



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 28TH JUNE, 2011 AT 10.00 AM

MEMBERSHIP

Councillors

S Armitage - Cross Gates and Whinmoor;
K Bruce - Rothwell;
R Downes - Otley and Yeadon;
J Dunn - Ardsley and Robin Hood;
R D Feldman - Alwoodley;
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;
D Wilson - Rothwell;
G Wilkinson - Wetherby;

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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 Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</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>RESOLVED – 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>LATE ITEMS</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>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the following meetings:</p> <p>a) 15th March 2011 b) 28th March 2011 (special meeting)</p> <p>(Copies attached)</p>	1 - 8
7			<p>LICENSING COMMITTEE - ANNUAL GOVERNANCE ARRANGEMENTS</p> <p>To consider the report of the Director of Resources seeking to establish the governance arrangements for the Licensing Committee during the 2011/2012 Municipal Year. The report includes the Terms of Reference for the full Committee and Members are asked to consider:</p> <ul style="list-style-type: none"> • The appointment of the Sub Committees • The Terms of Reference of the Sub Committees • The officer delegation scheme <p>(Report attached)</p>	9 - 30

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>LICENSING PROCEDURE RULES AND CODE OF PRACTICE FOR DETERMINING LICENSING MATTERS</p> <p>To consider the report of the Director of Resources setting out the proposed Rules of Procedure and the Code of Practice for Determining Licensing Matters to be followed by the Licensing Committee and its Sub-Committees during the 2011/2012 Municipal Year</p> <p>(Report attached)</p>	31 - 62
9	City and Hunslet;		<p>"THE VINE" PUBLIC HOUSE - LICENSING ACT 2003 MAGISTRATES COURT APPEAL</p> <p>To consider the report of the City Solicitor on the outcome of a case at the Magistrates Court concerning an appeal against a decision made by a Licensing Sub Committee in relation to The Vine public house, The Headrow, Leeds LS1</p> <p>(Report attached)</p>	63 - 66
10	Roundhay;		<p>"THE STREETS OF LEEDS" - LICENSING ACT 2003 MAGISTRATES COURT APPEAL</p> <p>To consider the report of the City Solicitor on the outcome of a recent case at the Magistrates Court appealing the decision of a Licensing Sub Committee made in respect of The Streets of Leeds public house, Street Lane, Roundhay</p> <p>(Report attached)</p>	67 - 70
11			<p>LARGE CASINO APPLICATION PACK AND CONSULTATION</p> <p>To consider the report of the Head of Licensing and Registration Services on the draft application pack and methodology relating to the Large Casino Premises Licence.</p> <p>(Report attached)</p> <p>Please note: due to the size of Appendix 1 of this report (pages 77 to 224), paper copies will be available for the public from the clerk on request.</p>	71 - 224

Item No	Ward/Equal Opportunities	Item Not Open		Page No
12			<p>WORK PROGRAMME</p> <p>To consider the contents of the Licensing Committee Work Programme for the 2011/12 Municipal Year</p> <p>(Copy attached)</p>	225 - 228
13			<p>DATES OF FUTURE MEETINGS</p> <p>To note the meeting dates for the Licensing Committee for the forthcoming Municipal Year as: 26th July 2012, 16th August 2011, 13th September 2011, 18th October 2011, 15th November 2011, 20th December 2011, 17th January 2012, 14th February 2012, 13th March 2012, 10th April 2012 and 15th May 2012</p>	

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Agenda Item 6

Licensing Committee

Tuesday, 15th March, 2011

PRESENT: Councillor S Armitage in the Chair

Councillors R Downes, J Dunn,
R D Feldman, T Hanley, G Hussain,
G Hyde, V Morgan and B Selby

IN ATTENDANCE

Ms B Fullard – Public Health Consultant, Leeds Primary Care Trust
Mr B Chard – GMB
Mr J Akhtar – GMB
Mr N Aram – GMB
Mr J Akhtar – LTO Streamline
Mr M Utting – LTO Streamline
Mr K Ahmed – City Cabs

- 64 Exempt Information - Possible Exclusion of the Press and Public**
RESOLVED – That the public be excluded from the meeting during consideration of that part of the agenda designated as 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 public were present there would be disclosure to them of exempt information so designated as follows:-
Appendix 1 of the report referred to in minute 69 in terms of Access to Information Procedure Rule 10.4 (3) on the grounds that the documents contain information relating to the financial or business affairs of external organisations which if disclosed to the public could disadvantage the future business of those organisations.
- 65 Late Items**
No formal late items of business were added to the agenda although an additional document was tabled at the meeting containing slides of a power point presentation in support of Item 7 “the economic and social cost of alcohol in Leeds”. (minute 70 refers)
- 66 Declarations of Interest**
There were no declarations of interest
- 67 Apologies for Absence**
Apologies for absence were received from Councillors Dobson, Mrs Feldman, Grayshon, Townsley, Wilson and Wilkinson
- 68 Minutes**
RESOLVED – That the minutes of the meeting held 15th February 2011 be agreed as a correct record

69 NVQ & VRQ Qualifications - Officer Response to Licensing Committee - Request to Consider Alternative Training Delivery

Further to minute 39 of the meeting held 16th November 2011 when the Committee deferred determination of the report on the future of mandatory NVQ and VRQ qualifications for Hackney Carriage (HC) and Private Hire (PH) drivers, the Assistant Chief Executive (Corporate Governance) submitted a further report setting out responses to the concerns previously raised by Members.

The November Committee had considered the deadlines given for completion of the qualifications in the face of limited Government funding and having regard to the statistical analysis of the uptake and success of the scheme. Officers referred to the report and responded to the Committees' key concern regarding the number and nature of complaints received since the implementation of the training in particular as follows:

Complaint	2009	2010
Disability	18	5
Race		5
Parking	107	63
Non Compliance	25	14
Criminal complaint	27	51
PH drivers	29	20
HC drivers	2	8

Officers were keen to put the number and nature of complaints into context with the volume of work undertaken by the trades and noted that no link could be proved between the reduction in complaints and the uptake of training. It was suggested that this type of monitoring could be undertaken in the future.

The Committee noted the options to consider, including the consequences of retaining the NVQ VRQ requirement or removing that requirement; and whether to reconsider the options originally presented in 2008. Members discussed:

- whether a review of the number of historical complaints was beneficial to future delivery of the service to the public
- the benefits of continued monitoring of the number and nature of complaints to review the success of the qualifications and positive impact on the service to the public
- whether the volume of trips had decreased during 2009/10 which could have an impact on the number of public complaints received
- a request for monitoring by ethnicity statistics to be submitted as it was stated that some drivers from some cultures felt they were treated less favourably. The Committee considered whether these statistics would be beneficial to the decision and requested that a copy of the TPHL Section Equality Impact Assessment be submitted in the first instance to enable Members to take a collective opinion on whether ethnicity statistics were required
- Members were concerned that funding would cease soon in the Leeds area but training may still be available from a Midlands based firm and felt

- this should be investigated. Members were unhappy at the prospect of part of the contingent of licence holders remaining untrained
- Members welcomed the fact that both the HC and PH trades in recent years had worked collaboratively with the TPHL Section to improve all aspects of the service they provided to the public
 - The fact that no enforcement had taken place between September 2008 and September 2009 of the condition requiring new applicants to undertake the qualification.

(Councillor Selby joined the meeting at this point)

The Committee broadly welcomed the report but felt there was a great deal of information which required further consideration. The Chair suggested a small Working Group be established to consider the possibility of creating a programme of in-house training and testing provided by TPHL Section to drivers. Members considered the recommendations and the options available and

RESOLVED –

- a) That, having regard to the costs detailed in the outcome of the market testing exercise, the procurement of external training providers be discounted at the present time
- b) To note there is no facility for non-Council employees (i.e. members of the HC/PH trade) to obtain accredited vocational training programmes through the Councils' own Corporate Training Programme
- c) That officers be requested to carry out further feasibility work on the design of a training and testing system that would mirror as far as possible the elements and benefits of the existing NVQ and VRQ qualifications
- d) That a small Working Group of Members and relevant officers be established to discuss the feasibility work and training/testing system outlined in c) above and report back
- e) That Members support the approach that there will be no enforcement of the original NVQ/VRQ requirements whilst the feasibility work and training/testing system is investigated
- f) That the Committee continues to encourage drivers to take advantage of the current qualifications whilst they are still free.
- g) To request a copy of the TPHL Section Equality Impact Assessment be sent to Members of the Committee.

70 Economic and Social Cost of Alcohol in Leeds 2008/09

The Committee considered a report previously presented to Scrutiny Board (Health) on the wider economic and social costs of alcohol related harm in Leeds. The Chair of the Scrutiny Board and Chair of Licensing Committee had felt the contents to be pertinent to the work of the Committee and its Sub Committees.

Ms Brenda Fullard, Leeds PCT provided an overview of the documents highlighting the issues which were relevant to the Licensing Committee. It was noted that the Entertainment Licensing Section was a stakeholder in the Alcohol Action Plan 2011-15 which was due to be launched in Leeds on 21 March 2011. Members were also aware that the Public Reform and Social

Responsibility Bill contained proposals to make local health authorities a “responsible authority” under the provisions of the Licensing Act 2003 which would afford PCTs the opportunity to make representations to licensing applications. Ms Fullard highlighted the following key issues:

- 2008/09 saw a 14% increase in the number of alcohol related accident & emergency hospital admissions
- The wider cost of alcohol totalled £438m in that period – in terms of health and social care, criminal justice system, lost productivity.
- That cost needed to be balanced against the benefits (£1.6m in the same period) of Leeds’ strong night time economy
- The Leeds Alcohol Action Plan looked to increase the involvement of all stakeholders in the licensing trade and influence public attitude, to support those who sought to change their drinking behaviour, improve treatment for dependant and hazardous drinkers and tackle child drinkers.

(Councillor Hussain left the meeting at this point)

Members commented on the following matters:

- The report revealed that the increase in alcohol related problems had been building up over a number of years and was not as a result of the implementation of the Licensing Act 2003
- Alcohol was more affordable in real terms now than in 1980
- Commented on the prominent display of alcohol promotions in supermarkets
- Many people now drank cheaply bought alcohol from supermarkets at home prior to going out into town. Alcohol appeared to be embedded in British culture with wide popular media coverage and perhaps a radical sea change of thinking was required to make binge drinking as socially unacceptable as smoking
- Alcohol promotions in nightclubs linked to entry fees were also regarded as an issue by some Members.

Members suggested the report needed a wide distribution to Area Committees and community groups; the Committee also discussed the role of education in showing young people the long term harm to health caused by alcohol and suggested the additional power point documentation should be available to schools.

RESOLVED – To thank Ms Fullard for her presentation and to note the contents of the report and the comments made by Members.

71 Sexual Entertainment Venues Update Local Government (Miscellaneous Provisions) Act 1982

The Assistant Chief Executive (Corporate Governance) submitted a report on the progress made by the SEV Working Group established by the Committee to develop a Policy and standard conditions relating to sex establishments - including sex shops; sex cinemas and lap dancing clubs. A copy of the draft Policy and Consultation Report was included for approval prior to the start of the public consultation on 4th April 2011.

The Committee noted the main concerns of the WG at the outset had been dancer's welfare and the daytime appearance of establishments. Discussion followed on:

- The benefits of having met with representatives of the trade and interested parties during the pre-consultation process
- The policy proposal to deal with each application on its own merit, rather than set a definitive number of establishments for the city
- The grounds a Sub Committee could consider as reasons to refuse an application
- The comments that
 - sports/recreational attractions should be listed within para 4:4 of the Policy as well as City Varieties within the arts/heritage attractions
 - para 8:33 to clarify which body an appeal should be made to
 - condition 51 to read "type of misdemeanour" not "fine"

RESOLVED -

- a) That the contents of the report be noted
- b) That approval be given to the consultation methodology and the draft Policy (with the minor amendments outlined above)
- c) That officers be authorised to commence the public consultation period on 4th April 2011.

72 Sex Establishment Fees and Charges - Local Government (Miscellaneous Provisions) Act 1982

The Committee considered the report of the Assistant Chief Executive (Corporate Governance) seeking approval in principal of the proposed fees for Sex Establishments having regard to recent changes in the law brought about by the European Services Directive. Any changes to the fees would require consultation with the relevant trade operators.

The report provided a breakdown of the service provided by the Entertainment Licensing Section as part of the application and administration process and comparative costs with other local authorities. Officers reiterated that only aspects of the administration process could be reflected in the fee. The Committee was keen to ensure that all aspects; including Members' time deliberating on applications and legal advice were provided for. Members were not convinced the proposed fees would achieve this and requested that officers recalculate the costs to include a proportion of Members Allowances.

RESOLVED -

- a) That Committee agree to the revision of the fee to include Members Allowances
- b) That Entertainment Licensing be authorised to consult with members of the industry alongside the wider consultation for the Statement of Licensing Policy which is due to commence in early April 2011
- c) That following consultation, a delegated decision be taken to approve new fees with effect from 1st October 2011 to coincide with the new provisions relating to the licensing of sex establishments adopted by Council in January 2011 which also take effect from 1st October 2011

73 Licensing Work Programme

The Committee noted that the Working Group established at this meeting would be included in the Work Programme and further considered membership of the WG

RESOLVED –

- a) To note the contents of the Licensing Work Programme for the remainder of the 2010/11 Municipal Year
- b) To note the membership of the “driver qualifications Working Group as Councillors Armitage, G Hyde and R D Feldman

74 Date and Time of Next Meeting

RESOLVED - To note the date and time of the next meeting as Tuesday 12th April 2011 at 10.00 am

Licensing Committee

Monday, 28th March, 2011

PRESENT: Councillor S Armitage in the Chair

Councillors R Downes, J Dunn, T Hanley
and V Morgan

75 Short Notice

The meeting was called at short notice under the provisions of paragraph 4.1 of the Access to Information Procedure Rules in order to hold a Special Meeting of the Committee to deal with one item of business.

76 Late Items

There were no late items.

77 Declarations of Interest

There were no declarations of interest.

78 Apologies for Absence

Apologies for absence were received from Councillors Dobson, Mrs R Feldman, R D Feldman, Grayshon, G Hussain, G Hyde, Selby, Townsley and Wilkinson.

79 Licensing Committee - Delegation of Functions to officers

The Head of Licensing and Registration submitted a report on proposed revisions to the officer delegation scheme associated with the work of the Licensing Committee required in order to address staffing changes due to take effect from 31 March 2011. A revised copy of the delegation scheme was included at Appendix 2 of the report.

RESOLVED – That the proposals to delegate the licensing functions to the Director of Resources with effect from 1 April 2011 (as set out in appendix 2 of the submitted report) be approved

(This item was considered at short notice in order to maintain good corporate governance arrangements and continue the efficient administration of the business of the Licensing Authority)

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Report of the City Solicitor

Report to the Licensing Committee

Date: 28 June 2011

Subject: Licensing Committee – Annual Governance Arrangements

Electoral wards affected:

All

Specific implications for:

Equality and Diversity

Disabled people

Narrowing the gap

Executive Summary

1. Under the Licensing Act 2003 and the Gambling Act 2005 the Licensing Committee is authorised to discharge the licensing functions of the Licensing Authority. This report deals with the annual governance arrangements for Licensing Committee.
2. The Licensing Act 2003 specifically dis-applies Section 101 of the Local Government Act 1972 in respect of the Licensing Committee. The 2003 Act specifically provides that the Licensing Committee may establish one or more sub-committees, and that the Licensing Committee may arrange for the discharge of any functions exercised by it by a sub-committee established by it, or by an officer of the Licensing Authority.
3. This report therefore deals with the appointment and terms of reference of Licensing sub-committees, and the delegation of functions to officers.

1.0 Purpose of this report

1.1 This report is presented to members to establish the governance arrangements for the Licensing Committee for the 2011/2012 municipal year, namely:

- Noting the terms of reference of the Licensing Committee as agreed at the annual Council meeting on 26 May 2011.
- To appoint licensing sub-committees for the 2011/2012 municipal year.
- To approve terms of reference for the licensing sub-committees.
- To approve the delegation of functions to Officers as appropriate.

2.0 Background information

2.1 The Council is the Licensing Authority under the Licensing Act 2003 (“the 2003 Act”) and the Gambling Act 2005 (“the 2005 Act”).

2.2 In accordance with both the 2003 Act and 2005 Act, with the exception of specified functions (which largely relate to the Authority’s statement of licensing policy), all matters relating to the discharge by the Authority of its licensing functions are referred to its Licensing Committee. This discretion does not extend to any licensing function referred to full Council or a licensing function where full Council has referred the matter to another committee.

2.3 The Licensing Committee is also authorised to delegate functions of the Authority to Officers.

Legislation

2.4 Section 101 of the Local Government Act 1972 sets out the standard arrangements for the discharge of functions by Local Authorities. Section 101 is, however, amended by the 2003 Act to dis-apply these provisions in respect of any functions of the Licensing Authority.

2.5 Instead the 2003 Act specifically provides that a Licensing Committee may establish one or more sub-committees consisting of three members of the committee (Section 9). It also provides that regulations may make provisions about the proceedings of Licensing Committees, and their sub-committees (including the validity of proceedings and the quorum of the meeting).

2.6 Subject to any such regulations the Licensing Committee may regulate its own procedure and that of its sub-committees (Section 9(3) of the 2003 Act).

2.7 The 2003 Act also provides that the Licensing Committee may arrange for the discharge of any functions exercisable by it:

- (a) by a sub-committee established by it, or
- (b) by an officer of the Licensing Authority.

2.8 Where arrangements are made for a sub-committee to discharge functions, that sub-committee may in turn arrange for the discharge of the function by an officer of the Licensing Authority.

- 2.9 The powers of the sub-committee to delegate to officers are subject to any direction given by the Licensing Committee to the sub-committee (Section 10(5) of the 2003 Act).
- 2.10 The arrangements may provide for more than one sub-committee or officer to discharge the same function concurrently (Section 10(3)).
- 2.11 There are limitations to the power to delegate in relation to a number of different functions. Generally where representations or objections have been made in respect of particular applications decisions cannot be delegated to an officer. These limitations are set out in Section 10(4) of the 2003 Act.

3.0 Main issues

Licensing Committee Terms of Reference

- 3.1 The terms of reference for the Licensing Committee were agreed at the annual Council meeting held on 26 May 2011. the terms of reference are attached at **Appendix 1** of this report for members information.
- 3.2 Members should note that under Section 7(3) of the 2003 Act full council may arrange for the Licensing Committee to discharge any function of the Authority which “relates to” a matter referred to the committee but which is not a licensing function.
- 3.3 Members should note that the power to make a Designated Public Places Order in respect of alcohol consumption under the Criminal Justice and Police Act 2001 was delegated under this power by full Council to the Licensing Committee on 11 January 2006.
- 3.4 Members should also note that under the same provision in the Licensing Act full Council has delegated the Licensing Committee the power to designate an area of an Alcohol Disorder Zone under Section 16 of the Violent Crime Reduction Act 2006.

Appointment of Sub-Committees

- 3.5 As referred to above, the Licensing Committee may establish one or more sub-committees consisting of three members of the committee. Previously five sub-committees were established each with three members. It is again proposed that five sub-committees are established. Due to changes in the membership of the Licensing Committee it is now necessary to re-appoint the sub-committees.

Membership

- 3.6 The proposed membership of each sub-committee is set out in **Appendix 2** to this report. The rules on political balance do not apply to sub-committees however officers have suggested sub committee membership which takes into account levels of experience as well as ensuring a mix of political parties and wards. .

Substitutes

- 3.7 The licensing procedure rules provide that the fifteen members of the licensing committee form a pool for the purposes of substitutions to the sub-committees. Therefore any member of the Licensing Committee may substitute for any other members of the Licensing Committee at any meeting of a sub-committee.

Appointment of Chairs

- 3.8 Chairs are not appointed to each sub-committee, but instead, the members present at each meeting of a sub-committee appoint the chair from their numbers.

Quorum

- 3.9 The quorum of meetings of the Licensing Committee is five, and for the sub-committee, three. However, on 5 June 2007 the Licensing Committee did approve that in exceptional circumstances on the day of the sub-committee hearing and after all other avenues to seek a third member have been exhausted, a quorum of two will be permissible.

Sub-Committee Terms of Reference

- 3.10 The proposed terms of reference for the licensing sub-committees are set out at **Appendix 3** to this report. Members will recall that sub-committees do not deal with large scale or outdoor events like the Leeds Festival. Such events raise serious issues of public safety, crowd control and public nuisance. As such it was felt they should be the subject of consideration by the full Licensing Committee. Sub-committees will still deal with smaller outdoor events and with all outdoor events applications such as those made by Parks and Countryside to licensed Council parks. These applications do not raise the same issues as large scale outdoor events. Sub-committees are also empowered to deal with reviews of premises licences.
- 3.11 Members will note a paragraph in the terms of reference which states that the sub-committee can also deal with any other hearing required under the 2003 or 2005 Acts, but which may not be specified in the terms of reference. This is to ensure that as legislation comes into force the sub-committee is able to continue to deal with all hearings relating to the Council's licensing functions without having to necessarily amend the licensing sub-committees terms of reference each time. It is proposed that the licensing sub-committees terms of reference will be regularly updated with any new legislation, this proposal is a measure designed to prevent potential difficulties with the timely disposal of licensing hearings.
- 3.12 Paragraphs 3,4 and 5 of the Terms of Reference relate to functions previously within the Terms of Reference of the Licensing and Regulatory Panel which was disbanded during the last municipal year. These relate to contract driver permit appeals and the licensing of hypnotism and charitable collections. When these powers were delegated to the Licensing Committee it was determined by the Committee that these elements of the new powers were suitable to be exercised by sub committees. It is proposed to continue these arrangements for those rare occasions when a hearing before Members is required.
- 3.13 The Committee is asked to approve the licensing sub-committees terms of reference as shown at **Appendix 3**.

Officer Delegation Scheme

- 3.14 Members will recall as set out in paragraph 2.7 above that the Licensing Committee may arrange for the discharge of any functions exercisable by it to be carried out by an officer of the Licensing Authority. The Licensing Committee has previously delegated functions to the Director of Resources as set out in the Officer Delegation

Scheme shown at **Appendix 4**. It is proposed to make one change to that delegation scheme.

- 3.15 Members may be aware that the changes to the composition of the Committee and the time which has elapsed between the appointment of the new Committee and the creation of the sub-committees have caused difficulties in ensuring that quorate sub-committees can be convened. The Director of Resources already has delegated authority to appoint members to vacancies on committees, boards and panels during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels.
- 3.16 It is proposed that the Licensing Committee delegate the same power to the Director of Resources to appoint members to vacancies on the sub committees. The effect of this is that new members can be appointed onto the Licensing Committee and sub committee at the same time without the need for an additional meeting of the Committee to approve the sub committee appointments as would currently be required.
- 3.17 The committee is asked to approve the delegation of the licensing functions to the Director of Resources as contained in the amended Delegation Scheme at **Appendix 4**.

Alcohol Disorder Zones

- 3.18 The Violent Crime Reduction Act 2006 introduced Alcohol Disorder Zones (ADZs). These came into force in 2009 when regulations were made. An area can be designated an ADZ where there is a problem with alcohol related nuisance, crime and disorder, but there is no clear link between the problem and an individual licensed premises. A problem with an individual licensed premise can be tackled under current licensing legislation. The process for designating an ADZ is set out in the regulations and involves consulting on the proposals, obtaining the consent of the police, developing an action plan and operating and administering the ADZ.
- 3.19 This function has been delegated by full Council to the Licensing Committee under Section 7(3) of the Licensing Act 2003 as full Council considered it to be “related to” an existing licensing function, however it is not a licensing function under the 2003 Act. It is proposed that the function of making an ADZ is again delegated to the Director of Environment and Neighbourhoods however Members may wish to note that officers expect this power to be repealed when the Police Reform and Social Responsibility Bill passes onto the statute book.
- 3.20 Members are asked to approve the delegation of the function of Alcohol Disorder Zones to the Director of Environment and Neighbourhoods as contained in the delegation scheme shown at **Appendix 5**.

4.0 Implications for council policy and governance

- 4.1 The appointment of sub-committees to carry out the licensing functions and delegations to officers as appropriate, is consistent with good corporate governance arrangements.

5.0 Legal and resource implications

5.1 This report ensures that the Licensing Authority can carry out its functions as required by the legislation.

5.2 There are no resource implications.

6.0 Recommendations

6.1 Members of the Licensing Committee are requested to note the terms of reference of the Licensing Committee as approved by full Council on 26 May 2011 as shown at **Appendix 1**.

6.2 Members of the Licensing Committee are asked to establish five licensing sub-committees, noting the arrangements for the membership as set out in paragraph 3.6 above.

6.3 Members of the Licensing Committee are asked to approve the membership of each sub-committee as set out in **Appendix 2** of this report.

