applicants) and this occasion will be used for applicants to explain their proposals and to clarify the bid. There will be no time limit on such presentations.
- 4.32 Once the bid documentation is finalised, the Advisory panel will evaluate each bid and the bids will be scored within definitive bands. These bands will be set out in the application pack. Once assessed, the Advisory Panel's draft evaluation on each

application will be sent to the applicant to enable the relevant applicant to correct any factual errors or (without providing new information) make representations as to the scoring or qualitative evaluation.

- 4.33 The Advisory Panel will then provide a final written report with a copy of all applicants' representations to the Licensing Committee. While it is legally possible for the Committee to delegate the decision to a Sub-Committee, the Licensing Authority intends that the decision shall be made by a wide body of councillors and has decided that the Licensing Committee itself shall determine the applications. However, the quorum for the Committee shall be set at 5 so as to ensure that the Committee may continue to sit even if one or more of its members are indisposed. Assisted by the Advisory Panel's recommendation as to the correct band for each criterion, the Panel's qualitative evaluation and also the applicant's response, the Licensing Committee will allocate a precise score for each criterion. The committee will not take further evidence or representations by the applicants but will then make its decision. Any legal advice required shall be supplied by the Council's Solicitor (Head of Central Services).
- 4.34 The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable. It is noted that once a decision has been made there will be no right of an appeal.
- 4.35 Where a Provisional Statement application is successful, the Licensing Authority may limit the period of time for which the Statement will have effect. This period may be extended if the applicant so applies.