



## LICENSING COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
FRIDAY, 17TH MAY, 2013 AT 2.00 PM

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### MEMBERSHIP

#### Councillors

K Bruce - Rothwell;  
N Buckley - Alwoodley;  
R Charlwood - Moortown;  
R Downes - Otley and Yeadon;  
J Dunn - Ardsley and Robin Hood;  
B Gettings - Morley North;  
T Hanley - Bramley and Stanningley;  
G Hussain - Roundhay;  
G Hyde - Killingbeck and Seacroft;  
A Khan - Burmantofts and Richmond Hill;  
P Latty - Guiseley and Rawdon;  
B Selby - Killingbeck and Seacroft;  
C Townsley - Horsforth;  
G Wilkinson - Wetherby;

One Vacancy

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Agenda compiled by:  
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LEEDS LS1 1UR

Helen Gray  
247 4355

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2		Item 6 Appendix 1	<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6		10.4(3)	<p><b>LARGE CASINO</b></p> <p>Having considered two applications for the Leeds Large Casino Licence on Monday 13<sup>th</sup> and Tuesday 14<sup>th</sup> May 2013, the Committee will reconvene to deliver its' decision as the Licensing Authority.</p> <p>Under the provisions of the Access to Information Procedure Rules, the substantive deliberations of the Committee have been held in closed session, the open part of the hearing having already been dealt with on 13<sup>th</sup> May 2013.</p> <p><b><u>PLEASE NOTE</u></b> – Appendix 1 of the report (Schedule 9 legal agreement) is designated as containing exempt information under the provisions of Access to Information Procedure Rule 10.4 (3)</p> <p><b><u>Members of the public and interested parties are invited to attend to receive the decision at 2.00 pm</u></b></p>	3 - 8

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## **CONFIDENTIAL AND EXEMPT ITEMS**

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

### **9.2 Confidential information means**

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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## Report of the Head of Licensing and Registration

### Report to Licensing Committee

**Date:** 17<sup>th</sup> May 2013

**Subject:** Large Casino

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4(3) Appendix number: 1	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

### Summary of main issues

1. The Gambling Act 2005 provided Leeds City Council with the opportunity to grant a large casino premises licence under a two stage process. This process will 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.
2. Licensing Committee met on the 13<sup>th</sup> May to determine which of the remaining two applicants met the test and to make a provisional decision and instructed officers to complete a legal agreement to secure the benefits offered under schedule 9 of the Gambling Act 2005. This report presents the finalised and signed schedule 9 agreement (Appendix 1).

### Recommendations

3. That Licensing Committee considers the finalised and signed legal agreement with the preferred applicants which secures the benefits offered under schedule 9 of the Gambling Act 2005.
4. That Licensing Committee determines 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, grants the provisional statement to that applicant and rejects the other.

## **1.0 Purpose of this report**

- 1.1 This report presents presents the finalised and signed schedule 9 agreement as instructed by Licensing Committee at the end of the meeting which commenced on the 13<sup>th</sup> May.

## **2.0 Background information**

- 2.1 The Gambling Act 2005 changed the legislation governing the licensing of casinos significantly. The Act and associated regulations and a Code of Practice prescribe a two stage process under which applications for the licence can be submitted and considered. The Council must grant the application which would, in the authority's opinion, be likely if granted to result in the greatest benefit to the authority's area.

## **3.0 Main issues**

- 3.1 The two stage application process commenced on 24<sup>th</sup> January 2012 and culminated on the 13<sup>th</sup> May with two remaining applicants. On the 13<sup>th</sup> May Licensing Committee met to determine which of the two applicants would, in the authority's opinion, be likely if granted to result in the greatest benefit to the authority's area.
- 3.2 Licensing Committee determined which of the two applicants would be the preferred applicant, and instructed officers to complete a legal agreement to secure the benefits offered under schedule 9 of the Gambling Act 2005. This report presents the finalised and signed schedule 9 agreement which is attached at Appendix 1.

## **4 Conclusions**

- 4.1 The large casino application process is in its final stages. The two remaining applicants have submitted their best and final applications detailing how their scheme will benefit Leeds which have been evaluated by an advisory panel. As instructed officers have completed the schedule 9 agreement and present it for Licensing Committee to make the final decision. It is for Licensing Committee to determine which of the two applicants would, in the authority's opinion, be likely if granted to result in the greatest benefit to the authority's area and to award the provisional statement to that applicant.

## **5 Recommendations**

- 5.1 That Licensing Committee considers the finalised and signed legal agreement with the preferred applicant which secures the benefits offered under schedule 9 of the Gambling Act 2005.
- 5.2 That Licensing Committee determines 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, grants the provisional statement to that applicant and rejects the other.



Background documents<sup>1</sup>

None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Document is Restricted

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