6.4 Members of the Licensing Committee are asked to approve the terms of reference for the licensing sub-committees as set out in **Appendix 3** of this report.

6.5 Members of the Licensing Committee are asked to approve the delegation of licensing functions to the Director of Resources as shown in **Appendix 4** to this report.

6.6 Members of the Licensing Committee are asked to approve the delegation of the function of making an Alcohol Disorder Zone to the Director of Environment and Neighbourhoods as shown in **Appendix 5** to this report.

The Licensing Committee

With the exception¹ of

- any licensing function under the Licensing Act 2003 (the 2003 Act) or the Gambling Act 2005 (the 2005 Act) reserved to full Council;² or
- any licensing function where full Council has referred a matter to another committee,³

the Licensing Committee is authorised to discharge⁴ the following functions⁵:

1. to discharge the licensing functions of the licensing authority;⁶
- 2.1 to discharge any other function of the authority referred to it by full Council;⁷
- 2.2 pursuant to the provision in section 2.1 above full Council has delegated to the Licensing Committee the following functions:
 - 2.2.1 the power to make a designated public places order in respect of alcohol consumption under the Criminal Justice and Police Act 2001⁸
 - 2.2.2 the power to designate an area as an Alcohol Disorder Zone⁹
 - 2.2.3 hackney carriages and private hire vehicles¹⁰
 - 2.2.4 sexual entertainment venues, sex shops and sex cinemas¹¹
 - 2.2.5 performances of hypnotism¹²

¹ In accordance with Section 7(2) of the 2003 Act or s154 (2) (a) and (c) of the 2005 Act.

² Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act and under the 2005 Act.

³ Under the provisions of Section 7(5)(a) of the 2003 Act.

⁴ The Committee may arrange for any of its functions to be discharged by one or more sub-committees, or by an officer, subject to the exceptions set out in Section 10(4) of the 2003 Act see also Section 154 of the 2005 Act.

⁵ 'Functions' for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

⁶ This includes the power to set fees under Section 212 of the 2005 Act

⁷ Full Council may arrange for the Licensing Committee to discharge any function of the authority which relates to a matter referred to the Committee but is not a licensing function (Section 7(3)). It may also refer a matter to the Committee where a matter relates to both a licensing function and to a function of the authority which is not a licensing function, and arrange for the Committee to discharge the other function (Section 7(5)(b) of the 2003 Act). Before exercising this power, the Council must consult with the Committee.

⁸ Item 49 of Para I of Schedule 1 to the 2000 Regulations

⁹ Item 50 Para I of Schedule 1 to the 2000 Regulations

¹⁰ Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

¹¹ Item 15 of Para. B of Schedule 1 to the 2000 Regulations and Section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

¹² Item 16 of Para. B of Schedule 1 to the 2000 Regulations

2.2.6 charitable collections¹³

- 3 in respect of any approval, consent, licence, permission, or registration which they may grant,
 - (a) To impose conditions limitations or restrictions;
 - (b) To determine any terms;
 - (c) To determine whether and how to enforce any failure to comply;
 - (d) To amend, modify, vary or revoke;
 - (e) To determine whether a charge should be made or the amount of such a charge.
4. to make recommendations to full Council in connection with the discharge of its functions as licensing authority;¹⁴ and
5. to receive reports from, and to make recommendations and representations to other committees or bodies as appropriate.¹⁵

¹³ Item 39 of Para. B of Schedule 1 to the 2000 Regulations

¹⁴ Including recommendations arising from the monitoring of the operation and impact of the licensing or Gambling policy by the Licensing Committee.

¹⁵ Where the licensing authority exercises its power under Section 7(5)(a) of the 2003 Act the other Committee must consider a report of the Licensing Committee. Where the Council does not make arrangements under Section 7(3), it must (unless the matter is urgent) consider a report of the Licensing Committee with respect to the matter before discharging the function (Section 7(4)).

LICENSING COMMITTEE 11/12**A**

S ARMITAGE (Lab)
K BRUCE (Lab)
R DOWNES (Lib Dem)

B

J DUNN (Lab)
R D FELDMAN (Cons)
G HUSSAIN (Lab)

C

T HANLEY (Lab)
B GETTINGS (MBI)
G HYDE (Lab)

D

C TOWNSLEY (Lib Dem)
PAT LATTY (Cons)
B SELBY (Lab)

E

ASGHAR KHAN (Burmantofts &
Richmond Hill) (Lab)
G WILKINSON (Cons)
D WILSON (Lib Dem)

LICENSING COMMITTEE
SUB COMMITTEE MEMBERSHIP

A	SUZI ARMITAGE	LAB	Crossgates & Whinmoor
	KAREN BRUCE	LAB	Rothwell
	RYK DOWNES	LIB DEM	Otley & Yeadon
B	JACK DUNN	LAB	Ardsley & Robin Hood
	RONALD FELDMAN	CONS	Alwoodley
	GHULAM HUSSAIN	LAB	Roundhay
C	TED HANLEY	LAB	Bramley & Stanningley
	BOB GETTINGS	MBI	Morley North
	GRAHAM HYDE	LAB	Killingbeck & Seacroft
D	CHRIS TOWNSLEY	LIB DEM	Horsforth
	PAT LATTY	CONS	Guiseley & Rawdon
	BRIAN SELBY	LAB	Killingbeck & Seacroft
E	ASGHAR KHAN	LAB	Burmantofts & Richmond Hill
	GERALD WILKINSON	CONS	Wetherby
	DONALD WILSON	LIB DEM	Rothwell

Licensing Sub-Committees

The Licensing Sub-Committees are authorised to discharge¹ the following functions² concurrently³:

1. functions⁴ under:

- (a) section 18(3) of the 2003 Act (determination of application for premises licences where representations have been made);
- (b) section 31(3) of the 2003 Act (determination of application for provisional statements where representations have been made);
- (c) section 35(3) of the 2003 Act (determination of application for variation of premises licence where representations have been made);
- (d) section 39(3) of the 2003 Act (determination of application to vary designated premises supervisors following police objection);
- (e) section 44(5) of the 2003 Act (determination of application for transfer of premises licences following police objection);
- (f) section 48(3) of the 2003 Act (consideration of police objection made to an interim authority notice);
- (g) section 52(3) of the 2003 Act (determination of an application for review of a premises licence);
- (h) section 53A-C of the 2003 Act (summary expedited review hearings);
- (i) section 72(3) of the 2003 Act (determination of application for club premises certificates where relevant representations have been made);
- (j) section 85(3) of the 2003 Act (determination of application to vary club premises certificates where representations have been made);
- (k) section 88(3) of the 2003 Act (determination of application for review of a club premises certificate);
- (l) section 105(2)(decision to give counter notice following police objection to a temporary event notice);
- (m) section 120(7) of the 2003 Act (determination of application for grant of personal licence following police objection);
- (n) section 121(6) of the 2003 Act (determination of application for renewal of personal licences following police objection);
- (o) section 124(4) of the 2003 Act (revocation of licence where convictions come to light after grant or renewal of personal licences);
- (p) section 20(3) of the 2003 Act (making recommendations for restricting the admission of children to the exhibition of any film)
- (q) section 159 of the 2005 Act (determination of application for premises licences where representations have been made)⁵

¹ With the exception of those functions set out in paragraphs 1 and 2 above, and subject to any direction given by the Licensing Committee, the Licensing Sub-Committees may arrange for any of these functions to be discharged by an officer (Section 10(2) and (5) of the Licensing Act 2003 (the 2003 Act)).

² "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

³ Section 10(3) of the 2003 Act.

⁴ Including agreeing whether a hearing is necessary.

- (r) section 187 of the 2005 Act (determination of application for variation of premises licence where representations have been made);⁵
 - (s) section 188 of the 2005 Act (determination of application for transfer of premises licences following objection);⁶
 - (t) section 195 of the 2005 Act (consideration of objection made to an application for reinstatement);⁶
 - (u) section 203 of the 2005 Act (determination of review of a premises licence);
 - (v) section 204 of the 2005 Act (determination of application for provisional statements where representations have been made);⁶
 - (w) section 224 of the 2005 Act (decision to give counter notice following an objection to a temporary use notice);
 - (x) schedule 10 of the 2005 Act (consideration of representations in relation to the proposed rejection of a family entertainment centre permit);
 - (y) schedule 14 of the 2005 Act (consideration of representations in relation to the proposed rejection of a prize gaming permit);
 - (z) schedule 13 of the 2005 Act (consideration of representations in relation to the proposed rejection of an alcohol licensed premises gaming machine permit);
 - (aa) schedule 12 of the 2005 Act (consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit);
2. Functions relating to any other hearings required under the 2003 Act or the 2005 Act that have not been reserved to the Licensing Committee.
 3. The function of hearing appeals against the refusal to grant a contract driver permit.
 4. The function of licensing performances of hypnotism⁷ where an officer has considered not to exercise their delegated authority and has referred the matter to the sub-committee for determination.
 5. The function of licensing persons to collect for charitable and other causes⁸ where either objections have been received, or an officer has considered not to exercise their delegated authority and has referred the matter to the sub-committee for determination.

⁵ Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

⁶ Including deciding whether representations are vexatious, frivolous, or will certainly not influence the authority's determination of the application

⁷ The Hypnotism Act 1952

⁸ Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

5. To discharge any other function referred by the Licensing Committee, including making representations to the Licensing Committee in connection with the discharge of its functions.

Exceptions

A Sub Committee is not authorised to discharge functions under paragraph 1 (a) to (e) above where the application relates to an event in the open air, in a temporary structure and where the proposed capacity of the event exceeds 30,000 people.

A Sub Committee is not authorised to discharge functions under paragraph 1 (p) to (u) above where the application relates to a licence for a large casino pursuant to s174 of the 2005 Act.

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Director of Resources

1. The Director of Resources¹ is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution):

(a)	To appoint review boards under the Social Security Act 1998 ²
(b)	To make arrangements for appeals against exclusion of pupils from maintained Schools
(c)	To make arrangements for appeals regarding school admissions ³
(d)	To make arrangements for appeals by governing bodies ⁴
(e)	To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority ⁵

2. Subject to the Exceptions listed below, the Director of Resources is authorised to discharge the following Council (non-executive) functions:

Functions relating to Human Resources

(a)	Functions relating to local government pensions, etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
(b)	To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal ⁶	Section 112 Local Government Act 1972
(c)	To determine employee terms and conditions	Section 112 Local Government Act 1972

¹ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

² s34 (4) Social Security Act 1998

³ s94 (1), (1A) and (4) School Standards and Framework Act 1998

⁴ s95 (2) School Standards and Framework Act 1998

⁵ s20 Police Act 1996

⁶ Except in relation to those which are to be determined by the Employment Committee.

Functions relating to standing orders

(a)	To make standing orders in relation to Finance and Officer Employment	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

Regulatory Functions

(a)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(b)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(c)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

Exceptions⁷

The Director of Resources is not authorised to discharge those functions marked * above where objections have been received.

Appointments to Committees Boards and Panels

The Director of Resources is authorised to appoint members to vacancies during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels.

⁷ Under this delegation scheme (council functions). The General Purposes Committee may however arrange for the discharge of any of its functions by the Director of Resources - (Section 101(2) Local Government Act 1972.

Appendix 4
Officer Delegation Scheme (Council (non-executive) functions)

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Licensing Functions delegated by Licensing Committee

<p>Subject to the exceptions listed below, the Director of Resources is authorised to discharge the licensing functions¹ of the licensing authority.</p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> • any licensing function² reserved to full Council³; and • any licensing function where full Council has referred a matter to a committee other than the Licensing Committee⁴; and • any licensing function within the terms of reference of the Licensing Sub-committees⁵; and • to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act <p>The Director of Resources is authorised to appoint members to vacancies during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels.</p>	<p>Licensing Act 2003 and the Gambling Act 2005.</p>
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Functions related to the Licensing Functions delegated by Licensing Committee⁶

Subject to the exceptions listed below, the Director of Resources is authorised to discharge the functions set out in the following table that are delegated to the Director of Resources by Licensing Committee

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
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¹ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

² "Licensing functions" means functions under the 2003 Act and the 2005 Act.

³ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

⁴ Under the provisions of Section 7(5)(a) of the 2003 Act

⁵ Except where a Licensing sub-committee has arranged for the discharge of any of their functions by an Officer

⁶ These functions were delegated to the Licensing Committee by full Council on 14 July 2010

Officer Delegation Scheme (Council (non-executive) functions)

		(b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	* To licence sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	* To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

Exceptions

The Director of Resources is not authorised to discharge those functions marked * above where objections have been received.

Director of Environment and Neighbourhoods

The Director of Environment and Neighbourhoods¹ is authorised to discharge the following Council (non-executive) functions:

(a)	To issue licences authorising the use of land as a caravan site (“site licences”)	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(f)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(g)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(h)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(i)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(j)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(k)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
(m)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(n)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	Duty to enforce Chapter 1 and regulations	Section 10(3) of the Health Act 2006

¹ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

Officer Delegation Scheme (Council (non-executive) functions)

	made under it	
(p)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(q)	Functions related to fixed penalty notices	Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(r)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)

Functions related to Licensing Functions delegated by Licensing Committee		
(s)	Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006



Report of the Assistant Chief Executive (Corporate Governance)

Licensing Committee

Date: 28 June 2011

Subject: Licensing Procedure Rules and Code of Practice for Determining Licensing Matters.

Electoral Wards Affected:	Specific Implications For:
All	Equality and Diversity <input type="checkbox"/>
	Community Cohesion <input type="checkbox"/>
	Narrowing the Gap <input type="checkbox"/>

Executive Summary

This report sets out the proposed Rules of Procedure to be followed by the Licensing Committee and the Licensing Sub Committees under the provisions of both the Licensing Act 2003 and the Gambling Act 2005.

It is necessary for the Licensing Committee to re-affirm the Rules of Procedure each time the Committee is appointed.

It also highlights the Code of Practice for the Determination of Licensing Matters for Members' information. This Code was approved by Standards Committee.

1.0 Purpose Of This Report

1.1 To put forward for Members' consideration, draft procedure rules relating to hearings and other meetings of the Licensing Committee and Sub Committees and to seek the approval of Members to the adoption of these to govern committee procedure.

2.0 Background Information

2.1 Under the Licensing Act 2003 Leeds City Council is appointed as the licensing authority for the Leeds district. With the exception of certain functions (most notably the development of a licensing policy), the Act refers all matters relating to the discharge of licensing functions to a licensing committee, which had to be created and which must discharge those functions on behalf of the authority.

2.2 Section 9 (2) of the 2003 Act provides that the Secretary of State may issue regulations governing

- The proceedings of licensing committees and their subcommittees (including provision about the validity of proceedings and the quorum for meetings)
- Public access to the meetings of those committees and subcommittees
- The publicity to be given to those meetings
- The agendas and records to be produced in respect of those meetings
- Public access to such agendas and records and other information about those meetings

Subject to the regulations, a licensing committee may regulate its own procedure and that of its sub committees.

- 2.3 On 12 January 2005 the Secretary of State issued regulations under Section 9 (2) of the 2003 Act¹ in respect of licensing matters, although these only apply to the procedure to be followed in respect of hearings as defined in column 1 of schedule 1 to the Regulations. Effectively this relates to the normal business of Licensing Sub Committee such as determining applications for premises licences and certificates, variations and transfers of licences and certificates and reviews.
- 2.4 On 2 March 2005 the Licensing Committee approved two sets of procedure rules under the 2003 Act and the associated regulations. The first sets of rules were referred to as the Licensing Committee General Procedure Rules and the second as the Licensing Committee Hearings Procedure Rules. The second set mirrored the Regulations issued by the Secretary of State referred to in paragraph 2.3 above.
- 2.5 Under the Gambling Act 2005 the functions of the council as licensing authority for gambling are also automatically referred to the Licensing Committee created under the 2003 Act. Section 154(5) of the 2005 Act ensures that the provisions of section 9 of the 2003 Act apply to the proceedings of Licensing Committee and Sub Committees when exercising functions under part 8 of the 2003 Act (premises licensing). The Secretary of State can therefore use this provision to make regulations that may apply to both licensing and gambling functions, or she may make separate regulations for each Act.
- 2.6 On 27 January 2007 the Secretary of State issued regulations in respect of premises licensing under the 2005 Act². These regulations apply only to the exercise of functions in respect of premises licensing and provisional statements under the 2005 Act. Therefore there are two separate sets of regulations which apply to the conduct of Licensing Committee and Sub Committees dependant upon which functions are being exercised.
- 2.7 On 3rd April 2007 the Committee considered whether the provisions of the Gambling Regulations could be incorporated into the then existing Procedure Rules and concluded that they could not. The Committee then considered whether two full sets of rules should be drafted in relation to the gambling and licensing functions but agreed instead that a revised set of Rules be approved which cross refer to the two sets of regulations without setting out the full provisions of either.

¹ Licensing Act 2003 (Hearings) Regulations 2005 SI 2005/44

² The Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees) (Premises Licence and Provisional Statements) (England and Wales) Regulations 2007 SI 2007/173

Main Issues

Licensing Committee Procedure Rules

- 3.1 The Committee has previously approved one set of Licensing Committee Procedure Rules, which apply to proceedings under both the 2003 Act and the 2005 Act and which cross refer to the relevant regulations. The Rules proposed for adoption by the Licensing Committee at **Appendix 1** to this report are identical to those approved previously.
- 3.2 In relation to hearings by a licensing sub committee, these must follow the relevant regulations. **Appendix 2** is attached for Members' information as an aide memoir to the provisions. A legal advisor is present at all hearings of the sub committee and will provide advice on the regulations as required.
- 3.3 Under the relevant regulations those attending a hearing before a sub committee as a party to the hearing must receive information on the process to be followed
- 3.4 It is proposed to make one change from the previous process of a sub committee hearing and that is in relation to the order of speeches. The process as originally written assumed that Members and the public would be aware of the application and the views of other parties through the written report and appendices. It provided that those making representations against the grant or variation should address the sub committee first followed by the applicant who could address the points made. However in practice residents and Ward Members attending a hearing often do not have full details of the application at that stage.
- 3.5 Following feedback from parties it is proposed to allow the applicant to address the sub committee first to outline the application and how the premises will operate and then to allow those making representations to address the sub committee in the light of that information. The applicant would then be allowed to address the sub committee again in response to any representations made. This procedure will be followed for 'standard' hearings for variation or grant. Although it may extend the hearing time slightly it is considered that it will result in better information for Members to make a decision upon as well as making the process easier to follow for the parties.
- 3.6 On a review the proposed procedure is for the party seeking the review to address the sub committee first followed by those making representations and ending with the licence holder. On a review the licence may be revoked and as such it is suggested the licence holder should be allowed to address the committee last as he/she has most at stake in the process.
- 3.7 A copy of the information to be made available to parties at hearings is attached as **Appendix 3**. If approved, these changes could be monitored with a report being brought back to Licenisng Committee to amend the procedure again if required.

Licensing Code of Practice

- 3.8 The Code of Practice for the determination of licensing matters was approved by the Standards Committee of the council following consultation with the Licensing Committee. It substantially follows the guidance previously produced by LACORs (Local Authority Coordinators of Regulatory Services).

- 3.9 The Code applies to all licensing decisions made including decisions of the Licensing Committee, decisions of the Licensing Sub committee and any delegated decisions within the terms of reference of the preceding bodies. The code also applies at all times when Members are involved in the licensing process, such as meetings with the public.
- 3.10 The aim of the code of practice is to ensure that in the licensing process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 3.11 The Code of Practice for the determination of licensing matters is attached at **Appendix 4** for the information of Members.

4. Implications For Council Policy And Governance

- 4.1 The Licensing Committee must operate within the relevant statutory provisions to ensure that it's decisions are valid and can withstand challenge. The adoption of the procedure rules each municipal year prevents challenge to the validity of the rules.

5 Legal and Resource Implications

- 5.1 Failure to adopt and adhere to relevant procedure rules might render decisions susceptible to challenge.
- 5.2 There are no resource implications in adopting the rules.
- 5.3 Following the Code Of Practice for the determination of licensing matters will assist in preventing claims that decisions have been biased, partial or not well founded.

6 Recommendations

- 6.1 That Members approve the Licensing Procedure Rules as set out as **Appendix 1** to this report and note the contents of the associated information sheet attached at **Appendix 2**.
- 6.2 That Members approve the proposed change to the processes adopted at Licenising Sub Committees in the order of speeches as set out in the information sheets at **Appendix 3**.
- 6.2 That members note and follow the contents of the Code of Practice for the determination of licensing matters as attached at **Appendix 4**.

LICENSING COMMITTEE PROCEDURE RULES

1. INTERPRETATION

'The Chair' means the Chair of the Licensing Committee.

'The Committee' means the Licensing Committee or Licensing Sub Committee.

'The Relevant Regulations' means the Licensing Act 2003 (Hearings) regulations 2005 SI 2005/44 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 SI 2007/173

'The 2003 Act' means the Licensing Act 2003

'The 2005 Act' means the Gambling Act 2005

2. SCOPE

These Procedure Rules will apply in respect all matters which are dealt with by the Committee under either the 2003 Act or the 2005 Act

3. APPLICATION OF COUNCIL PROCEDURE RULES/ACCESS TO INFORMATION PROCEDURE RULES

Except where the Relevant Regulations provide differently, the Council Procedure Rules and Access to Information Procedure Rules (in so far as they apply to committees and sub-committees) will be followed for all meetings of the Committee.

4. APPLICATION OF THE RELEVANT REGULATIONS

The provisions of the Licensing Act (Hearings) Regulations 2005 shall apply to any hearings conducted under the provisions of the Licensing Act 2003¹ and in the event of any conflict between the relevant regulations and the Council Procedure Rules/Access to Information Procedure Rules in relation to such hearings the provisions of the relevant regulations shall prevail.

The provisions of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 shall apply to the exercise of functions under Section 162 (1) and (2) and Section 201 (4) of the Gambling Act 2005 and in the event of any conflict between the relevant regulations and the Council Procedure

¹ Hearings are defined as those matters referred to in column 1 of schedule 1 to the regulations

Licensing Procedure Rules

Rules/Access to Information Procedure Rules in relation to the exercise of such functions the provisions of the relevant regulations shall prevail.

5. APPOINTMENT OF CHAIR

The Authority shall appoint the Chair of the Licensing Committee at its AGM.

The Chair of each Licensing Sub-Committee shall be elected by the Sub-Committee at the start of each meeting.

6. QUORUM

Five Members (including the Chair) shall form a quorum for meetings of the Licensing Committee.

Three Members shall normally form a quorum for meetings of a Licensing Sub-Committee. In exceptional circumstances such as illness or unanticipated non-availability of a Sub-Committee Member it shall be possible for a sub-committee to conduct a hearing with only two Members present provide that

- Attempts have been made to identify a Member who can substitute for the Member who is not available without success and
- The parties present agree to a quorum of two and
- The resultant decision is unanimous

Except where authorised by statute, business shall not be transacted at a meeting unless a quorum is present.

7. SUBSTITUTE MEMBERS

Allocation

No substitute Members are appointed for the Licensing Committee. In relation to each Licensing Sub-Committee, the Licensing Committee has appointed substitute Members, comprising all other Members of the Licensing Committee.

Substitution

A substitute Member shall be entitled to attend in place of a regular Member provided that the Committee Clerk has been notified of this before the meeting begins. Once the meeting has begun, the regular Member in respect of whom notification has been received, shall no longer be entitled to attend that agenda item as a Member of the Licensing Sub-Committee concerned.

Powers and duties

A substitute Member will have all the powers and duties of any regular Member of the Licensing Sub-Committee but will not be able to exercise any special powers or duties exercisable by the person for whom s/he is substituting.

A substitute Member shall be for all purposes a duly appointed Member of the Licensing Sub-Committee to which s/he is appointed as a substitute Member for the meeting in question and shall have the like duties, powers and responsibilities as the member whom s/he is replacing.

8. MEETINGS OF THE COMMITTEE

The Chair of the Committee or the Chief Executive may call a meeting at any time.

