



Large Casino Licence

Other Documents

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 applicants 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.

Large Casino Licence – Criteria (Appendix)

Criteria	Benefits / Disbenefits	Importance (Very High / High/ Medium)
Deliverability	<ul style="list-style-type: none"> • Status of approvals • Likelihood of development • Timescale for development • Operator - financial status, track record here and abroad 	Very high
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	<p>Extent to which applicant can demonstrate measurable outcomes for the following:</p> <ul style="list-style-type: none"> • Commitment to evaluation of social impacts of gambling and ability to evaluate • Investment in problem gambling schemes / funding for treating programmes / funding to RIGT • Problem gambling measures • Demonstrably high level management commitment to social responsibility • Commitment to staff training on social responsibility issues and recognition of problem gambling • Operation of self exclusion schemes / exclude self-barred individuals from entry • Responsible marketing / advertising. Identification of customer profile and who will be targeted? • Proximity of casino to schools, children, places of worship, youth and elderly populations • Level of operator commitment to work with community • Design/layout of casino • Location of casino 	Very High
Any provision that is made for preventing gambling from being a source of crime or disorder or being associated with crime or disorder or being used to support crime	<ul style="list-style-type: none"> • Steps taken to promote safe evening and night time economy • Provision of CCTV and security measures • Liaison / consultation with police to promote the Prevention of Crime and Disorder Licensing Act 2003 objective and participation in any initiatives promoted to assist crime and disorder • Provision of door supervisors • External /internal lighting and proposals to ensure that where possible opportunities for crime are designed out 	Very High

TERMS OF REFERENCE FOR LICENSING COMMITTEE AND ADVISORY PANEL

INTRODUCTION

- 1.1 In May 2008 Parliament gave Great Yarmouth Borough Council (“the Authority”) the right to grant a Premises Licence for a large casino under the Gambling Act 2005.
- 1.2 Before granting such a licence, the Authority must hold a two stage licensing process.
- 1.3 Stage 1 of the process imposes a regulatory test, whereby applications are tested for their compliance with the gambling licensing objectives, the Gambling Commission’s Codes of Practice and Guidance, and the Licensing Authority’s Gambling Licensing Policy. If there is more than one “winner” at Stage 1, Stage 2 is activated.
- 1.4 At that stage, the Casino Premises Licence is to be awarded to the applicant whose proposal is considered likely to result in the greatest benefit to the Authority’s area. To that end, the Authority and the applicant may enter into an agreement for the provision of services or otherwise, the agreement may be enforced as a condition of the licence, and its existence may be taken into account in evaluating the likely benefit of the proposal.
- 1.5 The decision will be taken by the Authority’s Licensing Committee.
- 1.6 However, the Authority has constituted a non-statutory Panel named the Advisory Panel to evaluate the bids for the benefit of the Licensing Committee. The Advisory Panel is not a decision-making body, and whilst the Licensing Committee may take the Panel’s evaluations into account, it is not bound to follow them.

STAGE 1 PROCEDURE

- 2.1 An application for a Casino Premises Licence or a Provisional Statement must be made to the Authority in the form and manner prescribed by the Gambling Act 2005 and the Application Regulations.
- 2.2 An application for a Casino Premises Licence may only be made by a person who:-
 - (i) holds a Casino Operating Licence or has made an application for such an Operating Licence which has not yet been determined; and
 - (ii) has a right to occupy the premises to which the application relates.
- 2.3 If the applicant cannot satisfy requirement 2.2 (ii), he may nevertheless apply for a Provisional Statement.
- 2.4 Following the making of the application, the applicant must give notice to the Responsible Authorities, advertise the application and display a site notice, all in accordance with the Application Regulations.

2.5 Representations may be made on the application by Responsible Authorities and interested parties, as defined by the Act. For this purpose, each competing applicant for the Casino Premises Licence is an interested party and so can make representations in relation to each of the competing applications. The period for representations is 28 days beginning on the closing date for making applications under the licensing procedure. If the Authority considers a representation to be vexatious, frivolous or certainly not such as to influence its determination of the application, it will disregard it.

2.6 Unless the applicant and also interested parties or Responsible Authorities consent to a determination without a hearing, the Authority must hold a hearing to consider each application if:-

- (a) there remain live representations from interested parties or Responsible Authorities;
- (b) the Authority proposes to attach an individual condition to the premises licence;
- (c) the Authority proposes to exclude a default condition from the premises licence.

2.7 This hearing will be held before the Licensing Sub-Committee and will be governed by the Hearings Regulations and the Sub-Committee's established procedures for Premises Licence applications.

2.8 In considering the merits of the application at Stage 1, the Licensing Sub-Committee will apply the test set out in section 153 of the Gambling Act 2005. In particular, it must aim to permit the use of premises for gambling insofar as it 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 Gambling Commission;
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the Authority under section 349 (subject to paragraphs (a)–(c)).