A special meeting of the Committee may be called on the requisition of any 3 Members of the Committee delivered in writing to the Chief Executive. The summons to such a special meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

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COMMITTEE PROCESS

LICENSING ACT 2003	GAMBLING ACT 2005
<p>Time within which hearing is to be held:-</p> <ul style="list-style-type: none"> - Set out in Schedule 1 – generally 20 working days starting the day after the end of the period for representations. 	<p>Time within which hearing is to be held:-</p> <ul style="list-style-type: none"> - As soon as reasonably practicable after the end of the period for representations
<p>Hearings longer than 1 day to be held on consecutive days.</p>	<p>Hearings longer than 1 day to be held on consecutive days.</p>
<p>Notice of hearing:-</p> <ul style="list-style-type: none"> - Generally 10 working days Shorter periods for tens, interim authority notice (2 days) and review of closure order (5 days) 	<p>Notice of hearing:-</p> <ul style="list-style-type: none"> - Sent so it is received no later than 10 working days before the first day of the hearing
<p>Notice to be given to:-</p> <p style="padding-left: 40px;">Licence holder/applicant and those who made reps.</p>	<p>Notice to be given to:-</p> <ul style="list-style-type: none"> - Licence holder, applicant and those who made reps.
<p>Information to be given with notice:-</p> <ul style="list-style-type: none"> - Rights of the parties - Consequences of failing to attend - Procedure at hearing - Points requiring clarification - Copies of relevant reps 	<p>Information to be given with notice:-</p> <ul style="list-style-type: none"> - Rights of the parties under reg 8 and 9. - Consequences of failure to attend. - Procedure at the hearing. - Time limit (if any) for informing that the party:- <ul style="list-style-type: none"> • Wishes to attend. • Wishes to be represented. • Will be calling witnesses. • Wishes to withdraw representations. • Is content to have the matter determined without a hearing. - Points requiring clarification

	<ul style="list-style-type: none"> - Copy documents to licence holder/applicant - Right to request documents to those making reps.
LICENSING ACT	GAMBLING ACT
<p>Action following notice of hearing:-</p> <ul style="list-style-type: none"> - Parties to return counter notice to include:- <ul style="list-style-type: none"> • Request for permission to call witnesses • Whether he will attend/be represented • Whether he considers a hearing to be necessary 	
<p>Dispensing with a hearing:-</p> <p>All parties give notice that they consider a hearing is unnecessary <u>and</u> the Authority agrees.</p> <p>Notice that hearing has been dispensed with must be given forthwith</p>	<p>Dispensing with a hearing:-</p> <p>All parties notify the Authority that they consent to matter being dispensed with.</p> <p>Notice that hearing has been dispensed with must be given as soon as reasonably practicable.</p>
<p>Withdrawal of representations:-</p> <ul style="list-style-type: none"> - In writing up to 24 hours before hearing. - Orally at the hearing. 	
<p>Power to extend time:-</p> <ul style="list-style-type: none"> - Any time limit can be extended unless it relates to a review following closure order. - If time limit is extended a notice to that effect must be given forthwith 	<p>Power to extend time:-</p> <ul style="list-style-type: none"> - Applies only to time for determining an application or review following a hearing.

HEARING PROCEDURE

LICENSING ACT	GAMBLING ACT
<p>Postponing/adjourning the hearing:-</p> <ul style="list-style-type: none"> - Where it is considered necessary the hearing may be adjourned to a specified date. - Notice of adjournment must be given forthwith. 	<p>Postponing/adjourning the hearing:-</p> <ul style="list-style-type: none"> - If necessary to consider any information or documents. - Or if necessary having regard to the ability of any party, representative or witness to attend. - Notice of adjournment must be given as soon as reasonably practicable.
<p>Hearings in public:-</p> <ul style="list-style-type: none"> - General rule that the hearing must be in public. - May exclude the public if the public interest in excluding the public outweighs the public interest in having a public hearing. - A party or representative may be regarded as a member of the public. 	<p>Hearings in public:-</p> <ul style="list-style-type: none"> - General rule that the hearing must be in public. - May exclude the public if necessary in the circumstances having regard to:- <ul style="list-style-type: none"> • Any unfairness that is likely to result to a party from a public hearing • The need to protect as far as possible the commercial or other legitimate interests of a party.
<p>Failure to attend:-</p> <ul style="list-style-type: none"> - If a party has indicated they will not attend the hearing may proceed in his absence. - If a party has not notified the Authority it may either adjourn the hearing or proceed in his absence. - If the hearing proceeds in absence the party's application, representation or notice must be considered. 	<p>Failure to attend:-</p> <ul style="list-style-type: none"> - If a party has indicated they will not attend the hearing may proceed in his absence. - If a party has failed to notify the Authority whether he intends to attend the hearing may proceed in his absence. - If a party has left the hearing in circumstances where the committee reasonably concludes he does not intend to participate further the hearing may proceed in his absence. - If a party has said they intend to attend but does not the Authority may adjourn if it is in the public interest to do so or proceed in his absence. - If the hearing proceed in absence the party's application or representation must be considered.

LICENSING ACT	GAMBLING ACT
<p>Representation at the hearing:-</p> <p>A party may attend and be assisted or represented by any person whether or not they are legally represented (subject to exclusion of the public or disruptive persons).</p>	<p>Representation at the hearing:-</p> <p>A party may attend and be assisted or represented by any person whether or not they are legally represented (subject to exclusion of the public or disruptive persons).</p>
<p>Rights of a party:-</p> <p>A party has a right to address the committee. A party has a right to give further information on any matter where clarification has been requested.</p>	<p>Rights of a party:-</p> <p>A party has a right to address the committee. A party has a right to give further information on any matter where clarification has been requested.</p>
<p>Calling Witnesses:-</p> <p>If given permission by the committee following a request in a party's notice of intention</p>	<p>Calling Witnesses:-</p> <p>Right to call witnesses to give evidence on a matter relevant to the application or representation.</p>
<p>Questions of other parties:-</p> <p>Only if given permission to do so by the committee.</p>	<p>Questions of other parties:-</p> <p>Party must be allowed to question any other party or representative on any relevant matter where the committee considers it appropriate to do so.</p>
<p>Documents in support:-</p> <p>May be considered where produced before the hearing or (with the consent of all parties) at the hearing.</p>	<p>Documents in support:-</p> <p>Must be considered if produced before the hearing or at the hearing with the consent of all those in attendance.</p>
<p>Time Limits:</p> <p>All parties must have equal maximum periods of time to exercise their rights.</p>	<p>Time Limits:-</p> <p>No provision.</p>
<p>Disruptive Parties:-</p>	<p>Disruptive Parties:-</p>

<p>May be required to leave and not permitted to return or may impose conditions on their return. But such a person may before the end of the hearing make submissions in writing.</p>	<p>May be required to leave and not permitted to return or may impose conditions on their return. But such a person may before the end of the hearing make submissions in writing.</p>
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<p>Licensing Committee</p> <p>Procedure adopted under the Licensing Act 2003</p>	
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Rights of a party at the hearing

If you have made an application or representation within the 28 day time limit you are a party to the hearing.

As a party you have the right

- To address the Committee
- To give further information on any matter which requires clarification

Documents

Additional documents may only be tabled at the hearing with the consent of all parties

Calling witnesses

You may only call witnesses where the Committee has given you permission to do so. You will need to explain why you want to call the witness and why the Committee will find their evidence useful in making the decision.

Cross Examination

Is not usually permitted although you can ask the chair of the Committee to consider and ask any questions you feel are necessary

Order of Speeches (time limits can be imposed – see below)

On an application

- Those making an application open the proceeding by outlining the application and proposed method of operating if the application is granted.
- Those objecting address the committee next. Responsible Authorities (e.g. the police) usually start, Residents address the Committee after the agencies have done so
- Those making the application address the Committee last, answering the points made by agencies and residents

On a Review

- The party requesting the review address the committee first
- Those making representations after the review request go second
- The licence holder goes last

There is no right to open the case (all papers have been circulated and read)

Summing up is not generally allowed.

Time Limits

The Committee can impose a time limit on presentations. This must be the same time limit for all parties

Members can ask questions after each presentation. This does not form part of the time allowed.

<p>Licensing Committee</p> <p>Procedure adopted under the Gambling Act 2005</p>	
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Rights of a party at the hearing

If you have made an application or representation within the 28 day time limit you are a party to the hearing.

As a party you have the right

- To address the Committee
- To give further information on any matter which requires clarification
- To call witnesses on a matter relevant to the application or representation
- To question any other party or representative on a relevant matter IF THE COMMITTEE CONSIDERS IT APPROPRIATE

Documents

Additional documents may only be tabled at the hearing with the consent of all parties

Cross Examination

Is not usually permitted but you can ask permission from the Chair of the Committee to ask questions (see parties rights above)

Order of Speeches

On an application

- Those making an application open the proceeding by outlining the application and proposed method of operating if the application is granted.
- Those objecting address the committee next. Responsible Authorities (e.g. the police) usually start, Residents address the Committee after the agencies have done so
- Those making the application address the Committee last, answering the points made by agencies and residents

On a Review

- The party requesting the review address the committee first
- Those making representations after the review request go second
- The licence holder goes last

There is no right to open the case (all papers have been circulated and read)

Summing up is not generally allowed.

CODE OF PRACTICE FOR THE DETERMINATION OF LICENSING MATTERS

1.0 BACKGROUND

- 1.1 This Code of Practice for the determination of licensing matters substantially follows the Guidance produced by LACORs (Local Authority Co-ordinators of Regulatory Services) in consultation with the Standards Board for England, the Association of Council Secretaries and Solicitors (ACSeS), the Association of London Government (ALG) and the Society of Local Authority Chief Executives (SOLACE) for Licensing Committee Hearings under the Licensing Act 2003 (Updated October 2007).

2.0 SCOPE

- 2.1. This code **applies** to all licensing decisions including
Decisions of the Licensing Committee
Decisions of any Licensing Sub committee
Delegated decisions within the terms of reference of the above bodies

All decisions made by the above bodies will be referred to within this code as decisions of the licensing authority

This code **also applies** at all times when Members are involved in the licensing process. This includes taking part in decision making meetings of the Council in exercising the functions of the licensing authority and on less formal occasions such as meetings with officers or the public and consultative meetings. It applies as equally to licensing enforcement matters, reviews, or site specific issues as it does to licensing applications.

- 2.2 **The aim of this code of good practice is** to ensure that in the licensing process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 2.3 Sections 3-5 apply to all Members. Sections 6-14 apply particularly to Members of the Licensing Committee. . Sections 15-16 apply to officers. Sections 17-19 deal with procedures, monitoring and review
- 2.4 **If you have any doubts** about the application of this Code, you should seek early advice, preferably well before any meeting takes place from the Monitoring Officer.

3.0 RELATIONSHIP WITH THE MEMBERS CODE OF CONDUCT

- 3.1 Leeds City Council's Members Code of Conduct was adopted by the Council on the 24th May 2007 and must be complied with throughout the decision making process.

Do apply the rules in the Members Code of Conduct first and at all times.

Do then apply the rules of this Code which seek to explain and supplement the Members Code of Conduct for the purposes of licensing. If you do not abide by this Code you may put:

- the Council at risk of proceedings on the legality or maladministration of the related decision; and
- yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Members Code of Conduct, a complaint being made to the Standards Committee.

4.0 DECLARATIONS OF INTERESTS UNDER THE MEMBERS CODE OF CONDUCT

4.1 It is your responsibility to declare any personal or prejudicial interest you may have, or be perceived as having, in a matter at any relevant meeting, including informal meetings or discussions with officers and other Members preferably at the beginning of the meeting. You should declare the existence and nature of that interest.

If your personal interest in a matter arises due to solely from your membership of, or position of control/ management on:

- Any other body to which you were appointed or nominated by the authority;
- Any other body exercising functions of a public nature (for example another local authority).

The Model Members Code of Conduct states¹ that in these cases, provided that you do not also have a prejudicial interest, you only need to declare that interest if you intend to speak on the matter.

If you have a personal or prejudicial interest in a matter do then act accordingly depending on the interest that you have declared.

Where your interest is personal and prejudicial you should withdraw from the room or chamber where the meeting is being held:-

Do not participate or give the appearance of trying to participate in any part of the meeting which involves the matter in which you have a prejudicial interest. You may however make representations, answer questions on a matter or give evidence on a matter if the public also have the right to do so². You only have the same right as the public to make representations You will be brought into the meeting when the other parties are called in. You will be subject to the same time limits as all other parties and have the same rights i.e. to make representations, give evidence and answer questions but not to cross examine other parties You must leave the room immediately after making representations, answering questions or giving evidence

¹ Paragraph 9(2) Model Code of Conduct for Members

² Paragraph 12(2) Model Code of Conduct for Members

and must take no part in the decision making. If the public have no right to make representations, answer questions on a matter or give evidence on a matter then you must withdraw from the meeting room when the matter in which you have a prejudicial interest is discussed.

Where you have a prejudicial interest in the matter is to be determined by a Licensing Sub Committee you should ensure that you have arranged for a substitute to attend the hearing in your place as although you may have a right to make representations, answer questions on a matter or give evidence on a matter you are not able to take part in the decision.

Do not get involved in the processing of the application.

Do not seek to improperly influence a decision on a matter in which you have a prejudicial interest. Not all attempts to influence a decision will be improper. Improper influence would be any attempt to use your position to further your own interests in a way that would not be open to an ordinary member of the public. Do not seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a Councillor.

Do be aware that, whilst you are not prevented from seeking to explain or justify a proposal in which you have a personal or prejudicial interest to an appropriate officer, the Code places greater limitations on you than would apply to an ordinary member of the public and sensible steps must be taken to ensure openness and fairness in the decision making process. In particular you should:

- Notify the Monitoring Officer in writing of your own application (or that of a relative or employer where known) or where you are employed as an agent.
- Consider whether it is advisable to employ an agent to act on your behalf in dealing with officers and any public speaking at a licensing hearing.

5.0 MEMBERS SPEAKING AT LICENSING HEARINGS

5.1 All Members of the Council should be aware of the planning case involving a North Yorkshire Councillor, Councillor Richardson. The Councillor was not a member of the Planning Committee but sought to represent the views of his constituents. However his property was affected by the application and the Standards Board for England disqualified him from being a Councillor on the basis that he did not disclose a Personal and Prejudicial interest even though he was not the decision maker and was making representations as either the ward member or in an individual capacity. The Court of Appeal upheld the Standards Board decision.

As a result of this case the Model Members Code of Conduct was amended and now provides that you can make representations, answer questions on a matter or give evidence on a matter in which you have a prejudicial interest if the public also have the right to do so. You must leave the room immediately after making representations, answering questions or giving evidence.

You only have the same right as the public to make representations. You will be brought into the meeting when the other parties are called in. You will be subject to the same time limits as all other parties and have the same rights i.e. to make representations, give evidence and answer questions but not to cross examine other parties. You must not remain in the room when the decision is made even if you are not making the decision.

6.0 BIAS AND PREDETERMINATION IN THE LICENSING PROCESS

6.1 Given the requirement that Members of the Licensing Committee or Sub committee should exercise an independent mind and decide proposals in accordance with the relevant licensing considerations, Members must not favour any person, company, group or locality or commit themselves to a particular point of view on a licensing application prior to its full consideration at the Licensing Committee or Sub committee.

Do not make up your mind or give the impression of making up your mind (particularly in relation to an external interest or lobby group) prior to the decision making meeting and of your hearing the officer's presentation and the evidence and arguments on both sides.

Do be aware that you are likely to be biased or pre-determined where the Council is the landowner or applicant **if** you have been or are perceived as being, a chief advocate for the proposal. This will not necessarily arise from being a member of the proposing board or the Executive but through a significant personal involvement in preparing or advocating the proposal by which you may be perceived as being unable to act impartially or determine the proposal purely on its licensing merits and in the public interest.

Do remember that you are, of course, free to listen to a point of view about a licensing proposal, give procedural advice and agree to forward any comments, but should then refer the person to the appropriate licensing officer.

Do not use any political group meetings prior to the Licensing Committee or Sub committee meeting to determine how you or other Councillors should vote. There is no objection to a political group having a predisposition, short of predetermination, for a particular outcome or for you to begin to form a view as more information and opinions become available but decisions can only be taken after full consideration of the Licensing Officer's report and documents and information considered at the Hearing.

The Standards Board for England have provided advice and guidance on bias and pre-determination which can be obtained from www.standardsboard.gov.uk.

7.0 MEMBERSHIP OF PARISH COUNCILS AND OUTSIDE BODIES

7.1 This section concerns the position of Members of Leeds City Council who are also Parish Councillors or members of an outside body. These should be recorded on your register of interests.

Do consider if you have a prejudicial interest in a matter by virtue of you being a member of the Parish Council or a Member of the outside body. If the matter affects the financial position of the Parish Council or outside body, or the matter relates to an application made by the Parish Council or outside body then it is capable of being a prejudicial interest.³ (If the matter does not affect the financial position or relate to an application made then it cannot be a prejudicial interest)

If the matter is capable of being a prejudicial interest then you should go onto consider whether the interest is one that a member of the public with knowledge of all the relevant facts would reasonable regard as so significant that it would be likely to prejudice your judgement of the public interest.⁴

Do not take part in the licensing decision making process but withdraw from the meeting or arrange a substitute when you have a prejudicial interest in that matter by virtue of you being on the Parish Council or a member of the outside body. (However you may make representations, answer questions on a matter or give evidence on a matter if the public also have the right to do so)

Do consider yourself able to take part in a licensing debate and vote on a proposal at a meeting of the Parish Council or outside body is a consultee provided:

- The proposal does not substantially affect the well being or financial standing of the consultee body.
- You make it clear that that you are keeping an open mind and may vote differently at the licensing hearing when full details are available.
- You do not commit yourself so far to a particular point of view that you cannot be considered as open to persuasion at a licensing hearing when the proposal is decided.
- You disclose a personal interest regarding your membership or role when the proposal comes to a licensing hearing.

8.0 AREA COMMITTEES

8.1 The introduction of Area Committees within Leeds City Council also requires recognition of the “Dual Hatted” roles which members of the Licensing Committee and Area Committees must consider. It is unlikely you would have a Personal and Prejudicial Interest for the purpose of the Members Code of Conduct purely by being a member of the Area Committee but there is a possibility that you may be

³ Paragraph 10(2) Model Code of Conduct for Members

⁴ Paragraph 10(1) Model Code of Conduct for Members

Code of Practice for Determining Licensing Matters

considered as pre determining a matter if you have spoken in support or against it or are closely associated with such a decision taken at the Area Committee.

Do consider whether it is appropriate for you to speak at the Area Committee if you wish to speak also on the application at a licensing hearing.

Do consider, whatever your own views, whether as Chair of the Area Committee or a member of any Panel, Committee or Sub Committee, you would be so closely associated with that decision that it would be unreasonable to expect you to disregard it.

Do remember that you can speak and vote on an application which is before the Area Committee for consultation so long as you make it clear that you have only formed a provisional view and will still approach the issue with an open mind and be open to persuasion when the matter is discussed at the licensing hearing.

Do remember that it is not always sufficient to make such a statement if it is not demonstrably genuine. The more controversial the application and or the more vehemently you have supported or opposed it, the more difficult it will be to show that you have not predetermined the matter and therefore render the decision susceptible to challenge. In those circumstances you should not attend the hearing for that application.

9.0 SPOUSE/PARTNER COUNCILLORS

9.1 There may be occasions when the spouse or partner of a Member, usually a member for the same Ward, is also a Member of the Licensing Committee or Sub Committee. That Member might quite properly refer constituents who wish to make representations to his or her spouse or partner rather than be directly lobbied. Generally the fact that the spouse or partner Councillor has been approached will not affect your ability to speak and vote at a licensing hearing.

Be aware that the Members Code of Conduct defines that you have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

Relevant person⁵ includes your spouse or partner.

Acknowledge that in certain circumstances, such as a particularly controversial application in the run up to an election, there is the possibility that a Personal and Prejudicial interest could exist.

Consider if your spouse or partner is so closely involved with the support for, or opposition to, an application that a member of the public might reasonably think that

⁵ Paragraph 8(2) Model Code of Conduct for Members
Part 5 (j)
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the involvement is such that you must be biased or have predetermined the application.

10.0 EXECUTIVE BOARD MEMBERS

- 10.1 There is no Constitutional or legal reason why an Executive Board Member should not also be a Member of the Licensing Committee and take part in the decision making processes which are not part of the executive function.

Be aware that you should not speak or vote on any matter which you have discussed at Executive Board unless you have demonstrated there and can do so at the licensing hearing that you have not predetermined the application.

Do not take part in any meeting of the Licensing Committee or Sub Committee on a matter in which you may have been seen as advocating a proposal as an Executive or Deputy Executive Member.

11.0 CONTACT WITH APPLICANTS AND OBJECTORS

- 11.1 In order to maintain impartiality, it is preferable that Members are not involved in pre-application discussions but there will be occasions when this can be unavoidable. The following guidance is given:

Do not agree to any formal meeting with applicants, or groups of objectors where you can avoid it. Where you feel that a formal meeting would be helpful in clarifying the issues, you should not arrange it yourself, but request the Licensing Officer to do so. The officer will then ensure that those present are aware that any discussion will not bind the Council and maintain a written file record of the meeting.

Do refer those who approach you for advice to officers.

Do follow the rules on lobbying

Do report any significant contact with the applicant or other parties to the Monitoring Officer explaining the nature and purpose of the contacts and your involvement and ensure that this is recorded on the licensing file.

Do not attend a presentation by an applicant unless an officer is present and/or it has been arranged by an officer.

Do ask relevant questions for the purpose of clarifying your understanding of the proposals but do not express any strong view or state how you or other members might vote.

Do make it clear that the presentation is not part of the formal decision making process and any view is both personal and provisional since not all relevant information will be to hand and the views of interested parties will not have been obtained.

12.0 MEMBERSHIP OF A LOBBY GROUP

12.1 Lobbying by Councillors is a legitimate activity but in the case of Members of the Licensing Committee or Sub Committee significant care needs to be taken to avoid any challenge of bias or predetermination or an allegation of bringing the Council into disrepute.

Do declare the existence and nature of your interest in any lobby group at a licensing hearing so that members of the public are informed about interests that may relate to your decisions. Often this will be a personal interest and you can continue to participate but note that it can sometimes be a prejudicial interest or lead to allegations of bias or predetermination and in those circumstances you must withdraw from the meeting.

Do not take part in any matter that affects the financial position of the lobby group or that relates to the determination of any application for approval, consent, licence, permission or registration made by the lobby group of which you are a member. If the Licensing Committee or Sub committee is discussing such a matter you should consider whether you have a prejudicial interest and should act accordingly.

You may take part in a matter than involves issues upon which your lobby group has simply campaigned as long as your involvement has not resulted in you being biased and/or predetermining the matter. You will have personal interest in this matter as the lobby group should be registered on your register of interests and a personal interest arises when the matter directly affects the lobby group, or where the lobby group is otherwise concerned about the outcome of the matter.

Do weigh up the following factors where your lobby group has expressed a public view on a matter and consider whether a reasonable member of the public, knowing the relevant facts, would think that you are biased or have pre-determined a matter. The factors are:

- the nature of the matter to be discussed
- the nature of your involvement with the lobby group
- the publicly expressed views of the lobby group
- what you have said or done in relation to the particular issue

Do not lead, be part of the management of, or represent an organisation whose primary purpose is to promote or oppose licensing proposals. If you do, you may have fettered your discretion (be biased/pre-determined) and have to withdraw.

Do not become a member of an organisation whose primary purpose is to promote or oppose specific licensing proposals or those within a limited geographical area as you may be perceived as having fettered your discretion (be biased/pre-determined).

Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular licensing proposals such as a local Civic Society but declare a personal interest where that organisation has made

representations on a particular proposal and make it clear to both the organisation and the Committee that you have not made up your mind on each separate proposal

Do remember that if the local branch of a general interest group has been vociferous or active on a particular issue or you are closely associated with the management or decision making process of that organisation such as being the Chairperson or a member of the Board or Committee, it will become increasingly difficult to demonstrate your ability to judge the matter with an open mind and you may consider that you are biased and/or pre-determined and should withdraw from the meeting.

Do not excessively lobby fellow members regarding your concerns or views or attempt to persuade them that they should decide how to vote in advance of the hearing at which the decision is to be made. It is difficult to define 'excessively' but you need to consider whether a member of the public, knowing the facts would think that, through your representations, the lobbied member was no longer able to take a view on the matter in the public interest but had predetermined it.

Do not publicly support a particular outcome on a proposal or actively campaign for it if you wish to take part in the decision making process. Although in most circumstances this would not amount to a prejudicial interest, it would be very difficult for you to demonstrate that you had the necessary degree of impartiality to properly weigh the arguments presented and the decision would be open to challenge. Again it is a question of maintaining the fine balance between a predisposition where your mind is not totally made up and a predetermination. This would, however, not prevent you from expressing the views of your constituents provided you are capable of determining the Application in accordance with the law.

13.0 SITE VISITS

13.1 Site Visits can play a legitimate part in the decision making exercise but must be limited to inspections by viewing and as a fact finding exercise.

They are not to be used to determine a proposal prior to a hearing.

Due to the tight timescales involved in licensing decisions, site visits must be viewed as an exception rather than the rule

When undertaking a site visit Members should have regard to the following paragraphs of the Code of Practice for Determining Licensing Matters

- ❖ Paragraph 6 Fettering Discretion in the Licensing Process
- ❖ Paragraph 11 Contact with Applicants/Objectors

13.2 THIS SECTION APPLIES TO MEMBERS REQUESTS FOR A SITE VISIT

- If a Member feels, on receipt of the report on an application that a site visit would be beneficial, s/he should first discuss their concerns with the Principal Licensing or Gambling Officer. Officers have powers to request additional information from parties, which can then be discussed at the hearing. This information may resolve

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the issues without the need for a site visit. If a Member still feels that a site visit is necessary then, in the interest of fairness, it is preferable that concerns should be expressed at the scheduled hearing since Members may find that the applicant, interested parties or responsible authorities can provide verbal information to the satisfaction of the Members present.

- Views of the parties present must be canvassed and considered before a site visit is agreed since that is likely to result in a delay to the decision making.
- In the case of a Sub Committee hearing, three Members or a 2:1 majority must be in favour of a site visit for arrangements to be made. The same three Members will be expected to undertake the requested site visit and attend the hearing for the application, which will be re-convened at a later date
- In the case of a meeting of the Licensing Committee , a majority of the Members present must be in favour of a site visit
The same Members will be expected to undertake the requested site visit and be able to attend the re-convened meeting which will consider the application subsequent to the site visit
- **DO** raise the need for a site visit at a hearing and be prepared to give reasons why it is of real benefit. The reason will be recorded in the Minutes.
- **DO NOT** request a site visit unless there is a real benefit from viewing the site.

This might arise where:-

- ❖ Particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- ❖ There are significant policy or precedent implications and specific site factors need to be carefully addressed or
- ❖ Relevant factors cannot be fully ascertained from any supporting information or the plans submitted to the Licensing Officer and available at the hearing, to Members satisfaction

13.3 THIS SECTION APPLIES TO SITE VISITS AS PROPOSED BY OFFICERS

- The Principal Licensing or Gambling Officer may suggest the Committee or a Sub Committee undertake a Site Visit without prior discussion at a hearing, where in the professional opinion of the Officer there is a real benefit from viewing the site.
- In such cases, officers will approach Members seeking a date for the site visit and hearing – usually in the form of an e-mail in the first instance

- The e-mail should set out the proposal for a site visit, the reasons behind the request; the projected benefit for Members; the address of the premise; the type of application and set out the arrangements for the day.
- In such cases it is usual for the site visit to commence at 9.30 am (departing from the Civic Hall) and for the formal meeting to commence at 11.00 am in the Civic Hall to determine the application. As such it is anticipated that hearings will not conclude until the afternoon.
- Having done this, officers will seek confirmation from the Members able to attend that they are happy to undertake the propose site visit

13.4 ON THE SITE VISIT

- **DO** ensure that any information gained from the site visit is reported back at the subsequent hearing.
 - **DO** ensure that you treat the site visit as an opportunity to seek information and to observe the site. It is not to be used to determine a matter prior to the hearing
 - **DO** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
 - **DO** be prepared to listen to and ask questions of fact from the Applicant or other parties
 - **DO** be aware that Officers will make all parties aware of the site visit. All parties may attend subject to being granted access by the owner (see below). If only one party is present be particularly careful only to obtain information and ensure that that information is repeated at the public meeting where the other parties have a right to comment on it.
 - **DO** be aware that access to the site is at the discretion of the owner. The owner can legitimately refuse access to objectors and even Members. If access is to be refused consider whether it is still appropriate to undertake the visit.
 - **DO NOT** be drawn into arguments or detailed discussions on the individual merits of an application or give the impression that you have made up your mind
- Note that** the decision can only be made at the Licensing Hearing and you should make this clear to any applicant or other party
- **DO** note comments of the applicant or other parties which are made solely for the purpose of making members aware of any specific local circumstances and issues relevant to the application site.
 - **DO NOT** express opinions or views to anyone which can suggest bias or predetermination.

Code of Practice for Determining Licensing Matters

As indicated above, you should make it clear that formal consideration of the proposal will take place in public at the subsequent hearing/meeting.

- **DO NOT** enter a site which is subject to an application otherwise than on a formal site visit although this does not prevent you from viewing the site from the highway or other publicly accessible area.

14.0 TRAINING

14.1 Members making licensing decisions must attend two training sessions each and every year: a Licensing Update session, to receive guidance in relation to regulations and procedures and a Governance and Conduct session for training on declaration of personal and prejudicial interests. Failure to undertake either or both sessions will result in the Elected Member being unable to sit on Licensing Committee or Sub Committee.

- **Do not** participate in decision making on licensing matters if you have not undertaken mandatory training.
- **Do** try to attend any other specialised training session provided, since these will be designed to extend your knowledge of licensing law, regulations, procedures and Policies beyond the minimum required and assist you in carrying out your role properly and effectively.
- **Do** revisit a sample of implemented licensing decisions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, thereby strengthening public, confidence in the licensing system, and can help with reviews of planning policies.

15.0 OFFICERS

15.1 Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Officers are employed by the Council and not by individual Councillors and instructions can only be given through a decision of the Council, the Executive or a Panel or Committee. A successful relationship can only be based on mutual respect, trust, courtesy and understanding of each others positions.

15.2 The role of the Legal officer is to assist the committee in gathering evidence and understanding all relevant issues in order for Members to make a decision; to advise on the sub committees legal duties under the relevant legislation and on the admissibility of evidence.

15.3 All legal advice should be given or repeated in open session for all parties to be made aware of

15.4 The role of the Governance Officer is to facilitate the smooth running of

the hearing; advise on the Rules of Procedure and Regulations relating to hearings; make notes of the proceedings and reasons for granting or refusing applications and ensure that decision letters are sent to all parties as soon as possible after the hearing.

- 15.5 The role of the Licensing Officer is neutral. They will make no recommendations to the Committee and attend hearings only to provide a summary report of the application, giving details of the representations received and any relevant legislative or policy considerations.

Do not put pressure on officers to put forward a particular recommendation.

Do recognise that officers are part of a management structure and only discuss an application, outside of any arranged meeting with those officers who are authorised to deal with the application at Member level.

Do recognise and respect that officers involved in the processing and determination of licensing application must act in accordance with the Council's Employee Code of Conduct. As a result, officers reports will be presented on the basis of their overriding obligation of professional independence

16.0 RELATIONSHIP WITH THE EMPLOYEE CODE OF CONDUCT

- 16.1 The Council has an approved Employee Code of Conduct.

That Code applies at all times when officers are involved in the licensing process. This includes decision making by officers under delegated powers and attendance at meetings whether those are formal decision making meetings or informal meetings with members or the public.

Officers must apply the rules in the Employee Code of Conduct at all times. If they do not they may put the Council at risk of proceedings on the legality maladministration of any related decision put themselves at risk of disciplinary action.

- 16.2 Generally licensing officers have little discretion in making licensing decisions. For example they may only grant licences where there are no objections. However there may be situations where they are called upon to exercise discretion such as deciding whether an objection is relevant. Other officers such as those employed by Environmental Health or Development have discretion on whether to object. Legal officers and committee clerks remain in the room with Members when decisions are made.

In all cases officers must avoid any improper conduct or occasion for suspicion of the appearance of improper conduct and should:-

- Ensure that they have given notice of any financial interest in any contract which has been or is proposed to be entered into by the Council

Code of Practice for Determining Licensing Matters

- Not accept gifts, entertainment, hospitality or any benefits in kind as set out in the Employee Code of Conduct
- Declare to their Director by completing the Register of Interests Form any personal interests which may conflict with licensing applications such as
 - any involvement with an outside organisation which has an interest in any licensing application
 - any financial interest in any licensing application
 - any other interest where others may think that a conflict of interest may arise
 - Examples of such situations include where the officer lives adjacent to any licensed premises or visits the premises in a personal capacity on a regular basis

16.3 Officers should also consider whether their spouse, partner or close relative has a financial or other interest in a licensing application which may give rise to the suspicion of the appearance of improper conduct and where the officer may therefore need to declare an interest.

16.4 Where an officer has declared an interest he or she should not participate in the processing of a licensing application but should instead refer the matter to his or her Manager who will arrange for another officer to discharge the duties.

17.0 PROCEDURES AT LICENSING HEARINGS

17.1 Procedure Rules exist for hearings before the Licensing Committee and Sub committees.

18.0 MONITORING AND REVIEW

18.1 The Monitoring Officer will report annually to the Standards Committee regarding whether the arrangements set out in this Code have been complied with and will include any proposals for amendment in the light of any issues that have arisen during the year.

18.2 In particular, the Monitoring Officer shall monitor the following:-

- the number of complaints made about breaches of the Code and the outcome of those complaints
- the number of appeals upheld
- any external inspection reports in respect of relevant issues
- any ombudsman complaints or reports in respect of relevant issues

19.0 BREACHES OF THE CODE OF PRACTICE

19.1 Maintaining high ethical standards enhances the general reputation of the Council, its Members and its officers. Open and transparent decision making enhances local

democracy and should lead to better informed citizens. This Licensing Code, along with Leeds City Council's Members Code of Conduct, and the Employee Code of Conduct are intended to promote these standards.

Do be aware of your responsibilities under this Code and the Members Code of Conduct

Do report any apparent breaches of either Code to the Monitoring Officer.

Do seek advice if you are in doubt.

- 19.2 Failure to comply with the Members Code of Conduct may lead to a complaint to the Standards Committee – Assessment Sub-Committee who can, in certain circumstances disqualify a Councillor. Failure to comply with this Licensing Code may lead to a finding of Maladministration by the Ombudsman or could lead to a decision being challenged in the courts.
- 19.3 Allegations of breach of this Licensing Code of Practice by Members may be referred to the Monitoring Officer for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the Party.
- 19.4 Allegations of breach of this Licensing Code by Officers will be referred to the relevant Director for consideration under the Council's Disciplinary Procedure.

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Report of the City Solicitor

Licensing Committee

Date: 28th June 2011

Subject: "The Vine Public" House-Licensing Act 2003 Magistrates Court Appeal.

Electoral wards affected:

City & Hunslet

Specific implications for:

Ethnic minorities

Women

Disabled people

Narrowing the gap

Executive Summary

This report informs Members of outcome of "The Vine" Magistrates Court appeal. It also recounts the background to this appeal before identifying the implications of the result.

Purpose of this report

1.1 This report sets out the result of the "The Vine" Magistrates' Court appeal for Members. The appeal never reached a final hearing and this report explains why.

2.0 Background information

2.1 Abbey Business Contracts Limited are the premises licence holders for "The Vine" located at 13, The Headrow, Leeds. The licence permits the sale of alcohol and regulated entertainment.

2.2 During the course of 2010 the premises began to attract particularly high levels of crime and disorder. West Yorkshire Police recorded and scored these incidents on their matrix. These scores being classed as zones described as green, amber or red.

2.3 The premises entered the "amber zone" and West Yorkshire Police attempted to engage with the premises. Guidance was offered to them and an action plan agreed. The premises failed to adhere to this guidance and eventually entered the "red zone." The situation eventually culminated in West Yorkshire Police applying for the review of the premises licence pursuant to Section 51 of the Licensing Act 2003.

2.4 At the review hearing, Members heard representations from West Yorkshire Police and the managing director of the licence holder. Members noted that problems at the premises could be attributed to the excessive drinking of its patrons, a lack of

strong management and an insufficient number of SIA registered door staff at certain times. Much of this was conceded by the licence holder.

2.5 West Yorkshire Police had suggested that revocation of this premises licence was not necessary or proportionate. They suggested the existing licence should be modified with the imposition of conditions. Members concluded that this was the correct approach and applied conditions on the licence. These conditions increased the number of door staff, introduced a check 25 proof of age scheme and required staff at the premises to be retrained by an external trainer to the satisfaction of West Yorkshire Police. Finally members suspended the licence for a three week period.

2.6 This decision was appealed. The premises licence holder felt the suspension and increased door staff, with door staff required throughout the day, was neither necessary or proportionate.

3.0 Main issues

3.1 As Members are aware, the appeal stayed the decision of Members. The public house was therefore permitted to trade through the autumn of 2010 and into the spring of 2011. It traded to its "pre review" licence.

3.2 During this time the premises appeared to have improved and attracted only a minimum score of six points on the matrix. Staff at the premises were retrained and a new DPS continued to manage the premises with a stronger style.

3.3 Unfortunately, the premises fell back into its old ways and it failed an underage alcohol test purchase. The operation was undertaken by West Yorkshire Police. The offence was committed by a 17 year old barmaid who was insufficiently supervised by the premises. This happened during April 2011. The barmaid was issued with a fixed penalty notice.

3.4 Lawyers acting for the premises had to concede that the failed test purchase had undermined their arguments completely. It was therefore agreed to compromise the appeal upon payment of the council's legal costs.

3.5 As Members are aware, when hearing an appeal a Magistrates court may uphold the decision of the committee, substitute the decision with one of their own or remit the case back to the council. On this occasion the Magistrates were invited to impose the conditions that Members had imposed at the review except for the suspension. The premises had already closed for a period to complete the re-training of staff. A further suspension would have been disproportionate

3.6 Accordingly the court imposed the following conditions on the licence of the premises:

(a) One SIA registered door staff to be on duty at all times when the premises is open to the public.

(b) Two SIA registered door staff to be on duty at the premises from 7 pm to the close of the premises everyday.

(c) The premises must adopt a check 25 proof of age scheme.

(d) The premises must become a member of the City Centre Pub Watch Scheme.

3.7 These conditions took effect immediately and a new premises licence was issued. It is understood that West Yorkshire Police will continue to monitor the premises in the normal way.

4.0 Implications for council policy and governance considerations

4.1 There are no implications for council policy and there are no corporate governance considerations arising from this report.

5.0 Legal and resource implications

5.1 This appeal confirms the courts will consider how the premises presented itself at review but also how it performs between review and the final appeal hearing. The failed test purchase in April was therefore highly damaging to the appellant's case. Members will recall this principle was confirmed in the "*Hope and Glory*" Court of Appeal decision.

5.2 The premises has paid the council's legal costs. These costs will be allocated to the budget of the Entertainment Licensing Section.

6.0 Conclusions

6.1 The result of this compromised appeal is helpful. It demonstrates the importance of the reasons for imposing conditions. Members and Officers are reminded that when dealing with review hearings it is important to identify why a premises is underperforming.

6.2 Imposing focused conditions, which are necessary and proportionate for the promotion of the licensing objectives, will protect the council's position on appeal.

7.0 Recommendations

7.1 Members are invited to note the contents of this report.

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Agenda item:

Originator: Nigel Augustin

Tel: 247 4420

Report of the City Solicitor

Licensing Committee

Date: 28th June 2011

Subject: The Streets of Leeds, Licensing Act 2003 Magistrates Court Appeal

Electoral wards affected:
Roundhay

Specific implications for:

Ethnic minorities

Women

Disabled people

Narrowing the gap

Executive Summary

1. This report advises Members of the outcome of an appeal by Thomas Brisbane against a decision of the licensing sub-committee after an expedited review. The report sets out the background to the review and the subsequent appeal before summarising the decision of the Magistrates Court.

1.0 Purpose of this report

- 1.1 The purpose of this report is to provide Members with the outcome of the unsuccessful appeal of Mr Thomas George Brisbane against the decision of the licensing sub-committee.

2.0 Background information

- 2.1 Thomas George Brisbane was the premise licence holder of the premise known as The Streets of Leeds, Street Lane, Roundhay, Leeds, LS8 1AP. These premises benefited from a licence authorising the sale of alcohol, the provision of regulated entertainment and late night refreshment.
- 2.2 The Council considered an application by West Yorkshire Police under Section 53A of the Licensing Act 2003 to review the premise licence. This was an expedited review. They considered that the licensed premise was associated with serious crime and serious disorder. West Yorkshire Police had attempted to engage with the premise in order to allow it to promote the crime prevention objective after the premise began to score highly on the scoring matrix.
- 2.3 On 23 June 2010 the licensing sub-committee considered whether or not the licence should be suspended pending the full review at an interim steps hearing. Members heard that on 23 May 2010, drugs and drug paraphernalia had been recovered from the living quarters above the public house. The then designated premise supervisor, Nicola Brisbane, and daughter of the premise licensed holder, resided here with her boyfriend Jermaine McCleary.
- 2.4 It was this discovery, in combination with intelligence on drug use and minor crime at the premise, which had sparked the expedited review. West Yorkshire Police expressed their grave concerns about the DPS and her relationship with Jermaine McCleary. Not least because Mr McCleary had served prison sentences for drug supply of both Class A and Class B drugs and continued to be associated with the supply of drugs.
- 2.5 At the full review hearing Members heard more about the failure of the premise to promote the crime prevention objective, its links to drug use, minor disorder and crime.
- 2.6 Against this background Members decided to revoke the premise licence. Members concluded on that day that they preferred the evidence of West Yorkshire Police and that the premise licence holder had not taken any responsibility for the running of the premise even after the intervention of the police.
- 2.7 Members further concluded that Nicola Brisbane was involved with Mr McCleary at the expense of the licensing objectives. Members concluded that of the options available to them on review, revocation was the only reasonable one.
- 2.8 Mr Brisbane appealed this decision. His lawyers argued that the revocation of his licence was disproportionate, unnecessary and contrary to the evidence that Members had heard at the review.

3.0 Main issues

- 3.1 The Appeal was determined by the Magistrates Court following a two day hearing in April 2011. The Court heard evidence from West Yorkshire Police. The premise called evidence from the premise licence holder, the DPS and her staff. The Magistrates had to consider whether or not the council's decision was wrong taking into account the reasons given for the decision and the evidence given in the appeal.
- 3.2 The Court heard that since the review the premise had continued to undermine the licensing objectives. It continued to be linked to drug supply, drug use and stolen goods. The premise argued that the relationship between the DPS and Mr McCleary did not impact upon the manner in which the premise was operated and/or that current staff at the premise could be promoted to the DPS role, in order to take the premise forward.
- 3.3 At no time during the hearing did the premise offer any conditions to address issues at the premises. During the progress of the appeal it became clear that those running the premise did not have a cogent plan for taking it forward and often failed to communicate between themselves.
- 3.4 The Court dismissed Mr Brisbanes's appeal. In reaching this conclusion the Magistrates gave a comprehensive set of reasons. In summary, the Magistrates accepted that the premise had attempted to address the drugs problems there but only to a certain degree. They felt that there was a lack commitment to those managing the premise to its own drugs policy and this was caused by lack of acceptance of the grave nature of the situation.
- 3.5 The Court refused to believe that the DPS was unaware of the existence of the drugs and drugs paraphernalia found in the living quarters above the public house or drugs later found at a further address that Mr McCleary had stayed at.
- 3.6 The Magistrates' agreed that Mr McCleary had an undue influence over Nicola Brisbane, they refused to accept that what happened in her private life was separate from her professional life. They emphasised that as the DPS of a licensed premise she was under certain duties and this was compromised by her relationship with a convicted drug dealer.
- 3.7 The Court were also at a loss to see how she could put the promotion of the licensing objectives first in this situation. The Court could not find the decision of the licensing committee wrong. Costs were awarded to the council as a result.

4.0 Implications for council policy and governance

- 4.1 There are no significant implications identified.

5.0 Legal and resource implications

- 5.1 The Court awarded the council its legal costs against Mr Brisbane. The costs remain outstanding and will be subject to debt recovery action.
- 5.2 Any costs recovered will be allocated to the budget of the Entertainment Licensing Section.

6.0 Conclusions

- 6.1 The result of this appeal hi-lights the importance of giving reasons for a decision. The Court were told the council's decision was wrong and Members had concentrated on irrelevant matters.
- 6.2 However, the detailed reasons Members gave for their decision allowed the appeal to be defended successfully. The Magistrates' were clear on why the council had acted as it had and concluded this decision was not wrong.

7.0 Recommendations

- 7.1 Members are invited to note the contents of this report.



Report of the Head of Licensing and Registration Services

Licensing Committee

Date: 28th June 2011

Subject: Large Casino Application Pack and Consultation

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

The Gambling Act 2005 provided Leeds City Council with the opportunity to grant a Large Casino Premises Licence under a two stage process which will determine a licence on the basis of greatest benefit to the City.

Over the last year officers from Entertainment Licensing and City Development have been preparing the process and related documents.

This report presents the draft application pack to Licensing Committee for their consideration prior to a 4 week consultation with the industry. Licensing Committee are asked to consider the draft pack, approve the consultation methodology and to instruct officer to commence the non-statutory consultation with the industry.

Licensing Committee will be asked to approve the final application pack after the consultation.

1.0 Purpose of This Report

- 1.1 This report is to inform the Licensing Committee of the progress of the Large Casino project and present the application pack (appendix 1) to the Licensing Committee for their consideration prior to a non-statutory consultation with the industry and interested persons. Licensing Committee will be asked to approve the consultation methodology and instruct officers to commence the consultation.

2.0 Background Information

- 2.1 The Gambling Act 2005 (the Act) changed the legislation governing the licensing of casinos significantly. Under the Act seventeen new casino licences were to be granted, each of which are to be significantly larger than existing casinos. The licences are broken down as follows: one regional casino, eight large casinos, and eight small casinos. The DCMS formed a special Casino Advisory Panel (CAP) to recommend where the new casinos should be located.
- 2.2 In April 2008 Parliament approved the eight small and eight large casinos in line with the CAPs original recommendations. Leeds was awarded the right to issue a large casino licence.

3.0 Main Issues

Statement of Licensing Policy

- 3.1 The legislation requires that councils develop a statement of the principles that the licensing authority proposes to apply in making any determination at Stage 2 of the process. These principles have been developed in line with the direction received from Executive Board (3rd March 2010, minutes: <http://democracy.leeds.gov.uk/mgConvert2PDF.aspx?ID=4290&T=1>) and centre on the three main principles of financial, economic and social benefit.
- 3.2 These three principles form the basis of the Large Casino section which is due to be inserted into the Gambling Act 2005 Statement of Licensing Policy 2010-2012. This section is being consulted upon with the public, the industry, interest groups, faith groups and ward members. The consultation is due to end on 29th July 2011.
- 3.3 A copy of the consultation document can be accessed at www.leeds.gov.uk/gpc or by contacting Entertainment Licensing.

Application Pack

- 3.4 The council is required to provide applicants with a comprehensive application pack. There are a number of requirements laid out in the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008. In addition good practice from other councils has identified a number of other documents that should form part of the pack.

- 3.5 The proposed application pack includes the following documents:
- 3.5.1 Application Pack Contents - cover page and contents list.
 - 3.5.2 General Information - this provides general information on the background of the large casino application process. It briefly describes the two stage process.
 - 3.5.3 Gambling Act 2005 Statement of Licensing Policy 2010-2012 - this is a full copy of the amended policy.
 - 3.5.4 Stage 1 Guidance - this document comprises the standard guidance provided to all gambling licence applicants, including information such as plans requirements, how to pay the fee etc and it explains the statutory process at Stage 1.
 - 3.5.5 Stage 1 Application Forms - this is the complete set of stage 1 application forms provided by statute.
 - 3.5.6 Stage 2 Guidance - this document provides the full process for stage 2, as well as details of how to seek clarification, electronic submissions, timetable etc. It also provides additional guidance for applicants not included in the evaluation methodology.
 - 3.5.7 Stage 2 Evaluation Methodology - this document describes the type of information required in the stage 2 applications, the format it should be provided in and how it will be scored. It includes the scoring matrix. This document has been prepared by external consultants in conjunction with officers from City Development, based on the Executive Board directions and the statement of licensing policy.
 - 3.5.8 Stage 2 Advisory Panel Terms of Reference - this document provides information on the scope and function of the advisory panel.
 - 3.5.9 Stage 2 Proforma Schedule 9 Agreement - this is a draft Schedule 9 agreement prepared by external legal advisors, in conjunction with Legal Services and City Development.
- 3.6 The application pack has been developed as follows:
1. An initial draft application pack was developed by Counsel for all 16 authorities who comprise the Casino Network.
 2. Officers from Entertainment Licensing, Economic Development and Asset Management customised the pack in line with the Leeds approach.
 3. External advice was sought from consultants on the Stage 2 Evaluation Methodology and the template Schedule 9 Agreement.
 4. Input was received from Economic Development officers on the stage 2 Evaluation Methodology.
 5. Input into the development of the Stage 2 Guidance and Advisory Panel Terms of Reference were provided by Procurement.
 6. Legal Services instructed Counsel to provide assurance and these comments have been taken into consideration.

Non-statutory Industry Consultation

- 3.7 To protect the council from legal challenge later in the process, Counsel strongly advised the Casino Network that councils should undertake a non-statutory consultation on the application pack with the casino industry and any other interested persons.
- 3.8 Officers are preparing the consultation which is due to commence 4th July to 29th July 2011. This will run alongside the last four weeks of the consultation on the Large Casino Section of the Statement of Licensing Policy.
- 3.9 Advice that a consultation would take place formed part of the mailing advertising the consultation of the Statement of Licensing Policy. This mailing was sent to over 450 organisations/people with an interest in gambling.
- 3.10 The Application Pack consultation will be announced by letter to existing casino operators, and persons who have expressed an interest in being included in the mailing list. The application pack will be placed on the council's website at www.leeds.gov.uk/gpc.
- 3.12 It is proposed that the non-statutory consultation will not be specifically advertised to all 450 persons on the policy consultation mailing list, although it will be accessible on the website on the same page as the policy consultation and anyone can respond.