In making its determination, the Licensing Sub-Committee must disregard:-

- (1) the expected demand for the proposed facilities;
- (2) whether or not the proposal is likely to be permitted in accordance with the law relating to planning or building;
- (3) any information which is relevant to a determination at Stage 2, unless that information is also relevant to the determination at Stage 1. So, for example, information regarding the benefit of the proposal to the area would be disregarded;
- (4) whether any of the competing applications is more deserving of being granted.

2.9 Following the Stage 1 procedure, if there is only one successful applicant, a Casino Premises Licence (or Provisional Statement as the case may be) 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 of the process.

2.10 There is a right of appeal against the Licensing Sub-Committee's decision at Stage 1 of the process. Pending completion of the appeal, Stage 2 of the process will be suspended.

STAGE 2 PROCEDURE

THE ADVISORY PANEL

- 3.1 Stage 2 applicants will be invited to complete a form and supply plans and attachments, demonstrating how their proposal is likely to benefit the Authority's area.
- 3.2 All Stage 2 applications will then be placed before the Advisory Panel.
- 3.3 The Panel may request officers of the Authority to engage in discussions or negotiations with each Stage 2 applicant with a view to the particulars of their application being refined, supplemented or otherwise altered so as to maximise the benefits to the Authority's area should the application be granted. 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.
- 3.4 Wherever possible, such discussions will take place in writing to ensure transparency. The Panel itself will not correspond with applicants but will direct correspondence through the Council officer assigned to act as the single point of contact with the applicant.
- 3.5 Where oral discussions occur these will take place with nominated Council officers and will be fully minuted for the Panel's benefit.
- 3.6 The Advisory Panel may elect to interview applicants. If so, all applicants will be interviewed. The purpose of the interview will be to clarify the detail of the application and not to negotiate with the applicant. All interviews will be minuted.
- 3.7 The applicant will be invited to amend his bid documentation to reflect any clarifications or alterations to the bid arising from the above process. At this stage, any suggested changes going beyond the agreed clarifications or amendments will be disregarded.
- 3.8 Following completion of the bid documentation, the Advisory Panel will evaluate each bid.
- 3.9 The evaluation will consist of an appraisal against each of the criteria in Appendix 4 of the Gambling Policy. For each criteria (save for Deliverability), the Panel will ascribe a specific score based on the following template:-
- | | |
|----------|-------------------------|
| 91 – 100 | Outstanding |
| 81 – 90 | Excellent |
| 71 – 80 | Very good |
| 61 – 70 | Good |
| 51 – 60 | Average |
| 41 – 50 | Below average |
| 31 – 40 | Poor |
| 21 – 30 | Very poor |
| 11 – 20 | Extremely poor |
| 0 – 10 | No significant response |
- 3.10 In reaching a unified score for each criteria, the Panel may choose its own method, for example by taking an average or median score, rounding up or down, or some other method, provided that the same method is used consistently for all applicants. The score for each criteria (save for Deliverability) will then be multiplied by 1 if the importance is medium, by 2 if the importance is high, and by 3 if the importance is very high. This will then lead to a final score for each criteria. For the avoidance of doubt, Employment, Regeneration, Design and Location shall all be treated as separate criteria.

3.11 For the Deliverability criteria the Panel will ascribe a score based on the following template:-

1401 - 1500	Excellent
1001 - 1400	Very good
501 - 1000	Good
400 - 500	Average
-2,400 - 0	Below average

The score for Deliverability will not be multiplied. The reason for scoring Deliverability differently is to reflect the fact there is little, if any, advantage in having as the winner of the Stage 2 process a brilliant scheme which will never be built. (The maximum points that can be gained under the “non-Deliverability” criteria is 2,400).

3.12 The Advisory Panel will appoint an expert to advise it on issues relating to social responsibility. It may, where appropriate, appoint other experts to assist it with the evaluation process.

3.13 The Panel will supply its draft evaluation to the relevant applicant to enable the relevant applicant to correct factual errors or to make representations as to the scoring. No new information will be accepted at this stage. Following any reply by the applicant, the Panel will complete its evaluation and forward it together with the applicant’s representations to the Licensing Committee for final determination. At this point, the role of the Evaluation Panel ceases.

3.14 **Matters to be disregarded by the Advisory Panel**

The following matters must be disregarded by the Panel as a matter of law:-

- (1) the expected demand for the proposed facilities;
- (2) whether or not the proposal is likely to be permitted in accordance with the law relating to planning or building;
- (3) any pre-existing contract, arrangement or other relationship between the Authority and any person. This includes a contract for the sale or lease of land and a Section 106 Agreement.