Project Timescales

- 3.13 The current timescales are as follows:

May to July 2011	Public Consultation
January 2012	Adoption of policy by Council
February 2012	Advertise competition
May to June 12	Stage 1 process
From July 12	Stage 2 process (after completion of any appeals at Stage 1)

- 3.14 Full training for members will be given to provide Licensing Committee with background knowledge of the casino industry as well as specialist knowledge they will need to determine the large casino licence.
- 3.15 The Licensing Committee will appoint a non-statutory advisory panel to provide them with an evaluation report on each of the Stage 2 bids received from the applicants.

4.0 Implications for Council Policy and Governance

- 4.1 The insertion in the Gambling Act 2005 Statement of Licensing Policy 2010-2012 will need to be approved under the Budgetary and Policy Framework. It is estimated that this will be in January 2012.
- 4.2 The approval of the application pack and the determination of the licence is a matter for Licensing Committee under their delegated responsibilities.

5.0 Legal and Resource Implications

- 5.1 The contents of the application pack and the grant of the licence are Part 8 functions of the Act and are expressly a matter for the council's Licensing Committee, although the principles that the committee will use to inform its decision on greatest benefit will be contained within the council's statement of licensing policy which must be approved by full Council.

6.0 Conclusions

- 6.1 Officers from Entertainment Licensing and City Development, along with advice from Economic Development, Procurement, Legal Services, external consultants and external legal advisors, have developed a first draft of the Large Casino application pack.

7.0 Recommendations

- 7.1 That Licensing Committee:
- note the contents of this report
 - consider the draft application pack
 - approve the consultation methodology
 - instruct officers to commence a 4 week non-statutory consultation with the industry.

Appendices

Appendix 1 - Large Casino Licence Draft Application Pack (17 June 2011)

Please note: appendices will be included in the document packs for Licensing Committee, however due to the size of the pack it will not be uploaded to the Internet. Interested persons seeking a copy of the pack should contact Helen Gray on 0113 247 4355.

Background Papers

Public Consultation - Large Casino Section - available from www.leeds.gov.uk/gpc

Executive Board Minutes 10/03/10 <http://democracy.leeds.gov.uk/mgConvert2PDF.aspx?ID=4290&T=1>

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Large Casino Licence

DRAFT Application Pack

Gambling Act 2005

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Large Casino Application Pack

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General Information

Large Casino Application Pack



Purpose

In May 2008 Parliament gave Leeds City Council (the council) the right to grant a premises licence for a large casino under the Gambling Act 2005 (the Act).

Before granting such a licence the council must conduct an application process pursuant to Schedule 9 of the Act.

The purpose of this document is to provide potential applicants with general information and of the rules of the application process. It is published to conform to the requirements set by Parliament and the Secretary of State and to ensure an application process which is both transparent and fair.

An introduction to the City of Leeds

Leeds is the regional capital of the Yorkshire and Humber region. It is extremely diverse covering an area of 55,000 hectares and includes a main city area, surrounded by a rural expanse of small towns, villages and countryside. It has an eclectic population of approximately 750,000 with over 8% of the overall population from ethnic minority groups, which increases to 40% in some communities.

We appreciate the city's diversity and celebrate the value that different communities, cultures and religions offer. However we recognise that much can be done to create stronger, more harmonious communities and we strive to improve relationships between different people and cultures within the city; for example, cohesiveness between young and old. As such, helping people for different backgrounds and communities to understand and respect each other is an important priority for us and for the city.

Within Yorkshire and Humber region, Leeds' economic performance is exemplified by high economic growth and low unemployment. Over the last 20 years Leeds has created more jobs than any other major city outside London. This success has been largely due to the strength and diversity of the local economy.

In light of the city's varied nature, we require a mixed economy of suppliers from all sectors to help us deliver effective and efficient services to the people of Leeds.

Council Policies, Strategies , Initiatives and Mandates

This is a brief introduction to the numerous policies, strategies, initiatives and mandates that the council is committed to furthering as part of its work. All applicants should read the information carefully before submitting their application.

Environmental Policy & Commitment to Socioeconomic Wellbeing

http://www.leeds.gov.uk/housing/Planning/Planning_environmental_policies.aspx

All organisations have an impact on the environment. Local authorities are no different but have the advantage of being in an ideal position to improve the environmental quality of the area they serve.

Our environmental policy not only provides an important statement of intent, against which we will be judged now and in the future, but also provides a lead for other to follow.

Vision for Leeds

<http://www.leedsinitiative.org/page.aspx?id=84>

The Vision for Leeds 2011 to 2030 is the city's community strategy. Published by the Leeds Initiative, the vision will guide the development of the city until 2030 and it underpins everything that the city region aspires to achieve.

The current vision is that by 2030, Leeds will be internationally recognised as the best city in Britain - a city that is fair, open and welcoming with a prosperous and sustainable economy, a place where everyone can lead safe, healthy and successful lives.

There are three main aims (under which the strategic objectives of the council reside):

By 2030, Leeds will be fair, open and welcoming. Leeds will be a place where everyone has an equal chance to live their life successfully and realise their potential. Leeds will embrace new ideas, involve local people, and welcome visitors and those who come here to live, work and learn.

To do this Leeds will be a city where:

- people from different backgrounds and ages feel comfortable living together in communities;
- people are treated with dignity and respect at all stages of their lives;
- we all behave responsibly;
- people have a shared sense of belonging;
- there are good relations within and between communities;
- the causes of unfairness are understood and addressed;
- people feel confident about doing things for themselves and others;
- our services meet the diverse needs of our changing population;
- people can access support where and when it is needed;
- local people have the power to make decisions that affect us;
- people are active and involved in their local communities; and
- everyone is proud to live and work.

By 2030, Leeds' economy will be prosperous and sustainable. We will create a prosperous and sustainable economy, using our resources effectively. Leeds will be successful and well-connected offering a good standard of living. Our culture of being excellent at everything we do will create a great quality of life for all.

Leeds will be a city that has:

- a strong local economy driving sustainable economic growth;
- a skilled workforce to meet the needs of the local economy;
- a world-class cultural offer;
- built on its strengths in financial and business services, and manufacturing, and continued to grow its strong retail, leisure and tourism sectors;
- world-class, cultural, digital and creative industries;
- developed new opportunities for green manufacturing and for growing other new industries;
- improved levels of enterprise through creativity and innovation;
- work for everyone with secure, flexible employment and good wages;
- high-quality, accessible, affordable and reliable public transport;
- successfully achieved a 40% reduction in carbon emissions (by 2020);
- adapted to changing weather patterns;
- increased use of alternative energy supplies and locally produced food; and
- buildings that meet high sustainability standards in the way they are built and run.

By 2030, Leeds' communities will be safe, healthy and successful. Everyone has the opportunity to be safe, successful and secure and lead happy, healthy and fulfilling lives. Leeds' communities will thrive and people will be confident, skilled, enterprising, active and involved.

To do this Leeds will be a city where:

- people have the opportunity to get out of poverty;
- education and training helps more people to achieve their potential;
- communities are safe and people feel safe;
- all Leeds' homes are of a decent standard and everyone can afford to stay warm;
- healthy life choices are easier to make;
- community-led businesses meet local needs;
- local services, including shops and healthcare, are easy to access and meet our needs;
- local cultural and sporting activities are available to all;
- there are high quality buildings, places and green spaces, and
- happiness forms the basis of a good quality of life.

Compact for Leeds

<http://www.leedsinitiative.org/compactforleeds/>

The compact is an agreement between the voluntary, community and faith sector and the public sector to improve their relationship for mutual advantage. The National Compact was launched in November 1998 and in recent years, compacts have been developed at both regional and local levels.

The Compact for Leeds, launched by the Leeds Initiative in September 2003 is a voluntary agreement between the LSP and the voluntary, community and faith sector. It is built upon four key principles, which are:

- Promoting equal partnerships.
- Encouraging the effective use of resources.
- Improving the quality of communication, consultation and information exchange.
- Recognising the role and value of volunteering and community activity.

Gambling Act 2005 Statement of Licensing Policy 2010 to 2012

<http://www.leeds.gov.uk/gpc>

Under the Gambling Act 2005 Leeds City Council licences all casinos, bookmakers, casinos, amusement arcades and bingo halls as well as issuing various other gambling permits.

As part of this legislation the council is required to publish a statement of licensing policy which shows how it will promote the three licensing objectives of:

- 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
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Act 2005

The Licensing Framework

The Act controls the way commercial gambling is regulated in the United Kingdom. The Gambling Commission is the national gambling regulator and it issues operating licences to gambling companies and personal licences to gambling staff. Local councils are appointed as licensing authorities to issue premises licences for gambling premises in their areas.

Leeds City Council's Gambling Act 2005 Statement of Licensing Policy

In accordance with Section 349 of the Act the council has published a Statement of Licensing Policy which sets out how we will approach our functions under the Act. It is important that you read and familiarise yourself with this document, especially if you plan to submit an application which alters or excludes a default condition.

This document is available on the Leeds City Council website at <http://www.leeds.gov.uk/gpc> or you can request a paper copy from us. Our contact details are at the end of this document.

The Licensing Objectives

The Act contains three licensing objectives which are central to the regulatory regime created by the Act. They 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.

Responsible authorities

Responsible authorities are agencies that have been given certain powers under the Act. You will be required to send a notice of your application to each of the responsible authorities. These agencies are

then entitled to make representations about your application which will usually focus on the licensing objectives.

Licensing Committee

The Licensing Committee is made up from 15 councillors. Details of the current Licensing Committee can be found on the Leeds City council website at:

<http://democracy.leeds.gov.uk/mgCommitteeDetails.aspx?ID=163>

What is a Large Casino?

The definition of a large casino is set out in the Gambling Act 2005 and in the associated regulations. You may wish to take advice as to the detailed statutory requirements. What follows is a general guide.

A large casino is a casino in which the combined floor area of those parts of the casino which are used to provide facilities for gambling is at least 1,500 square metres but less than 3,500 square metres. The table gaming area itself must be at least 1,000 square metres and may comprise a number of separate areas, although no area under 125 square metres may be taken into account.

The casino may offer gaming machines of categories B, C or D. The number of machines must be no more than 5 times the number of gaming tables used in the casino and must, in any case, not exceed 150.

The casino may also make facilities available for betting, bingo and betting on the outcome of a virtual game, race, competition or other event or process.

There must be one or more non gambling areas totalling at least 500 square metres. The total area may include but must not solely comprise of lobby and toilet facilities. Each non-gambling area (other than the lobby and toilet facilities) must offer recreational facilities at all times that gambling facilities are being provided on the premises.

Two Stage Application Process

The legislation provides for a two-stage application process.

At Stage 1 applicants apply for a casino premises licence or provisional statement. Their applications will be judged in the same way as for all premises licences under the Gambling Act 2005, according to the principles in Section 153. All applications must be made in the form and manner prescribed by the application regulations.

If there is only one successful applicant, the licence (or provisional statement) will be awarded to that applicant.

If there is more than one successful applicant, Stage 2 of the application process will be activated. The licence (or provisional statement) will then be awarded to the application which would, in the council's opinion, be likely to result in the greatest benefit to the Leeds metropolitan area.

Specific guidance is provided for each stage.

Indicative Timetable

Stage	Date
Stage 1 determination (if only one application received)	June 2012
Stage 1 determination (if more than one application received)	June 2012
Stage 2 determination (if more than one application received)	December 2012

This timetable does not take into account any appeals or other challenges arising from the adoption of the policy or stage 1 of the process.

Storage Protocol

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 council is required to have in place a protocol governing the storage of confidential information during Stage 2 of the casino premises licence process.

The council 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 this application process 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 council will return all documentation, electronic or otherwise, to the applicant with the explanation that the information does not fall within the above prescribed regulations.

It is recognised that interested parties may make representations at Stage 1 and where this is so the council will need to proceed to a hearing, unless all parties agree that this is unnecessary. Where there is to be a hearing, all relevant documents will be submitted to the Licensing Committee in accordance with the council'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 council will not proceed to Stage 2 until the appeals are determined.

Stage 2 Process

In accordance with Section 5.4.6 of the Code of Practice the council will follow this protocol governing the storage of confidential information submitted by applicants during Stage 2.

Storage, access and removal

All 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 with the Data Protection Act 1998 and the council's procedures all information is only passed to those who are authorised to receive it in the course of their duties.

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

All 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 council 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 the council may engage in discussions or negotiations 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 council will not discuss or divulge the details of a person's application with any other applicant without the person's prior permission.

Usage

All 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 council. The register will detail any pre-existing contracts, arrangements or other relationships between the applicant and the council and shall ensure that this is made available to the public upon application. In addition, the register will 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 council free of charge to each applicant and to any other person who requests it.

Retention

Once a relevant decision has been made, all unsuccessful applicants' supporting information, associated documents and data (including electronic data) other than the prescribed information submitted at Stage 1, will 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 council 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 applications, 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 applicant may request the return of such information whereupon the council shall return all relevant documentation.

The Council will not keep any photocopy or other image of the unsuccessful application and supporting information, associated documents and data (including electronic data). However, notwithstanding the above, the Council 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 process and for 6 months thereafter.

Glossary

Term	Definition
Application Pack	The full set of documentation despatched to applicants in relation to applying for a large casino premises licence.
Code of Practice	Licence Conditions and Codes of Practice, October 2008, The Gambling Commission. The Code sets out the Gambling Commission's general licence conditions and associated codes of practice under the Gambling Act 2005 (the Act). These conditions and codes came into force for gambling operating and personal licensees on 1 January 2009
Corporate Social Responsibility (CSR)	The Government definition of CSR is "the business contribution to sustainable development goals" covering how business takes account of its economic, social and environmental impacts in the way it operates – to maximise the benefits and minimise the downsides. It focuses on encouraging a positive impact through a programme of activities to support the environment, consumers, employees, communities, stakeholders and all other members of the public
Credit Score	A credit rating estimates the credit worthiness of an individual, corporation, or a country. It is an evaluation made by credit bureaus of a borrower's overall credit history. A credit rating is also known as an evaluation of a potential borrower's ability to repay debt, prepared by a credit bureau at the request of the lender. Credit ratings are calculated from financial history and current assets and liabilities. A poor credit rating indicates a high risk of defaulting on a loan, and thus leads to high interest rates or the refusal of a loan by the creditor.
Department for Culture, Media & Sport (DCMS)	The sponsoring Government Department for the Gambling Act 2005
Development Specification	A detailed description and technical specification of the applicant's proposed development (s) with accompanying documentation
Direct Full Time Equivalent (FTE)	FTE is a way to measure a worker's involvement in a project. An FTE of 1.0 means that the person is equivalent to a full-time worker while an FTE of 0.5 signals that the worker is only half-time. Part-time posts are combined to create their full time equivalent number of posts. One FTE position represents 2,080 working hours in a financial year
Displacement	The proportion of reduced benefits, within a given area, that result from the casino/other developments being taken forward
Equality Impact Assessment	An equality impact assessment involves assessing the likely or actual effects of policies or services on people in respect of disability, gender and racial equality. It helps organisations to make sure the needs of people are taken into account when they develop and implement a new policy or service or when they make a change to a current policy or service
Financial Standing	A measure of the financial strength of an organisation/individual that looks at assets and liabilities to assess their 'credit worthiness' i.e. an indication of their ability to repay further debt and the risk attached to it
Gambling Act 2005 Statement of Licensing Policy (the policy)	The policy is a requirement of the Gambling Act 2005 and it sets out set out the principles that the council propose to apply when determining licences, permits and registrations under the Gambling

Term	Definition																																				
	<p>Act 2005. It establishes the council's licensing policy demonstrating how it will promote the three licensing objectives of:</p> <ol style="list-style-type: none"> 1. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime 2. ensuring that gambling is conducted in a fair and open way 3. protecting children and other vulnerable persons from being harmed or exploited by gambling 																																				
Gambling Commission	<p>The Gambling Commission was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain. It is an independent non-departmental public body (NDPB) sponsored by the Department for Culture, Media and Sport (DCMS). The Commission determines the Licence Conditions and Codes of Practice (LCCP) which set out the rules which licensed operators must observe. It also provides guidance to local authorities (as issuers of gambling licences) and other stakeholders on gambling</p>																																				
Gross Impacts	<p>Represent the direct on-site benefits associated with the applicant's proposals prior to accounting for displacement and other effects (as detailed at Appendix 3)</p>																																				
Gross Value Add (GVA)	<p>GVA measures the contribution to the economy of each individual industrial producer, industry or sector in the United Kingdom. GVA is the difference between output and intermediate consumption for any given sector/industry. That is the difference between the value of goods and services produced and the cost of raw materials and other inputs which are used up in production</p>																																				
Large Casino	<p>As determined by the Gambling Act 2005 a 'large casino' should have a minimum table gaming area of 1,000 square metres and a minimum non-gambling area of 500 square metres. The casino can have a maximum of 150 gaming machines from category B1 to D but not category B3A. The number of category B1 machines allowed depends on the table ratio of the gambling area.</p> <table border="1" data-bbox="619 1245 1436 1955"> <thead> <tr> <th data-bbox="619 1245 979 1335">Machine category</th> <th data-bbox="987 1245 1206 1335">Maximum stake from June 2009)</th> <th data-bbox="1214 1245 1436 1335">Maximum prize (from June 2009)</th> </tr> </thead> <tbody> <tr> <td data-bbox="619 1335 979 1361">A</td> <td data-bbox="987 1335 1206 1361">Unlimited</td> <td data-bbox="1214 1335 1436 1361">Unlimited</td> </tr> <tr> <td data-bbox="619 1361 979 1388">B1</td> <td data-bbox="987 1361 1206 1388">£2</td> <td data-bbox="1214 1361 1436 1388">£4,000</td> </tr> <tr> <td data-bbox="619 1388 979 1478">B2</td> <td data-bbox="987 1388 1206 1478">£100 (in multiples of £10)</td> <td data-bbox="1214 1388 1436 1478">£500</td> </tr> <tr> <td data-bbox="619 1478 979 1505">B3</td> <td data-bbox="987 1478 1206 1505">£2</td> <td data-bbox="1214 1478 1436 1505">£500</td> </tr> <tr> <td data-bbox="619 1505 979 1532">B4</td> <td data-bbox="987 1505 1206 1532">£1</td> <td data-bbox="1214 1505 1436 1532">£250</td> </tr> <tr> <td data-bbox="619 1532 979 1559">C</td> <td data-bbox="987 1532 1206 1559">£1</td> <td data-bbox="1214 1532 1436 1559">£70</td> </tr> <tr> <td data-bbox="619 1559 979 1630">D non-money prize (other than crane grab machine)</td> <td data-bbox="987 1559 1206 1630">30p</td> <td data-bbox="1214 1559 1436 1630">£8</td> </tr> <tr> <td data-bbox="619 1630 979 1688">D non-money prize (crane grab machine)</td> <td data-bbox="987 1630 1206 1688">£1</td> <td data-bbox="1214 1630 1436 1688">£50</td> </tr> <tr> <td data-bbox="619 1688 979 1715">D money prize</td> <td data-bbox="987 1688 1206 1715">10p</td> <td data-bbox="1214 1688 1436 1715">£5</td> </tr> <tr> <td data-bbox="619 1715 979 1841">D combined money and non-money prize (other than coin pusher or penny falls machines)</td> <td data-bbox="987 1715 1206 1841">10p</td> <td data-bbox="1214 1715 1436 1841">£8 (of which no more than £5 may be a money prize)</td> </tr> <tr> <td data-bbox="619 1841 979 1955">D combined money and non-money prize (coin pusher or penny falls machine)</td> <td data-bbox="987 1841 1206 1955">10p</td> <td data-bbox="1214 1841 1436 1955">£15 (of which no more than £8 may be a money prize)</td> </tr> </tbody> </table>	Machine category	Maximum stake from June 2009)	Maximum prize (from June 2009)	A	Unlimited	Unlimited	B1	£2	£4,000	B2	£100 (in multiples of £10)	£500	B3	£2	£500	B4	£1	£250	C	£1	£70	D non-money prize (other than crane grab machine)	30p	£8	D non-money prize (crane grab machine)	£1	£50	D money prize	10p	£5	D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	D combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)
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Leakage	<p>Represents the proportion of benefits that are generated outside a defined locality (i.e. in this case the local and sub-regional areas);</p>																																				

Term	Definition
Leeds City Region	The Leeds City Region brings together the eleven local authorities of Barnsley, Bradford, Calderdale, Craven, Harrogate, Kirklees, Leeds, Selby, Wakefield and York, along with North Yorkshire County Council (see map at Appendix 5)
Multiplier Effects	Represent the additional rounds of expenditure and employment associated with the applicant's proposals within defined geographical areas
NEET	Persons Not in Education, Employment or Training
Net Present Value (npv)	The NPV of a time series of cash flows is defined as the sum of the present values (PVs) of the individual cash flows. The calculation "discounts" future values to a value. The Council are using a nominal discount rate of 6% in this calculation.
Operating Licence	An operating licence is required to run a casino or offer casino games. It is issued by the Gambling Commission.
Potential maximum Weighted Score	The highest potential raw score an applicant could achieve multiplied by a factor assigned to it to indicate the relative importance of the criteria being scored
Reference Case	Defined as the likelihood of other developments being taken forward within the area that the applicant's proposals may be located
Substitution	This accounts for the effect of any customers of the new facilities substituting other similar activities to participate in gambling on site

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Gambling Act 2005 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note

Statement of Licensing Policy

Large Casino Application Pack

(New policy will replace this document after it has been adopted)

Stage 1 Guidance

Large Casino Application Pack



Purpose

The purpose of this guidance is to inform potential applicants of the rules of stage 1 of the application process. It is published to conform to the requirements set by Parliament and the Secretary of State and to ensure an application process which is both transparent and fair.

Stage 1

Stage 1 of the application process follows the same process as for any premises licence under the Gambling Act 2005 and is set out briefly below. Applicants should take legal advice on these provisions if further detail is required.

The start of Stage 1 will have been announced by an advertisement in a trade newspaper, journal or similar publication. The invitation included the closing date, how to obtain an application pack and a closing date for applications. This information is also provided below.

An application for a premises licence or a provisional statement must be made to the council in the form and manner prescribed by the Gambling Act 2005 (Premises Licence and Provisional Statements) Regulations 2009 (**GPREM1 or GPREM2**) and must be accompanied by a plan and the prescribed fee. The form is included in the application pack.

An application for a 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.

If the applicant cannot satisfy these requirements he may apply for a provisional statement, but will be required to apply for a premises licence once he meets the requirements and before the premises is used.

Premises licence conditions

Under the Act there are two different types of condition which attach to the premises licence:

- Mandatory conditions – these attach to certain classes of premises licences automatically and the council has no discretion to change, exclude or substitute these.
- Default conditions – these are conditions which will be attached to a premises licence automatically unless the applicant indicates through their application that they wish to exclude or alter a default condition.

An applicant can either chose to offer their consent to apply all the default conditions (standard opening hours) or they may ask for an alteration to the default conditions. This effectively amounts to an application to extend the times during which they want the premises to be available.

Plans

Applicants are required to submit plans with their application. Plans must be drawn to a suitable scale showing:

- (a) the extent of the boundary or perimeter of the premises;
- (b) where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- (c) where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- (d) where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- (e) the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads;
- (f) the principal entrance to the premises of those identified in (e)

- (g) the location and extent of any part of the premises which will be a table gaming area;
- (h) the location and extent of any other part of the premises which will be used for providing facilities for gambling in reliance on the licences; and
- (i) the location and extent of any part of the premises which will be a non-gambling area

A "non-gambling area" means any part of the proposed casino -

- (a) which will be made available to customers but will not be used for providing facilities for gambling; and
- (b) Which unless it is a lobby area or toilet facilities, will contain recreational facilities for use by customers on the premises

"Partially automated gaming table" means equipment that would fall within the definition of gaming machine in section 235 of the Gambling Act 2005 but for its exclusion from that definition by subsection (2)(h) of that section

"Table gaming area" means any part of the proposed casino which is to be used for -

- (a) casino games played on gaming tables (including wholly or partially automated gaming tables); or
- (b) real games of equal chance, other than bingo, played on a table

"Wholly automated gaming table" means equipment that would fall within the definition of a gaming machine in section 235 of the Gambling Act 2005 but for its exclusion from that definition by subsection (2)(i) of that section.

If the applicant is applying for a provisional statement they will still be required to include the detail as described above. If the application is for a premises which the applicant expects to be constructed or altered, the plans should show how they are expected to be when constructed or altered.

Notice to Responsible Authorities

After an application is submitted and the closing date has passed the applicants will be required to notify each of the responsible authorities about the application including the Gambling Commission using the GNOTICE1A/GNOTICE2A for an individual applicant or GNOTICE1B/GNOTICE2B for an organisation of multiple persons.

The relevant notice should be sent to:

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

West Yorkshire Police

Leeds District Licensing Officer
Millgarth Police Station
Leeds
LS2 7HX

Leeds City Council

City Development
Planning Compliance Service
The Leonardo Building
2 Rossington Street
Leeds, LS2 8HD

Leeds Safeguarding Childrens Board

Childrens Services
Enterprise House
12 St Pauls Street
Leeds LS1 2LE

West Yorkshire Fire and Rescue Service

District Fire Safety Officer
Leeds Fire Station
Kirkstall Road
Leeds
LS3 1NF

Leeds City Council

Health and Environmental Action Service
Millshaw Office
Millshaw Park Way
Churwell
Leeds
LS11 0LS

HM Revenue and Customs

National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ

Please note for the purposes of the Act the Licensing Authority is also a responsible authority. This means applicants must also send a copy of any notices to the following address:

Leeds City Council

Entertainment Licensing Section
Civic Hall
Leeds
LS1 1UR

Site notice

Applicants will also have to advertise the application by displaying a notice on the premises for 28 days. The notice must be made using the prescribed form GNOTICE1 or GNOTICE2.

The notice must be displayed in accordance with Regulation 12 of the Gambling Act 2005 (Premises Licences and Provisional Statements) Applications 2007.

The notice must not be obscured in any way or made difficult to read. It is essential that the notice can conveniently be read by members of the public from outside the premises. If the application is for a provisional statement and the premises have not been constructed or the applicant does not have the right to occupy them, it must be displayed as near as reasonably practicable to the premises or proposed premises where it can conveniently be read by members of the public. If the premises is within a complex or its own grounds and the public will be unable to view the notice or notices from the exterior of the site then the notice should be displayed at the nearest public thoroughfare (such as at the entrance to the complex/site) so the notice is easily read by the passing public.

After the closing date our enforcement officers will visit the site to inspect the notice. If it is found that the notice or its positioning does not meet the requirements of the Act then we may ask the applicant to redisplay the notice and we may reset the 28 day notice period, or even return the application. Applicant are encouraged to contact Entertainment Licensing before submitting the application to clarify our requirements so as to reduce the chances of this happening.

Newspaper Advertisement

As well as placing a notice at the premises applicants must also advertise the application in a local newspaper which covers the area where the premises is located. The notice should appear on at least one occasion within 10 working days starting on the closing date. It must contain the same information as the notice placed on the premises but does not need to use the same dimension or font size.

It is important to note that an application made before the closing date is to be treated as if it were made on the closing date. Therefore:

- The last date for representations to be specified in notices to responsible authorities, advertisements and site notices is **xxxxxx**.
- Notice of the application has to be given to responsible authorities by **xxxxxx**.
- The application must be advertised by **xxxxxx**.
- A notice must be displayed for at least 28 consecutive days from **xxxxxx**.

Fees

Provisional statement	£10,000
Premises licence grant	£10,000
Annual fee (due within 30 days of the date of grant)	£10,000

We can accept payment by all major credit and debit cards at our St George House office. Please visit St George House, Great George Street, Leeds, LS1 3DL and report to our reception on the first floor. Please make cheques payable to Leeds City Council.



Please note we will be happy to accept one payment at the time of application to cover both your application fee and your first annual fee. In the event that your application is refused, we will refund your annual fee as a matter of urgency.

Representations

Representations may be made by responsible authorities and interested parties, as defined by the Act. For this purpose, each applicant for the casino premises licence is an interested party and so can make representations in relation to any other application. The period for representations is 28 days beginning on the closing date. If the council considers a representation to be vexatious, frivolous or certainly not such as to influence its determination of the application, it will disregard it.

Hearings

Unless the applicant, interested parties or responsible authorities consent to a determination without a hearing, the council must hold a hearing to consider each application if:

- (a) there are representations from interested parties or responsible authorities;
- (b) the council proposes to attach an individual condition to the premises licence;
- (c) the council proposes to exclude a default condition from the licence.

The hearing will take place before a Licensing Committee. The Licensing Committee will be made up of up to 15 councillors, although the Committee will be quorate at 5 members. If any objection is taken to any of the members, the substance of the objection should be stated prior to submission of the Stage 1 application, so that the objection may be considered, and any necessary action taken.

You will usually be notified around 10 working days before the date of the hearing. You will be sent a report containing the representations that have been received in respect of your premises licence application. You will also be sent guidance explaining the format of the hearing.

The hearing will be conducted in accordance with the appropriate hearings regulations.

At the outcome of the hearing the Licensing Committee will either:

- grant the licence as per the application
- grant the application subject to additional default conditions. (this might include a reduction to the hours applied for)
- refuse the application.

The Licensing Committee may also attach individual conditions to any licence granted.

In considering the merits of the application at Stage 1, the council will apply the test set out in section 153 of the Gambling Act 2005. In particular the council will aim to permit the use of the premises for gambling in so far as it the council thinks it is:

- (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 Council under section 349 (subject to paragraphs (a) to (c)).

In making its determination the council 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.

If you are not satisfied with the decision of the Licensing Committee then you have a right of appeal to the Magistrates Court. Information about how and when to make any appeal will be contained in your decision letter.

The council has the power to pass a no casino resolution under Section 166 of the Gambling Act 2005. It may choose to exercise this option should there be only one application for a large casino premises licence or should, where there is more than one application, those applications fail to meet the council's aspirations for benefit for the Leeds metropolitan area. Should the council decide in the future to pass such a resolution, it will update this policy with details of that resolution and any such decision will be made by full Council.

Providing the council does not exercise this power, 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 application process. Stage 2 of the process will only be started once the 21 day appeal period has passed and any pending appeals heard by the Magistrates Court.

Extraneous information or material

It is important to note that the only information the council can take into account at Stage 1 is information material to the judgment it has to make under section 153 of the Gambling Act 2005. Therefore:

1. No information, other than information required at stage 1 (by the application regulations) may be included in or submitted with an application.
2. In making its determination at Stage 1, the council will not take into account any information which is relevant to a determination at Stage 2, unless that information is also relevant to the determination at Stage 1.
3. If extraneous information or material is included with the application, the council will disregard it and, if possible, return it to the applicant.
4. The council will not have regard to whether any of the competing applications is more deserving of being granted.

Checklist

1. Complete the enclosed form labelled GPREM1 (premises licence) or GPREM2 (provisional statement)
2. Prepare the following documents to accompany your application form:
 - A plan of the premises (*if possible please submit two copies of the plan*)
 - The correct fee
3. Send your complete application (including all of the above documents) to Entertainment Licensing
4. Upon sending your application to the council you will then need to advertise your application GNOTICE1 (premises licence) or GNOTICE2 (provisional statement) (but please see notes about the closing date)
5. You must also give notice of your application to each of the responsible authorities within a period of seven days beginning on the closing date. You must use one of the prescribed forms which are enclosed with this pack. Use the form labelled GNOTICE1A or GNOTICE2A if you are a single applicant and use the form labelled GNOTICE1B or GNOTICE2B if there are multiple applicants.

Use of personal data

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Contact details for Stage 1

Entertainment Licensing Section
Leeds City Council
Civic Hall
Leeds, LS1 1UR

Phone: 0113 247 4095
Fax: 0113 224 3885
Website: www.leeds.gov.uk/licensing
Email: entertainment.licensing@leeds.gov.uk

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Gambling Act 2005 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note

Stage 1 Application Forms

Large Casino Application Pack



GPREM1	Stage 1 Application for a Premises Licence (Standard)	5-3
GPREM1A	Stage 1 Application for a Premises Licence (Vessel)	5-9
GPREM2	Stage 1 Application for a Provisional Statement (Standard)	5-15
GPREM2A	Stage 1 Application for a Provisional Statement (Vessel)	5-21
GNOTICE1	Stage 1 Form of notice to be published (Premises Licence)	5-27
GNOTICE1A	Stage 1 Form of notice to be given to responsible authorities (FORM A) Premises Licence	5-29
GNOTICE1B	Stage 1 Form of notice to be given to responsible authorities (FORM B) Premises Licence	5-31
GNOTICE2	Stage 1 Form of notice to be published (Provisional Statement)	5-33
GNOTICE2A	Stage 1 Form of notice to be given to responsible authorities (FORM A) (Provisional Statement)	5-35
GNOTICE2B	Stage 1 Form of notice to be given to responsible authorities (FORM B) (Provisional Statement)	5-37

Use of personal data

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Contact details for Stage 1

Entertainment Licensing Section
Leeds City Council
Civic Hall
Leeds, LS1 1UR

Phone: 0113 247 4095
Fax: 0113 224 3885
Website: www.leeds.gov.uk/licensing
Email: entertainment.licensing@leeds.gov.uk

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Gambling Act 2005 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note

**APPLICATION FOR A PREMISES LICENCE UNDER THE GAMBLING ACT 2005
(STANDARD FORM)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

- | | | | | | |
|-----------------|--------------------------|---------------------|--------------------------|-----------------------------|--------------------------|
| Regional Casino | <input type="checkbox"/> | Large Casino | <input type="checkbox"/> | Small Casino | <input type="checkbox"/> |
| Bingo | <input type="checkbox"/> | Adult Gaming Centre | <input type="checkbox"/> | Family Entertainment Centre | <input type="checkbox"/> |
| Betting (Track) | <input type="checkbox"/> | Betting (Other) | <input type="checkbox"/> | | |

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is “yes”, please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

.....

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A - Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.
[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B - Application on behalf of an organisation

6. Name of applicant business or organisation:

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

7. The applicant's registered or principal address:

Postcode:

8(a) The number of the applicant's operating licence (as given in the operating licence):

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.
[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known):

11. Address of the premises (or, if none, give a description of the premises and their location):

Postcode:

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

14(a) Are the premises situated in more than one licensing authority area?

Yes/No *[delete as appropriate]*

14(b) If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made.**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case?

Yes/No

[delete as appropriate]

[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	<i>hh:mm</i>	<i>hh:mm</i>	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued):

(dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence?

Yes/No

[delete as appropriate]

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?

Yes/No

[delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details:

20. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: *(dd/mm/yyyy)* Capacity:

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

23(b) Please give one or more telephone numbers at which the person identified in question 22(a) can be contacted:

24. Postal address for correspondence associated with this application:

Postcode:

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

**APPLICATION FOR A PREMISES LICENCE UNDER THE GAMBLING ACT 2005
(VESSEL)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Applications in respect of premises which are not a vessel should be made on the relevant form for that type of premises.

Part 1 – Type of premises licence applied for

Regional Casino Large Casino Small Casino
 Bingo Adult Gaming Centre Family Entertainment Centre
 Betting)

Do you hold a provisional statement in respect of the premises? Yes No
 If the answer is “yes”, please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

-

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A - Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.
[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B - Application on behalf of an organisation

6. Name of applicant business or organisation:

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

7. The applicant's registered or principal address:

Postcode:

8(a) The number of the applicant's operating licence (as given in the operating licence):

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.
[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Name of vessel to be licensed:

11. Country in which vessel is registered:

12(a) Give the place in the licensing authority's area at which the vessel is or will be situated or moored (Give an address with postcode if available):

12(b) Please confirm by ticking the appropriate box whether the place stated in question 12(a) is:

- (i) a fixed place in or on water which the vessel is situated; or
- (ii) a place at which the vessel is permanently moored; or
- (iii) a place at which the vessel is habitually moored; or
- (iv) in any other case, a place at which the vessel is moored or is likely to be moored or a place in the United Kingdom nearest to any place at which a vessel is, or is likely to be while activities are carried on in the vessel in reliance on the premises licence.

13. If you have ticked box (iii) or (iv) in your answer to question 12(b), please indicate the number of days or months in a year when you expect the vessel to be moored at the place stated in question 12(a):

14. If you have ticked box (iii) or (iv) in your answer to question 12(b), please describe the other places where, and/or any other circumstances in which, the vessel will be used in reliance on the premises licence:

15. Please give a brief description of the vessel. Please describe the location of your premises within the vessel and indicate the uses of the other parts of the vessel:

Part 4 – Times of operation

16(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case?

Yes/No

[delete as appropriate]

[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

16(b). If the answer to question 16(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	<i>hh:mm</i>	<i>hh:mm</i>	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

17. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

18. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued):

(dd/mm/yyyy)

19(a). Do you hold any other premises licences that have been issued by this licensing authority?

Yes/No

[delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details:

20. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

24. Postal address for correspondence associated with this application:

Postcode:

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

**APPLICATION FOR A PROVISIONAL STATEMENT
UNDER THE GAMBLING ACT 2005 (STANDARD FORM)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is in respect of a vessel the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises to which the application relates

- | | | | | | |
|-----------------|--------------------------|---------------------|--------------------------|-----------------------------|--------------------------|
| Regional Casino | <input type="checkbox"/> | Large Casino | <input type="checkbox"/> | Small Casino | <input type="checkbox"/> |
| Bingo | <input type="checkbox"/> | Adult Gaming Centre | <input type="checkbox"/> | Family Entertainment Centre | <input type="checkbox"/> |
| Betting (Track) | <input type="checkbox"/> | Betting (Other) | <input type="checkbox"/> | | |

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A - Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.
[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B - Application on behalf of an organisation

6. Name of applicant business or organisation:
[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

7. The applicant's registered or principal address:

Postcode:

8(a) The number of the applicant's operating licence (as given in the operating licence):

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.
[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known):

11. Address of the premises (or, if none, give a description of the premises and their location):

Postcode:

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

14(a) Are the premises situated in more than one licensing authority area? Yes/No
[delete as appropriate]

14(b) If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made.**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? **Yes/No**
[delete as appropriate]
[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	<i>hh:mm</i>	<i>hh:mm</i>	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

17(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence?

Yes/No

[delete as appropriate]

17(b). If the answer to question 17(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

18(a). Do you hold any other premises licences that have been issued by this licensing authority?

Yes/No

[delete as appropriate]

18(b). If the answer to question 19(a) is yes, please provide full details:

19. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ We confirm that the applicant(s) have the right to occupy the premises

Checklist:

• Payment of the appropriate fee has been made/is enclosed

• A plan of the premises is enclosed

• I/ we understand that if the above requirements are not complied with the application may be rejected

• I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

20. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

21. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

22(a) Please give the name of a person who can be contacted about the application:

22(b) Please give one or more telephone numbers at which the person identified in question 22(a) can be contacted:

23. Postal address for correspondence associated with this application:

Postcode:

24. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

**APPLICATION FOR A PROVISIONAL STATEMENT
UNDER THE GAMBLING ACT 2005 (VESSEL)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Applications in respect of premises which are not a vessel should be made on the relevant form for that type of premises.

Part 1 – Type of premises licence applied for

- Regional Casino Large Casino Small Casino
- Bingo Adult Gaming Centre Family Entertainment Centre
- Betting)

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A - Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.
[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B - Application on behalf of an organisation

6. Name of applicant business or organisation:
[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

7. The applicant's registered or principal address:

Postcode:

8(a) The number of the applicant's operating licence (as given in the operating licence):

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.
[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Name of vessel to which the application relates:

11. Country in which vessel is registered:

12(a) Give the place in the licensing authority's area at which the vessel is or will be situated or moored (Give an address with postcode if available):

12(b) Please confirm by ticking the appropriate box whether the place stated in question 12(a) is:

- (v) a fixed place in or on water which the vessel is situated; or
- (vi) a place at which the vessel is permanently moored; or
- (vii) a place as which the vessel is habitually moored; or
- (viii) in any other case, a place at which the vessel is moored or is likely to be moored or a place in the United Kingdom nearest to any place at which a vessel is, or is likely to be while activities are carried on in the vessel in reliance on the premises licence.

13. If you have ticked box (iii) or (iv) in your answer to question 12(b), please indicate the number of days or months in a year when you expect the vessel to be moored at the place stated in question 12(a):

14. If you have ticked box (iii) or (iv) in your answer to question 12(b), please describe the other places where, and/or any other circumstances in which, the vessel will be used in reliance on the premises licence:

15. Please give a brief description of the vessel. Please describe the location of your premises within the vessel and indicate the uses of the other parts of the vessel:

Part 4 – Times of operation

16(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case?

Yes/No

[delete as appropriate]

[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

16(b). If the answer to question 16(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	<i>hh:mm</i>	<i>hh:mm</i>	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

17. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

18(a). Do you hold any other premises licences that have been issued by this licensing authority?

Yes/No
[delete as appropriate]

18(b). If the answer to question 19(a) is yes, please provide full details:

19. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

• Payment of the appropriate fee has been made/is enclosed

• A plan of the premises is enclosed

• I/ we understand that if the above requirements are not complied with the application may be rejected

• I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

20. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

21. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: (dd/mm/yyyy) Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

22(a) Please give the name of a person who can be contacted about the application:

22(b) Please give one or more telephone numbers at which the person identified in question 22(a) can be contacted:

23. Postal address for correspondence associated with this application:

Postcode:

24. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

**NOTICE OF APPLICATION FOR A PREMISES LICENCE
UNDER THE GAMBLING ACT 2005 (for publication)**

Notice is hereby given that:

.....
[Give the full name of the applicant(s)]

of the following address:

.....
.....
.....

is/are applying for a premises licence under section 159
of the Gambling Act 2005. *[Insert kind of premises licence being applied for]*

The application relates to the following premises:

[Give the trading name to be used at the premises, and the address of the premises (or, if none, give a description of the premises and their location)]

.....
.....
.....

The application has been made to the following licensing authority:

Leeds City Council, Civic Hall, Leeds LS1 1UR

Tel: 0113 247 4095

Email: entertainment.licensing@leeds.gov.uk

Fax: 0113 224 3885

Website: www.leeds.gov.uk

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

Any of the following persons may make representations in writing to the licensing authority about the application:

- A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories.

Any representations must be made by the following date:

It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

**NOTICE OF APPLICATION FOR A PREMISES LICENCE
(Responsible Authorities - one applicant)**

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that:

.....
[Give the full name of the applicant(s)]

of the following address:

.....
[Give the full address of the applicant as set out in Part 2 of the application for a premises licence]

The number of whose operating licence is

Who applied for an operating licence on

[Delete as appropriate. Insert reference number of the applicant's operating licence (as set out in the operating licence). Where an application for an operating licence is in the process of being made, indicate the date on which the application was made.]

Has made an application for apremises licence.

[Insert kind of premises licence being applied for]

The application relates to the following premises:

.....
[Give the trading name to be used at the premises, and the address of the premises (or, if none, give a description of the premises and their location)]

The application has been made to the following licensing authority:

Leeds City Council, Civic Hall, Leeds LS1 1UR

Tel: 0113 247 4095

Email: entertainment.licensing@leeds.gov.uk

Fax: 0113 224 3885

Website: www.leeds.gov.uk

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

.....
[This entry is optional and is to be included if the applicant wishes to provide the name, telephone number and (if available) e-mail address of a person connected with the applicant who is able to answer questions and provide further information about the application.]

Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date:

.....
[Please insert last day on which representations may be made in relation to the application, the period for making representations is 28 days (inclusive) starting with the day on which the application for the premises licence was made to the licensing authority.]

**NOTICE OF APPLICATION FOR A PREMISES LICENCE
(Responsible Authorities – more than one applicant)**

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that the persons or organisations whose details are given in the Schedule to this notice have made an application for a **large casino premises licence**.

The application relates to the following premises:

.....
.....
.....
.....

[Give the trading name to be used at the premises, and the address of the premises (or, if none, give a description of the premises and their location)]

The application has been made to the following licensing authority:

Leeds City Council, Civic Hall, Leeds LS1 1UR

Tel: 0113 247 4095

Email: entertainment.licensing@leeds.gov.uk

Fax: 0113 224 3885

Website: www.leeds.gov.uk

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

[This entry is optional and is to be included if the applicant wishes to provide the name, telephone number and (if available) e-mail address of a person connected with the applicant who is able to answer questions and provide further information about the application.]

Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date:

.....
[Please insert last day on which representations may be made in relation to the application, the period for making representations is 28 days (inclusive) starting with the day on which the application for the premises licence was made to the licensing authority.]

SCHEDULE OF APPLICANTS

The persons or organisations making the application are as follows:

Name of 1st Applicant:

[Give the full name of the applicant as set out in Part 2 of the application for a premises licence is more than one applicant]

Address of 1st Applicant:

Postcode:

[Give the full address of the applicant as set out in Part 2 of the application for a premises licence]

The number of the operating licence held by 1st Applicant is:

The 1st Applicant applied for an operating licence on

[Delete as appropriate. Insert the reference number of the applicant's operating licence (as set out in the operating licence). Where an application for an operating licence is in the process of being made, indicate the date on which the application was made.]

Name of 2nd Applicant:

[Give the full name of the applicant as set out in Part 2 of the application for a premises licence is more than one applicant]

Address of 2nd Applicant:

Postcode:

[Give the full address of the applicant as set out in Part 2 of the application for a premises licence]

The number of the operating licence held by 2nd Applicant is:

The 2nd Applicant applied for an operating licence on

[Delete as appropriate. Insert the reference number of the applicant's operating licence (as set out in the operating licence). Where an application for an operating licence is in the process of being made, indicate the date on which the application was made.]

[Where there are more than two applicants, also give the same information for the other applicants.]

**NOTICE OF APPLICATION FOR A PROVISIONAL STATEMENT
UNDER THE GAMBLING ACT 2005 (for publication)**

Notice is hereby given that:

.....
[Give the full name of the applicant(s)]

of the following address:

.....
is/are applying for a provisional statement under section 204 of the Gambling Act 2005. the application relates to the following type of premises:

.....
[Insert kind of premises to which the application relates]

The application relates to the following premises:

.....
[Give the trading name to be used at the premises, and the address of the premises (or, if no address is available, give a description of the premises and their location)]

The application has been made to the following licensing authority:

Leeds City Council, Civic Hall, Leeds LS1 1UR

Tel: 0113 247 4095

Email: entertainment.licensing@leeds.gov.uk

Fax: 0113 224 3885

Website: www.leeds.gov.uk

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

Any of the following persons may make representations in writing to the licensing authority about the application:

- A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories.

Any representations must be made by the following date:

It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

**NOTICE OF APPLICATION FOR A PROVISIONAL STATEMENT
(Responsible Authorities - one applicant)**

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that:

.....
[Give the full name of the applicant as set out in Part 2 of the application for a provisional statement]

of the following address:

.....
[Give the full address of the applicant as set out in Part 2 of the application for a provisional statement]

The number of whose operating licence is

Who applied for an operating licence on

[Delete as appropriate. Insert reference number of the applicant's operating licence (as set out in the operating licence). Where an application for an operating licence is in the process of being made, indicate the date on which the application was made.]

Has made an application for a provisional statement in respect of the following type of premises:

.....
[Specify the type of premises to which the application relates]

The application relates to the following premises:

.....
[if known, give the trading name to be used at the premises and the address of the premises as given in Part 3 of the application. If the premises have no address, then describe the premises and the location in the same way as they are described in Part 3 of the application.]

The application has been made to the following licensing authority:

Leeds City Council, Civic Hall, Leeds LS1 1UR

Tel: 0113 247 4095

Email: entertainment.licensing@leeds.gov.uk

Fax: 0113 224 3885

Website: www.leeds.gov.uk

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

.....
[This entry is optional and is to be included if the applicant wishes to provide the name, telephone number and (if available) e-mail address of a person connected with the applicant who is able to answer questions and provide further information about the application.]

Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date:

.....
[Please insert last day on which representations may be made in relation to the application, the period for making representations is 28 days (inclusive) starting with the day on which the application for the premises licence was made to the licensing authority.]

**NOTICE OF APPLICATION FOR A PROVISIONAL STATEMENT
(Responsible Authorities – more than one applicant)**

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that the persons or organisations whose details are given in the Schedule to this notice have made an application for a provisional statement in respect of the following type of premises:

.....
[specify the type of premises to which the application relates]

The application relates to the following premises:

.....
.....
[If known, give the trading name to be used at the premises and the address of the premises as given in Part 3 of the application. If the premises have no address, then describe the premises and the location in the same way as they are described in Part 3 of the application.]

The application has been made to the following licensing authority:

Leeds City Council, Civic Hall, Leeds LS1 1UR

Tel: 0113 247 4095

Email: entertainment.licensing@leeds.gov.uk

Fax: 0113 224 3885

Website: www.leeds.gov.uk

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

[This entry is optional and is to be included if the applicant wishes to provide the name, telephone number and (if available) e-mail address of a person connected with the applicant who is able to answer questions and provide further information about the application.]

Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date:

.....
[Please insert last day on which representations may be made in relation to the application, the period for making representations is 28 days (inclusive) starting with the day on which the application for the premises licence was made to the licensing authority.]

SCHEDULE OF APPLICANTS

The persons or organisations making the application are as follows:

Name of 1st Applicant:

[Give the full name of the applicant as set out in Part 2 of the application for a provisional statement]

Address of 1st Applicant

Postcode:

[Give the full address of the applicant as set out in Part 2 of the application for a provisional statement]

The number of the operating licence held by 1st Applicant is:

The 1st Applicant applied for an operating licence on

[Delete as appropriate. Insert the reference number of the applicant's operating licence (as set out in the operating licence). Where an application for an operating licence is in the process of being made, indicate the date on which the application was made.]

Name of 2nd Applicant:

[Give the full name of the applicant as set out in Part 2 of the application for a provisional statement]

Address of 2nd Applicant:

Postcode:

[Give the full address of the applicant as set out in Part 2 of the application for a provisional statement]

The number of the operating licence held by 2nd Applicant is:

The 2nd Applicant applied for an operating licence on

[Delete as appropriate. Insert the reference number of the applicant's operating licence (as set out in the operating licence). Where an application for an operating licence is in the process of being made, indicate the date on which the application was made.]

[Where there are more than two applicants, also give the same information for the other applicants.]

Stage 2 Guidance

Large Casino Application Pack



Purpose

This guidance note informs potential applicants of the procedure and rules of stage 2 of the application process in compliance with section 5.21 of the Code of Practice.

It is published to conform to the requirements set by Parliament and the Secretary of State and to ensure an application process which is both transparent and fair. Applicants are required to comply with the procedure as set out in this guidance note.

The Stage 2 Procedure

In general, the stage 2 procedure will follow the Code of Practice. However the Code leaves individual authorities to determine the detail of their own procedure.

Should more than one applicant pass through stage 1, the process will proceed to the second stage, with each applicant being invited to submit information about how their application would, if granted, benefit the area.

The stage 2 procedure that the council will utilise has been determined by the council to ensure fairness, equality between applicants and transparency; and also to secure the maximum benefits from the process for the Leeds metropolitan area, in order to achieve the principles detailed in the council's Gambling Act 2005 Statement of Licensing Policy 2010-2012 (sections 16.5 to 16.55). In particular, the stage 2 procedure will seek to ensure that the following principles are achieved:

Financial To seek to maximise the financial return to the council.

Social To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.

Economic To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds.

The procedure will include a number of 'phases'. Details of each phase and directions to further information are explained below. The Public Contracts Regulations 2006 do not apply to this procedure.

The phases of the stage 2 procedure are as follows

Phases	Notices issued to applicants
Invitation to participate in Stage 2	Notice 1 – successful stage 1 applicants asked to confirm that they will submit a stage 2 application
Application Stage	Notice 2 - applicants who have confirmed they intend to apply advised when the application stage will commence and the deadline for submissions of the stage 2 application
Initial Assessment and Validation – Review Stage	The Advisory Panel may seek to clarify with applicants, via SCMS, all aspects of their application
Dialogue Stage	Notice 3 – an invitation for applicants to participate in dialogue sessions with the Advisory Panel
Final and Best Application Stage	Notice 4 – a notice outlining the closure of the dialogue and submission date by which final and best application to be received.

Phases	Notices issued to applicants
Final and Best Application: Evaluation by Advisory Panel	The Advisory Panel may seek to clarify with applicants, via SCMS, aspects of their application. Draft evaluation reports will be issued to applicants
Licensing Committee	Notice 5 – applicants informed Licensing Committee will meet to discuss applications
Finalisation of schedule 9 agreement	Notice 6 – issued to the preferred applicant that negotiations to finalise the schedule 9 will commence
Licence granted	All applicants will be informed of the outcome

Invitation Stage

The council will initiate the stage 2 procedure by issuing a notice to each successful stage 1 applicant informing them that they have been invited to submit an application for stage 2 (Notice 1).

Applicants will be asked to complete a form, within 7 working days, confirming that they will submit a stage 2 application. At this stage, potential applicants will also be asked to provide named contacts where communications about and during stage 2 should be communicated.

Once confirmation is received from applicants wishing to make an application, the council will then communicate with each applicant informing them of the date the application stage will commence (Notice 2).

The council makes no guarantee that stage 2 will immediately follow stage 1 and timings will be finalised once stage 1 is concluded. An indicative timetable is provided in this document and in general information.

Application Stage

Once the Stage 2 application stage commences (as per the date detailed in Notice 2), applicants will be required to prepare and submit a stage 2 application. This must comply with, and follow, the requirements set out in the application pack document entitled 'Stage 2 Evaluation Methodology'. This document details for each criterion, the type of information required, the format it is to be presented in and provides further information on the council's requirements.

Applicants must:

- Provide all information requested in the 'Stage 2 Evaluation Methodology'
- Provide all information in the format requested in the 'Stage 2 Evaluation Methodology'
- Follow all instructions and take account of all information detailed in the 'Stage 2 Evaluation Methodology' when making their application.
- Complete the template schedule 9 agreement, and detail the benefits the applicant will make a contractual obligation to deliver and proposed payments for non delivery.

Failure to comply with the bullet points above will affect the evaluation and may have a negative impact on scores given to applications. In order to maximise marks and demonstrate benefit to the Leeds metropolitan area, applicants **should examine and comply with the Stage 2 Evaluation Methodology at all times.**

During the period where the application phase is open, a 'Request for Information' procedure will be implemented. This procedure (appendix 1) outlines how:

- applicants can raise questions or request clarification
- applicants can communicate with the council
- the council will respond to queries

For the avoidance of doubt, applicants will be provided details of named council contacts who will be authorised to communicate with applicants throughout stage 2. Applicants must only take into account **written** information directly provided by the named contacts and must only take into account information transmitted through this procedure.

The council will not respond, nor will any response be provided, to queries seeking comment on the merit of an application, nor will it provide any comment on the merit or status of other applications. The council will offer no response to comments applicants may make with regard to other applications and nor will it take them into account as part of the evaluation process.

During the stage 2 application stage (and indeed all other phases), applicants must not publicise their plans or make public statements about their involvement in the stage 2 process.

The council will not undertake public consultation on applications received during stage 2, and applicants are requested not to canvass for local support during the stage 2 process.

When the application stage opens applicants will be provided, in Notice 2, with details on the deadline by which their initial application must be submitted

This is likely to be eight working weeks from the date Notice 2 is issued. Stage 2 applications must be submitted by the deadline communicated through the council's supplier and contractors management system (SCMS) [see appendix 2 for details].

By submitting the application, applicants will be demonstrating how their bid, if successful would bring the greatest benefit to the Leeds metropolitan area. Applications therefore should be of high quality. All applications must be in English and any financial references must be in Pounds Sterling. The council does not wish to set a word limit on the applicants' responses but in order to facilitate the process and keep costs to a minimum, applicants are encouraged to provide succinct answers to the questions raised.

In addition to submissions through the SCMS system, the council will require the submission in the following forms:

- 10 CD copies to be submitted to xxxxxx
- 5 printed versions to be submitted to xxxxxx

Initial Assessment and Validation – review period

After receipt, each application will be checked for compliance with the application instructions and for completeness with the requirements of the council detailed in the Evaluation Methodology. No applications will be scored at this stage.

At this point, the Advisory Panel will, for each application:

- identify areas where clarification, refinement, supplementation, alteration is required to maximise the benefits for the Leeds metropolitan area
- note the areas where application instructions have not been complied with
- undertake assessment of gross economic figures to identify the net economic impact of proposals, as detailed in sub-criteria 2.2.1.
- undertake a review of the completed schedule 9 template

During the review period, the council may contact applicants, through the SCMS system, to call for more information or to clarify aspects of the application to assist the Advisory Panel during the review period. It is anticipated that the review period will take around four weeks to conclude.

Dialogue Stage

Following the 'initial assessment and validation – review period', applicants will be invited to attend and participate in Dialogue Sessions (notice 3). The meetings will be an opportunity for dialogue on the application in order for applicants to refine, supplement or otherwise alter their application in order to maximise the benefits to the council's area. This period provides an opportunity for enhancements to be made to applications.

The topics discussed at each meeting and the number of meetings taking place will depend upon the clarifications required and the nature of clarifications. All applicants will have the opportunity to have equal amounts of meeting time with the Advisory Panel during the clarification period.

Table 1 offers some guidance as to the nature of discussions that may take place and the format of the sessions. Primarily, discussion will be focussed around the evaluation criteria and the information requested in the Stage 2 Evaluation Methodology. Applicants should pay particular regard to the

requirements set out in the Evaluation Methodology at all times and clarifications will be focussed on applicant responses to the Evaluation Methodology.

During the dialogue sessions, the council will share with each applicant the initial assessment of its application showing the calculations of net economic impact and will seek to agree the net impact of the proposals with each applicant.

Dialogue Sessions Outline

For Financial Contribution

- ♦ Council outlining what they expect from the applicants
- ♦ Applicant outlining what they provide by way of financial contribution to maximise benefit to the Leeds metropolitan area
- ♦ Questions from council to clarify, with view of applications being refined, supplemented or otherwise altered to maximise benefits for the Leeds metropolitan area.

Table 1

At each dialogue session:

- A member of the Advisory Panel will chair the meetings and discussion.
- Each applicant must not have more than five representatives in attendance.
- Minutes recording matters discussed at the session will be taken by council officers, and minutes will be circulated to the applicant within 8 working days of each session. The applicant will confirm agreement, or otherwise, as to the accuracy of the minutes within 2 working days. If no response is received from the applicant within this time the minutes shall be deemed to be agreed.
- The council will not provide any details on other applications; nor will it give any indication of the likelihood of an application being successful or otherwise.

At dialogue sessions, advisory panel members in attendance will:

- In line with the statement of licensing policy and stage 2 evaluation methodology, make clear the council's requirements for greatest benefit for the Leeds metropolitan area
- Provide applicants with an opportunity to explain the details behind their application and proposals to maximise benefit to the Leeds metropolitan area
- In line with information requested in the stage 2 evaluation methodology, highlight areas where information is missing
- Highlight those clauses in the completed schedule 9 agreement that the council require and the clauses inserted by the applicants that the council considers will not meet its requirements or require refinement.
- Discuss the commitments made by applicants in the schedule 9 agreement with view of maximising commitments made.
- Based on information collated in the review and validation stage, seek clarification from applicants on their application, with view of applications being refined, supplemented or otherwise altered to maximise benefits for the Leeds metropolitan area
- Discuss enhancements to the applicant's offer.
- Share assessments demonstrating the net economic impact of contractually committed development proposals

The Advisory Panel will not:

- Share any information with individual applicants on the contents of other applications
- Give more information to one applicant than another when clarifying and when communicating the council's requirements.
- Compare one application to another
- Give a response to comments made by applicants on other applications nor will it take them into account
- Provide a response to queries seeking comment on the merit of an application or other applications
- Indicate what score may be given to an application
- Respond to queries questioning whether the applicant's response will score highly or lowly
- Tell applicants how to specifically improve their application, but will instead ask questions to clarify on areas where the Advisory Panel is of the view further clarification, refinement and supplementation is required to help maximise benefit to the Leeds metropolitan area and seek to ascertain whether the applicant is prepared to enhance any aspects of its bid.

All applicants must respect this and not ask questions that compromise this process.

Once the Advisory Panel is satisfied that applicants have had suitable opportunity to clarify or enhance their application with view of it being refined, supplemented or altered to maximise benefit to the Leeds metropolitan area, dialogue on a particular topic will cease. Applicants should note conclusion of dialogue by the Advisory Panel on a topic is not the same as the council being satisfied that the application will meet requirements.

The purpose of dialogue sessions is to gain clarification and enhancement of the bid with a view to maximising benefit and is not to inform applicants of the likely merit of their application. Applicants must consider at all times how their application can be enhanced, refined or supplemented throughout the process of their own accord.

Where matters raised in the dialogue phase by either an applicant or by the council are deemed to affect all applications, the council will share information (the query and the response) to all applicants to ensure one applicant is not favoured over another to ensure all applicants have equal access to information that may affect future evaluations.

During the period where the clarification and enhancement phase is open, a 'Request for Information' procedure will remain. This procedure (provided in appendix 1) outlines how:

- applicants can raise questions or request clarification
- how the council will communicate clarification requests outside of meetings
- the council will respond to queries

The council anticipate that the dialogue phase will last approximately 4-8 weeks. This period may be shortened or extended at the council's discretion. Applicants are required to be fully flexible as to their availability during this period.

Final and Best Application Stage

Two weeks before the end of the dialogue period, the council will issue a notice to each applicant informing them when the dialogue period will end (notice 4). This notice will inform applicants of a deadline whereby applicants must submit their final and best applications to the council.

The date will be known as the final and best application deadline. There will be **no** opportunity to improve the application after this deadline. For avoidance of doubt, the final and best application must be the best offer the applicant will commit to deliver and must be the final proposal to maximise benefit to the Leeds metropolitan area.

Final and best application can take the form of a resubmitted application incorporating all amendments applicants wish to make, or an addendum or a schedule of changes to the initial full and complete application. Any changes must be clear and easy to understand.

The final and best application should be submitted through SCMS.

In addition to applications submitted through the SCMS system, the council will require the submission in the following forms:

- 10 CD copies to be submitted to xxxxx
- 5 printed versions to be submitted to xxxxxx

Final and Best Application: Evaluation by Advisory Panel

Following receipt of the final and best applications, the Advisory Panel will, in line with their Terms of Reference and the Stage 2 Evaluation Methodology:

- undertake a review of all information submitted to check for compliance with the Evaluation Methodology. At this point, the council may issue questions to applicants seeking clarification where an element of the application is unclear. Applicants can not, however, at this stage make any improvements to their application and will only be able to clarify points.
- undertake a full evaluation of the final and best applications
- provide a recommended score for each application against the scoring matrix.

In the event of the same final score or a score within 2% of the highest score the council will:

- ♦ Check the scores
- ♦ Remove rounding
- ♦ Review all aspects of the evaluation undertaken to ensure that the scores given by the Advisory Panel are correct.

Following evaluation, the Advisory Panel will then produce a draft qualitative and quantitative report on each application. The draft report will be sent to the applicant so that they have the opportunity to outline what they see as factual errors. The applicant will not be able to enhance their application at this stage. Any new or further factual information submitted by the applicant at this time will be returned to the applicant.

The Advisory Panel will then prepare its final report, which will be sent to the Licensing Committee. At this stage, the council will issue Notice 5 to applicants informing them that the Licensing Committee will meet to discuss applications.

Licensing Committee Stage

The Licensing Committee will meet to discuss all the applications. As each of the applications will be compared to each other it will not be possible to permit the public to this meeting. Applicants will not be permitted to present to the Licensing Committee. Members of the Advisory Panel will attend the meeting to present details on each application and to answer questions Licensing Committee may have on the application.

The Licensing Committee will evaluate the applications, and consider the Advisory Panel Reports. It will rank the applicants in order of preference on the basis of benefit to the Leeds metropolitan area. The top ranked applicant will at this point become the 'preferred applicant'.

The Licensing Committee will issue a 'minded to grant' decision and instruct officers to legally complete negotiations on a schedule 9 agreement with the preferred applicant, instructing officers to report back within a set timescale. This negotiation will be undertaken by the council's legal advisors. At this stage, the council will issue a notice (notice 6) to the preferred applicant informing them of the minded to grant decision and that the council will seek to finalise the schedule 9 agreement.

Finalisation of Schedule 9 Agreement

At this point, the council and its legal advisors will finalise the schedule 9 agreement with the preferred applicant.

Should the preferred applicant and the council be unable to come to an agreement under Schedule 9 of the Act, discussions will end and the Licensing Committee will instruct officers to negotiate with the second placed applicant. At this point the second placed applicant will become the 'preferred applicant'.

A requirement of the council is for a financial payment to be made upon the signing of the schedule 9 agreement. The council will accept a banker's draft or other form or method of payment from the applicant upon the signing of the agreement and will take payment once the licensing committee make their final decision.

Licence Granted

Once and if the schedule 9 agreement is signed and finalised, officers will report back to the Licensing Committee and the Premises Licence/Provisional Statement will be granted.

Once the Premises Licence/Provisional Statement is granted, the council will announce its decision to unsuccessful applicants and to the public. This will then conclude the stage 2 procedure.

Following the decision, the council will offer feedback to unsuccessful applicants if requested to do so.

Indicative Timetable

The following indicative timetable provides an early indication as to the timescales of the stage 2 procedure.

Activity	Date
The applicants will submit information required by the Stage 2 Evaluation Methodology demonstrating how their application, if granted, would be likely to result in the greatest benefit to the council's area.	June 2012
Initial review of applications by Advisory Panel	August 2012
Dialogue meetings Applicants will be invited to participate in dialogue with the council in order to refine, supplement or otherwise alter their application in order to maximise the benefits to the council's area.	September 2012
Applicants will respond to the dialogue with a final and best application	November 2012
Advisory Panel's evaluation reports presented to Licensing Committee	December 2012
Selection of preferred applicant and final negotiation of Schedule 9 agreement.	December 2012
Grant of licence	December 2012

The council reserves the right at any time:

- To issue amendments or modifications to the Stage 2 Evaluation Methodology or to the Stage 2 Procedure
- To alter the timetable during the stage 2 process

Disclaimers

By submitting a stage 2 application, all applicants automatically and without dispute, agree to the following terms:

Conflict of Interest

The applicant shall notify the council immediately upon becoming aware of any possible conflict of interest which may arise between the interests of the council . The applicant shall take all reasonable steps to remove or avoid the cause of any such conflict of interest to the satisfaction of the council.

Corrupt Gifts and Payments of Commission

The applicant shall not:

1. offer or give or agree to give any person employed by the council or acting on its behalf any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any act in relation to the obtaining of their application or for showing or forbearing to show favour or disfavour to any person in relation to their application; nor
2. submit an application if in connection with it commission has been paid or agreed to be paid to any person employed by the Council or acting on its behalf by the applicant or on the applicant's behalf or to the applicant's knowledge, unless before the application is made particulars of any such commission and of the terms and conditions of any agreement for the payment thereof have been disclosed in writing to the Council.

Confidentiality

The Council and the applicant:-

1. shall treat all confidential information belonging to the other party as confidential and safeguard it accordingly; and

2. shall not disclose any confidential information belonging to the other party to any other person without the prior written consent of the other party, except to such persons and to such extent as may be necessary for the evaluation of the application or except where disclosure is otherwise expressly permitted under the stage 2 procedure .

The applicant shall take all necessary precautions to ensure that all confidential information obtained from the council under or in connection with the stage 2 procedure:-

1. is given only to such of the staff and professional advisors or consultants engaged to advise it in connection with the application as is strictly necessary for the completion of the application and only to the extent necessary for the completion of the application;
2. is treated as confidential and not disclosed (without prior approval) or used by any staff or such professional advisors or consultants' otherwise than for the purposes of completion of the application.

Where it is considered necessary in the opinion of the council, the applicant shall ensure that staff or such professional advisors or consultants sign a confidentiality undertaking before commencing work in connection with the application.

The applicant shall not use any confidential information received otherwise than for the purposes of completing the application.

The provisions of Clauses 3.1 to 3.4 shall not apply to any confidential information received by one party from the other:

1. which is or becomes public knowledge (otherwise than by breach of this condition);
2. which was in the possession of the receiving party, without restriction as to its disclosure, before receiving it from the disclosing party;
3. which is received from a third party who lawfully acquired it and who is under no obligation restricting its disclosure;
4. is independently developed without access to the confidential information; or
5. which must be disclosed pursuant to a statutory, legal or parliamentary obligation placed upon the party making the disclosure, including any requirements for disclosure under the FOIA, or the Environmental Information Regulations pursuant to Condition 4 (Freedom of Information) or
6. where the receiving party is the council and the confidential information is or is related to an item of business at a meeting of the council or of any committee, sub-committee or joint committee of the council or is or is related to an executive decision and it is not reasonably practicable for that item of business to be transacted or for that executive decision to be made without reference to the confidential information PROVIDED THAT where the confidential information is exempt information within the meaning of section 10I of the Local Government Act 1972 (as amended) the council shall consider properly whether or not to exercise its powers under Part V of that Act or (in the case of executive decisions) under the Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000 as amended to prevent the disclosure of that confidential information and in so doing shall give due weight to the interests of the applicant and where reasonably practicable shall consider any representations made by the applicant.

Nothing in this condition shall prevent the council disclosing any confidential information for the purpose of:-

1. the auditing examination and certification of the council's accounts; or
2. disclosing any confidential information obtained from the applicant:-
 - a. to any department, office or agency of the council or to any regulatory authority or body; or
 - b. to any person engaged in providing any services to the council for any purpose relating to or ancillary to the application;

3. provided that in disclosing information under sub-paragraph (b)(i) or (ii) the council discloses only the information which is necessary for the purpose concerned and requests that the information is treated in confidence .

Nothing in this condition shall prevent either party from using any techniques, ideas or know-how gained during the application process in the course of its normal business, to the extent that this does not result in a disclosure of confidential information or an infringement of intellectual property rights.

Freedom of Information Act 2000

The applicant acknowledges that the council is subject to the requirements of the FOIA and the Environmental Information Regulations and shall assist and cooperate with the council (at the applicant's expense) to enable the council to comply with these information disclosure requirements.

The applicant shall and shall procure that its sub-contractors shall:

1. transfer any Request for Information to the other party as soon as practicable after receipt and in any event within two working days of receiving a Request for Information;
2. provide the council with a copy of all information in its possession or power in the form that the council requires within five working days (or such other period as the council may specify) of the council requesting that information; and
3. provide all necessary assistance as reasonably requested by the council to enable the council to respond to a Request for Information within the time for compliance set out in section 10 of the FOIA.

The council shall be responsible for determining at its absolute discretion whether:-

1. the information is exempt from disclosure under , the FOIA and the Environmental Information Regulations;
2. the information is to be disclosed in response to a Request for Information, and
3. in no event shall the applicant respond directly to a Request for Information unless expressly authorised to do so by the council.

The applicant acknowledges that the council may, acting in accordance with the FOIA, the Local Government Act 1972 (as amended) the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) or the Environmental Information Regulations be obliged to disclose Information:-

1. without consulting with the applicant, or
2. following consultation with the applicant and having taken its views into account.

The applicant shall ensure that all information produced in the course of making the application or relating to the application is retained for disclosure and shall permit the council to inspect such records as requested from time to time.

The applicant acknowledges that any lists or schedules provided by it outlining confidential information are of indicative value only and that the council may nevertheless be obliged to disclose confidential information in accordance with this clause.

Definitions

"Confidential information" means information, the disclosure of which would constitute an actionable breach of confidence, which has either been designated as confidential by either party in writing or that ought to be considered as confidential (however it is conveyed or on whatever media it is stored) including commercially sensitive information, information which relates to the business, affairs, properties, assets, trading practices, services, developments, trade secrets, Intellectual Property Rights, know-how, personnel, customers and suppliers of either party and all personal data and sensitive personal data within the meaning of the Data Protection Act 1998;

"Environmental Information Regulations" means the Environmental Information Regulations 2004;

"FOIA" means the Freedom of Information Act 2000 and any subordinate legislation guidance and/or codes of practice made or issued under this Act from time to time;

"Information" has the meaning given under section 84 of the Freedom of Information Act 2000;

"Requests for Information" shall have the meaning set out in FOIA or any apparent request for information under the FOIA, or the Environmental Information Regulations .

Publicity

No publicity or other information relating to this process is to be released by any applicant without the prior written approval of the council.

Council Liability

The council accepts no liability with regards to the grant of any licence or as to the actual amount of work included within any successful application. The council will not be responsible for, or pay, any losses or expenses which may be incurred by the applicant in the preparation and submission of their application, including (but not limited to) the attendance at any pre or post application meetings, the delivery of any presentations by the applicant to the council in relation to their application, site visits or other negotiations.

Use of personal data

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Appendix 1: Applicant's Questions and Clarifications - Request for Information Procedure

Any questions or requests for further information, clarification or correction of any information must be submitted via the Request for Information (RFI) procedure outlined below. RFIs are to be submitted no later than 7 working days before the any given deadline provided in any notice given.

Questions and requests for clarification may only be made, and will only be entertained, if made via xxxx (xxxx@leeds.gov.uk). All emails are to be titled "Leeds Large Casino Bid: Request for Information."

Requests for Information Procedure

During set points of the stage 2 procedure applicants may submit questions and requests for clarification for further information. Applicants should note that during the stage 2 procedure and subsequent application they should not contact the council, employees or advisors or any third parties connected to the council, or the advisors to this application, outside of the process outlined within this section and elsewhere within this document.