Conduct of Members of the Advisory Panel and Experts Assisting the Advisory Panel

3.15.1 The members undertake to act in accordance with the Model Code of Conduct. Without prejudice thereto:-

- (a) members will act in accordance with the Ten General Principles of Public Life set out in Annex hereto;
- (b) members will declare any personal interest in the outcome of the licensing process, and will withdraw from participation if they have a prejudicial interest.

3.15.2 Members will have no contact with applicants or their representatives save as specified above.

3.15.3 Members will ensure so far as they are able that all applicants receive equal treatment.

3.15.4 Members will not discuss their participation on the Advisory Panel or the merits of the respective bids with any other person (including the press), whether during the process or after its completion.

- 3.15.5 The content of the bids and all communications with each party is entirely confidential. Members should not disclose any information concerning any bid to any person, including any other party.
- 3.15.6 All members should sign for receipt and acceptance of these Terms of Reference.
- 3.15.7 Experts assisting the Advisory Panel will be bound by the above provisions, as far as appropriate to their position as experts.

THE LICENSING COMMITTEE

- 4.1 The overriding test for the Licensing Committee is that the Authority should 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. In determining this, the Authority may have regard to the effect of an agreement entered into by the Applicant whether as to the provision of services or otherwise.
- 4.2 In each case, the Licensing Committee will be provided with a copy of the application pack, the Stage 1 decision, the Stage 2 application form and associated documents (with any amendments), all correspondence and minutes, and the Advisory Panel's draft and final evaluations together with the applicant's representations. It is important to stress that the work of the Advisory Panel in no sense binds the Licensing Committee. The Licensing Committee may take the Advisory Panel's evaluations into account to the extent that it considers it useful to do so.
- 4.3 The Licensing Committee will itself evaluate the respective merits of the applications against the criteria in Appendix 4 of the Gambling Policy and in accordance with paragraphs 3.9 – 3.11 above.
- 4.4 The Licensing Committee will be unlikely to need to interview applicants or seek further evidence or representations. If, in an exceptional case, it decides to do so, the same facility must be offered to all applicants to ensure equality of treatment. It will take any legal advice it requires. The legal adviser will play no part in judging the applications or making the decision.
- 4.5 The Casino Premises Licence or Provisional Statement should be offered to the highest ranked applicant at Stage 2, subject to completion of any agreement offered at Stage 2. If the agreement is not completed, the Authority reserves the right to award the Casino Premises Licence or Provisional Statement to the next-ranked applicant, provided that it is satisfied that, in the circumstances, that applicant's proposal would be likely to result in the greatest benefit to the area.
- 4.6 **Matters to be disregarded by the Licensing Committee**

The following matters must be disregarded by the Licensing Committee as a matter of law:-

- (1) the expected demand for the proposed facilities;
- (2) whether or not the proposal is likely to be permitted in accordance with the law relating to planning or building;
- (3) any pre-existing contract, arrangement or other relationship between the Authority and any person. This includes a contract for the sale or lease of land and a Section 106 Agreement.

Conduct of Members of the Licensing Committee

- 4.7.1 The members undertake to act in accordance with the Model Code of Conduct. Without prejudice thereto:-
- (a) members will act in accordance with the Ten General Principles of Public Life set out in Annex hereto;
 - (b) members will declare any personal interest in the outcome of the licensing process, and will withdraw from participation if they have a prejudicial interest.
- 4.7.2 Members will have no contact with applicants or their representatives save as specified above.
- 4.7.3 Members will ensure so far as they are able that all applicants receive equal treatment.
- 4.7.4 Members will not discuss their participation on the Licensing Committee or the merits of the respective bids with any other person (including the press), whether during the process or after its completion.
- 4.7.5 The content of the bids and all communications with each party is entirely confidential. Members should not disclose any information concerning any bid to any person, including any other party.
- 4.7.6 All members should sign for receipt and acceptance of these Terms of Reference.

ANNEX

THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

LIST OF CURRENT MEMBERS OF THE LICENSING COMMITTEE

(At November 2010)

Councillors

M Coleman

B Cunniffe

P Garrod

A Grey

J Holmes

G Jermay (Chairman)

P Page

V Pettit

J Tate

B Walker

B Watts

B Williamson

T Easter

MEMBERSHIP OF THE GREAT YARMOUTH ADVISORY PANEL

PROVISIONAL LIST

November 2010

Nominated Officers from Great Yarmouth Borough Council
representing the following disciplines

Regeneration
Planning
Tourism
Property
Finance

Two Senior Great Yarmouth Borough Council Councillors

Details of the individuals will be provided to all applicants
before Stage 2 begins

The Panel will appoint an expert to advise it on issues relating to social responsibility. It may, where appropriate, appoint other experts to assist it with the evaluation process.

The identity of any experts appointed will be provided to all applicants before the evaluation process is begun.

Applicants will be given an opportunity to object to named Panel Members and Experts. Any such objections will be duly considered by the Authority.