Applicants should note and adhere to the following Request for Information procedure:

- ♦ Questions and requests for clarification must be made formally in writing through the preparation and submission of the Request for Information template included in Appendix 3.
- ♦ The council will use all reasonable endeavours to answer the RFI within 5 working days of receipt of the request.
- ♦ Questions and requests for clarification, and the corresponding responses, will be circulated to all applicants via the alito system, unless it is deemed that the matter is commercially sensitive to an applicant
- ♦ Applicants should indicate when submitting an RFI, whether or not they believe the query is commercially confidential to them and should not therefore be shared with other applicants.
- ♦ The council will not respond to RFI's received within 7 working days of any deadline.

The response to RFIs raised by applicants will be published via the Raise a Clarification section of the scheme reference (Insert reference number) on <http://scms.alito.co.uk>. These will be made public, where deemed relevant, to all applicants. If the clarification is specific to that applicant or their application or if it is deemed commercially confidential , it will be communicated only to the applicant raising the query.

If the council, wishes to clarify a matter throughout the evaluation period this will also be communicated via the alito system. Applicant should check the alito system on a regular basis.

Applicant Information

Except where the council considers that questions are not material to the application process and the fullest understanding of its objectives, such questions and their subsequent replies will be disseminated to all applicants.

Subject to this, the Council will keep confidential all information relating to its dialogue in relation to applications and will not share this information with any other applicant. Applicants should note that the council is a public body for the purposes of the Freedom of Information Act 2000 (the Act) and the Environmental Information Regulations 2004 (EIR) and that whilst they consider that information relating to the applications is confidential, they will be bound to treat applications for disclosure on their merits, although they will work with applicants in dealing with any requests for information made under the Act or EIR from third parties.

Applicants should note in relation to all responses to questions that the council offer no guarantee that such information in response to questions will be made available at this stage and are not warranting its accuracy.

Confidentiality of application during the dialogue process

The council acknowledges the need during the dialogue to treat applicants' applications confidentially. If during the process any questions asked of or information proposed to the council are considered by the applicant to be confidential (for example, on the basis that the request, response or information contains commercially confidential information or may give another applicant a commercial advantage) the request must be clearly marked "in confidence – not to be circulated to other applicants" or it must be highlighted to the council when having a dialogue meeting that such information must not be circulated

to other applicants. Applicants must set out the reason(s) for the request for non-disclosure to other applicants.

Appendix 2: How to make an electronic submission

Applicants are required to submit their Stage 2 application through the council's supplier and contractors management system (SCMS). The application pack is available on the leeds.gov.uk website, but it will also be available through SCMS.

How to register

Go to <http://scms.alito.co.uk> (please do not type in www before the address). Click the *Supplier/Contractors* link on the left of the screen and under the *New Users* heading click on *Register*. On the Self Registration page, complete all necessary data fields and click *Register*. The *Supplier Registration successful* page informs you that the initial registration process has been completed and an authentication email has been sent. Go to your email programme inbox and click on the link from SCMS. Enter your *username* and *password* and click *Login*.

How to search and download the application pack

Go to the website: <http://scms.alito.co.uk> and click *Supplier/Contractors* on the left of the screen. Login and click *Bulletin Board*.

Under *Search Criteria* enter the title "large casino application" in the *keyword or contract ID* field. Ensure that the *Matching Categories* field is set to ALL by clicking and selecting from the drop down option and click *Search*.

Under the *Tender* heading, click on the contract link and this will take you into the notice summary screen for the scheme in question. You will need to register your interest in the scheme by clicking *Register* on the right of the screen. Click *Continue*. The scheme information will be transferred to the *My Tenders* section of your profile to make future searching easier. Under the *Notice Summary* heading, click on the *View Full Notice including Documentation* link. All the applicable documents will be visible under the *Documentation* header.

How to submit your application

Go to the *My Tenders* link and scroll down the page until the "Large Casino" link is visible. Click on the link. Under the *What Next?* Header, click *Submit Documentation*. Click *Add* and the next screen allows you to attach your documents. Type in the title of the document you are submitting in the *Document Title* field. Click *Browse* and find the document you are wishing to submit. Click *open* and click *submit*.

You will receive confirmation on screen that your response has been submitted successfully. You will be given a receipt number for this response and at this stage you might wish to make a note of the number or print it out for further use. By clicking *Continue* you can confirm and view the documents you have submitted. To submit another document repeat these steps. You can also view and delete a document you have already submitted by clicking the *Review or Resubmit Tender Documentation* link.

Please note:

A limit of 10Mb per document applies when lodging an electronic submission via the council's supplier and contract management system (<http://scms.alito.co.uk>). Applicants will be unable to lodge an electronic application where the combined file size exceed 10Mb. Please note, however, that applicants may repeat the lodgement process as many times as is necessary to submit all the appropriate documents so long as the combined file size per lodgement does not exceed the stated 10Mb limit.

Signatures are still required when making an electronic application. Please note that the typing in of your name is sufficient for these purposes.

SCMS Help Desk - 0113 247 4001 or email scms@leeds.gov.uk

Applicants are advised to submit their applications well in advance of the deadline and not leave this until an hour or so before the deadline arrives. This will ensure that, if there are any technical problems with uploading your documents onto SCMS you will be able to make alternative arrangements for delivery. The consequences of missing the deadline is that the council is very likely to discount the application.

Appendix 3: Request for Information Template

Stage 2 Evaluation Methodology

Large Casino Application Pack



Background Information

Leeds City Council ("the council") will evaluate applications for the large casino licence in line with the requirements of the Gambling Act 2005 and the council's Statement of Licensing Policy ("the policy"). The principles are:

- Financial** To seek to maximise the financial return to the council.
- Social** To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
- Economic** To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds.

The council has developed this detailed evaluation methodology based on these principles. This guidance sets out in detail how the evaluation will be undertaken and highlights the areas to be considered. Amongst others this includes:

- Financial contribution the applicant proposes to make to the council
- Potential impacts on the economic performance and regeneration of the Leeds metropolitan area (see Appendix 5 of this document: Area Maps)
- Range and nature of gambling and ancillary facilities to be offered as part of the casino
- Range and nature of non gambling facilities to be offered as part of the proposed development
- Likely effects of an application on employment and training in the Leeds metropolitan area
- Potential social impact on a proposed location and surrounding area
- Steps proposed to monitor the impact of the development and to mitigate any potential adverse effects, and
- Applicant's capacity and commitment to implementing the proposals

In line with the Code of Practice¹ issued by the Department for Culture, Media & Sport (DCMS) the council will also take into consideration the arrangements proposed in terms of the 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
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, and
- Ensuring that gambling is conducted in a fair and open way

The council will not have regard to whether a proposal by the applicant is likely to receive planning permission or building regulation approval. Any decision made by the council in relation to the licence will not constrain any later decision by the council under the law relating to planning or building.

However, to the extent relevant, the council may take into account whether the applicant does in fact have planning permission or building regulations approval. For example, if funding for the scheme is conditional on the obtaining of planning permission, then the council may take account of the fact that the applicant does not have planning permission.

The Public Contracts Regulations 2006 do not apply to this application.

Application

The application for award by the council of the large casino premises licence should as a minimum address the requirements detailed in this document and which will be assessed and scored in accordance with the evaluation methodology outlined. Applicants may provide additional information to that

¹ Licence Conditions and Codes of Practice, October 2008, The Gambling Commission

requested in relation to other benefits which they believe their proposals could generate. These will be considered under the appropriate sub-criteria. However, the minimum requirement is for all information listed to be provided in the format requested.

This document has been structured in accordance with the three evaluation categories and applicants should provide information, supporting evidence and justification of assumptions in relation to each of the criteria/sub-criteria within these categories.

The evaluation will assess the financial contribution and benefits/impacts over a ten year period commencing from the date of signature of the Schedule 9 Agreement (expected to be 01 December 2012).

Application guidance and requirements

In order to clearly illustrate the council's approach to scoring each criteria/sub-criteria, further detailed guidance is set out in sub-sections 4.2.1, 4.2.2 and 4.2.3.

This document sets out the information required, the format in which it should be provided, and how the information provided by applicants will be evaluated. It is intended to be illustrative of requirements and is not exhaustive.

Evaluation Criteria and Scoring

Evaluation Criteria

The council has identified three evaluation categories. The council will evaluate applications against these categories to identify the level of greatest benefit which can be secured for the Leeds metropolitan area. The categories are:

Financial Contribution	the nature and scale of financial contribution the applicant will make to the council, in terms of underwritten (i.e. committed to within the Schedule 9 Agreement) and variable payments. This supports the financial and the social principles of the policy
Socio-economic benefits	the applicant's vision and strategic objectives for the development, how this will address the strategic objectives set out in the policy, the expected net economic benefits, and approach to mitigating any negative social impacts. This supports the social and economic principles of the policy
Risk and Deliverability	funding arrangements, risk transfer and implementation arrangements. This supports all three of the principles of the policy

The three evaluation categories have been divided into quantitative and qualitative criteria/sub-criteria to enable more detailed analysis of applications. These criteria and respective sub-criteria, with details of their type, are detailed in Table 1.

Table 1: Evaluation Criteria

Category	Criteria	Sub-criteria	Type
1 Financial Contribution	1.1 Financial Offer	1.1.1 Net Present Value of Total Financial Offer	Quantitative
		1.1.2 Financial Offer paid on signing of Schedule 9 Agreement	Quantitative
		1.1.3 Net Present Value of Total Underwritten Annual Financial Offer	Quantitative
		1.1.4 Credibility of Financial Assumptions	Qualitative
2 Socio-economic	2.1 Strategy and vision for proposed development		Qualitative
	2.2 Economic Benefits (Gross)	2.2.1 Net contribution to local economy (including direct employment (FTE) and GVA)	Quantitative
		2.2.2 Credibility of economic assumptions	Qualitative
	2.3 Net social impacts		Qualitative
3 Risk and Deliverability	3.1. Contents of the schedule 9 agreement		Qualitative
	3.2 Deliverability	3.2.1 Financing	Qualitative
		3.2.2 Financial Standing	Quantitative
		3.2.3 Right to occupy site / premises	Qualitative
		3.2.4 Credibility of approach to implementation	Qualitative

Scoring Approach

The following approach will be adopted by the council to the scoring the criteria/sub-criteria:

Quantitative criteria/sub-criteria

Sub-criteria 1.1.1, 1.1.2, 1.1.3, and 2.2.1 will be scored on a comparative basis, with the applicant with the highest value scoring ten marks and all remaining applicants being scored on a pro-rated basis.

Quantitative criteria will secure scores to one decimal place. An example of how this comparative basis approach works is provided in Figure 1 below.

Figure 1: Illustrative scoring example: Economic benefit (GVA per annum)

Applicant	Contribution to local economy (£ GVA per annum)	Marks	Methodology
Applicant A	£150m	10.0	10 Marks, as highest bid
Applicant B	£78m	5.2	$\text{£78m} / \text{£150m} * 10$
Applicant C	£138m	9.2	$\text{£138m} / \text{£150m} * 10$
Applicant D	£45m	3.0	$\text{£45m} / \text{£150m} * 10$

Financial Standing (Sub-criterion 3.2.2) will be scored on a threshold basis of either a Dun & Bradstreet Credit Rating with submissions meeting requirements scoring 10 and those which do not scoring 0. Consortia will be scored on the basis of the credit rating of each of the principal members. All principal members will need to pass the threshold.

Qualitative criteria/sub-criteria

The qualitative criteria/sub-criteria will be evaluated on a stand-alone qualitative basis and will be scored using whole numbers only. Applicants should note that some facts and information submitted will be material to the scoring of more than one criterion. In particular, commitments in the schedule 9 agreement and facts relating to financing, financial standing, implementation approach and deliverability will be material to the scoring of more than one criterion

The Advisory Panel will use the following table as guidance only when considering what score to provide in each qualitative criterion the Advisory Panel may disregard this guidance if they so wish. The bulleted lists are not exhaustive and are in no particular order of importance.

Table 2: Scoring Mechanism – Guidance for Advisory Panel

Score	Description
10	Outstanding – <ul style="list-style-type: none">• Superior level of commitments made in schedule 9 agreement, including acceptance of all main clauses and clear contractual commitments made• Superior proposals including contractually committed benefits that achieve/ exceed the council's principles (social, economic and financial)• Evidence, information and facts presented provide a superior level of confidence and certainty that proposals/ benefits are deliverable and credible• Superior, innovative, response provided to the information requested (including detailed supplementary information) showing an excellent understanding of requirements in the sub-criterion
8 or 9	Excellent <ul style="list-style-type: none">• Very strong level of commitments made in schedule 9 agreement, including acceptance of vast majority of main clauses and clear contractual commitments made. Some very minor, manageable, issues and risks attached to proposals.• Very high proposals including contractually committed benefits that achieve the council's principles (social, economic and financial). Some minor, manageable issues and risks attached to the approach.• Evidence, information and facts presented provide a very high level of confidence and certainty that proposals/ benefits are deliverable and credible. Some minor, manageable issues and risks attached to the approach.• Very strong response provided to the information requested (including some detailed supplementary information) in the sub-criterion showing an excellent understanding of requirements. Some innovation, and some areas where improvements could have been made.

Score	Description
6 or 7	<p>Good</p> <ul style="list-style-type: none"> • Good level of commitments made in schedule 9 agreement, including acceptance of majority of main clauses and some contractual commitments made. Some issues and risks that are of concern, but generally risks and issues attached to proposals are manageable. • Good proposals including contractually committed benefits that achieve the council's principles (social, economic and financial). Some issues and risks that are of concern, but generally risks and issues attached to proposals are manageable. Some benefits not clearly committed contractually or with conditions, however, generally good commitments made. • Evidence, information and facts presented provide a good level of confidence and certainty that proposals/ benefits are deliverable and credible. Some issues and risks that are of concern, but generally risks and issues attached to proposals are manageable. • Good response provided to the information requested (including some detailed supplementary information) in the sub-criterion. Small amount of innovation, areas where improvements could have been made, or information could have been supplemented or enhanced. Some gaps or concerns but generally seen as a good response.
4 or 5	<p>Adequate</p> <ul style="list-style-type: none"> • Adequate level of commitments made in schedule 9 agreement. Some key clauses rejected and some contractual issues arising. Some issues and risks that are of concern with risk that some may be challenging to manage and thus affecting benefits proposed. • Adequate proposals including some contractually committed benefits that achieve the council's principles (social, economic and financial). Some issues and risks that are of concern, with some seen as challenging to manage. Some benefits not clearly committed contractually or with conditions that raise questions as to commitment. More benefits could have been offered to meet requirements. • Evidence, information and facts presented provide an adequate level of confidence and certainty that proposals/ benefits are deliverable and credible. Some issues and risks that are of concern, and challenges to ensure deliverability and some question marks on deliverability. • Adequate response provided to the information requested in the sub-criterion. Hardly any innovation. Areas where improvements could have been made, or information could have been supplemented or enhanced in a number of areas. Some issues, gaps or concerns in responses that affect confidence in applicant's ability to meet requirements.
3 or 4	<p>Poor</p> <ul style="list-style-type: none"> • Poor level of commitments made in schedule 9 agreement. Many key clauses rejected and a number of issues arising. Issues and risks that are of concern with risk that some may be very challenging to eradicate and thus affecting benefits proposed. • Poor proposals including limited amount contractually committed benefits that achieve the council's principles (social, economic and financial). Key issues and risks that are of significant concern, with some seen as challenging to eradicate. Some benefits not clearly committed contractually or with conditions that raise questions as to commitment. Majority of benefits could have been improved or further benefits offered to meet requirements. • Evidence, information and facts presented provide a poor level of confidence and certainty that proposals/ benefits are deliverable and credible. Issues and risks that are of significant concern, and challenges to ensure deliverability and some key doubts on deliverability. • Poor response provided to the information requested in the sub-criterion. No innovation. Areas where improvements could have been made, or information could have been supplemented or enhanced in a number of areas. A number of issues, gaps or concerns in responses that significantly affect confidence in applicant's ability to meet requirements.

Score	Description
1 or 2	<p>Unsatisfactory</p> <ul style="list-style-type: none"> Unsatisfactory level of commitments made in schedule 9 agreement. Key clauses rejected are unsatisfactory. A number of issues and risks that are of major concern. Unsatisfactory proposals including few amount contractually committed benefits that achieve the council's principles (social, economic and financial). Unacceptable issues and risks that are of major concern.. Some benefits not clearly committed contractually or with conditions that raise questions as to commitment. Majority of benefits could have been significant improved or a number of further benefits offered to meet requirements. Evidence, information and facts presented provide an unacceptable level of confidence and certainty that proposals/ benefits are deliverable and credible. Issues and risks that are of unacceptable, and major challenges to ensure deliverability with challenges seen as unacceptable Unsatisfactory response provided to the information requested in the sub-criterion. No innovation. Significant number of areas where improvements could have been made, or information could have been supplemented or enhanced in a number of areas. A number of unacceptable issues, gaps or concerns in responses that significantly affect confidence in applicant's ability to meet requirements.
0	No answer/ unquantifiable – Relevant information requested not submitted.

Weighting

The council has adopted an approach which assigns a weighting to the individual criteria to recognise the degree of 'importance' it attaches to them relative to each other. These weightings determine the overall score secured and are detailed in Table 2, with an indication of the potential maximum marks which could be achieved taking account of weightings applied to each criterion.

Applicants will note that each sub-criteria has a methodology detailing that "applications will be evaluated in terms of" followed by a bulleted list. For the absolute avoidance of doubt, the bulleted lists are in no particular order of importance and bullets will not carry higher weightings than others based on their position in a list. The council will consider all factors when evaluating and scoring the application. This applies to all sub-criteria.

Table 3: Criteria Weighted Scores

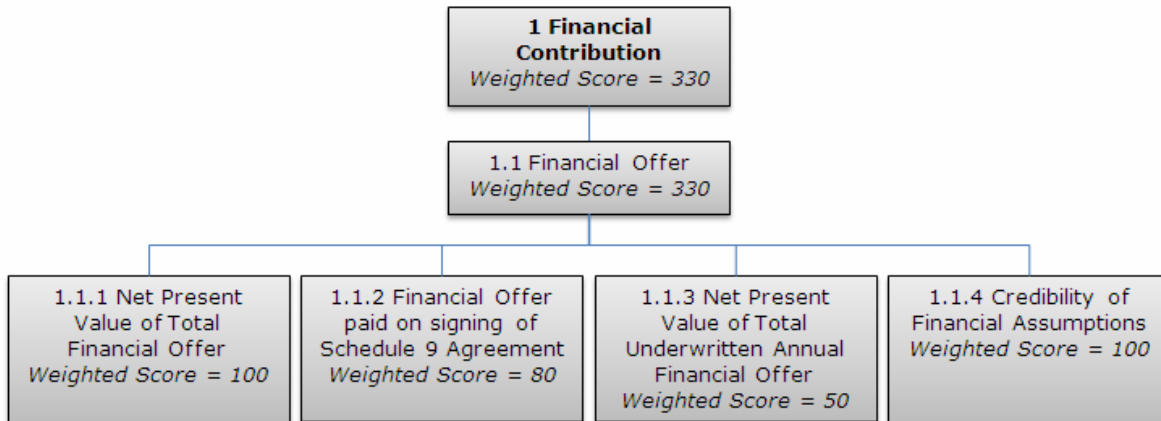
Category	Criteria	Sub-criteria	Weighting /Score
1 Financial Contribution	1.1 Financial Offer	1.1.1 Net Present Value of Total Financial Offer	10% / 100
		1.1.2 Financial Offer paid on signing of Schedule 9 Agreement	8% / 80
		1.1.3 Net Present Value of Total Underwritten Annual Financial Offer	5% / 50
		1.1.4 Credibility of Financial Assumptions	10% / 100
			33% / 330

Category	Criteria	Sub-criteria	Weighting /Score
2 Socio-economic	2.1 Strategy and vision for proposed development		5% / 50
	2.2 Economic Benefits (Gross)	2.2.1 Net contribution to local economy (including direct employment (fte) and GVA)	14% / 140
		2.2.3 Credibility of economic assumptions	10% / 100
	2.3 Net social impacts		5% / 50
			34% / 340
3 Risk and Deliverability	3.1. Schedule 9 content		15% / 150
	3.2 Deliverability	3.2.1 Financing	6% / 60
		3.3.2 Financial Standing	4% / 40
		3.3.3 Right to occupy site/premises	2% / 20
		3.3.4 Credibility of approach to implementation	6% / 60
		33% / 330	
Total			100% / 1,000

An illustrative copy of the full evaluation scoring matrix to be used by the Advisory Panel is attached at Appendix 1.

Evaluation Category 1: Financial Contribution

Potential maximum weighted score = 330 Marks



The council has agreed in its policy the following principles:

Financial To seek to maximise the financial return to the council.

Social To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.

This criteria evaluates the applicant's commitment to these principles.

The council is seeking to identify and quantify the level of financial contribution that could be secured for the Leeds metropolitan area. It is expected that the contribution will comprise a mixture of annual payments received from the applicant(s) and a lump sum upon signing of the Schedule 9 Agreement.

The financial contribution will be used by the council to establish and maintain the council administered Social Inclusion Fund (SIF) which will facilitate the delivery of programmes and projects that support the council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area. T

The financial contribution will be evaluated in terms of its ability to fund a credible and sustainable SIF. As such a mixture of upfront and annual payments is required. The council will control the SIF and applicants are asked not to indicate where the financial commitment will be targeted. The financial return will be used by the council, at its discretion, to meet the social principle.

Any financial offer made should be included as a commitment within the schedule 9 agreement. For the avoidance of doubt, it is expected that there will be financial payments made for the duration of the schedule 9 agreement, and that the applicant will make a contractual commitment to provide payments throughout the lifetime of the casino licence.

Criteria 1.1: Financial Offer

Potential maximum weighted score = 330

It is anticipated that the financial offer made by applicants to the council could comprise a range of potential elements.

These elements could include:

- ♦ A lump sum up-front payment on signature of the Schedule 9 Agreement
- ♦ An annual underwritten payment (e.g. fixed payment received every year of the agreement)
- ♦ An annual variable payment based on a fixed assumption (e.g. a fixed percentage of gaming yield)

The council define the underwritten annual offer as the quantifiable and contractually obligated offer provided within the Schedule 9 Agreement. For example, an acceptable underwritten offer would be one which offered a guaranteed fixed sum each year. This offer will provide the council with certainty over the minimum annual payment received as a result of the award of the Large Casino Licence.

The assumption underpinning the evaluation sub-criteria below is that any annual payment received by the council will be based on the greater of the underwritten or variable payments.

The evaluation of the value to the council of these elements will be undertaken using an evaluation model, constructed in Microsoft Excel, as set out below.

Sub-criteria 1.1.1: Net Present Value of Total Financial Offer

Potential maximum weighted score = 100

The council requires applicants to set out the details of their financial offer to the council. For the avoidance of doubt, applicants are required to make commitments to make financial contributions for the duration of the schedule 9 agreement and throughout the operation of the casino. Therefore, applicants should make clear the financial payments proposed are for the duration of the schedule 9 agreement.

In terms of evaluating financial proposals, in this sub-criteria, the council will consider the terms of its net present value over a ten years evaluation period (Start date for evaluation is 01 December 2012).

Information required:

Applicants should complete the pro forma provided outlining the payment received upon the signing of the Schedule 9 Agreement, the underwritten and the variable annual payments. The pro-formas consider the financial offer for the period that will be evaluated (e.g. the ten year evaluation period).

Applicants should set out in writing, the offer to the council, stating within this narrative the basis of the payments to the council, including the timing and form of such payments, and any contingencies, preconditions or triggers upon which the payments, or the amounts thereof, depend.

Applicants should note the requirement by the council that the underlying assumption driving the annual variable payments (e.g. a percentage of gaming yield) should be fixed.

Sufficient data to enable the council to fully understand the offer. Typical requirements could include the timing and form of payments. This should include details of all financial payments to be made throughout the lifetime of the casino operation and not just the ten year period being evaluated.

Format of information:

- ♦ The numerical data should be entered into the proforma provided.
- ♦ A written narrative.

Submissions will be evaluated in terms of:

The data provided will be entered into a financial model to calculate the NPV of the total financial offer to be made to the council. An assessment will be made on an annual basis to calculate the value used in the NPV calculation. This will be based on the higher of the underwritten or annual payment in each year.

The inputs from the financial proforma will be analysed within a financial model, using a nominal discount rate of [6.09%]. This is the standard 'real' HM Treasury discount rate of 3.5%, uplifted by an inflation assumption of 2.5%, to reflect a nominal discount rate. The NPV analysis will have a start date of 1st December 2012 and will be evaluated using the XNPV function within Microsoft Excel 2003.

Applicants should note that this section will be evaluated on a comparison basis against other applicant's submissions. The applicant with the highest NPV will receive a maximum of 10 marks with other applicants scored on a pro-rata basis against the highest financial contribution.

Note: This sub-criterion considers the value of the financial offer only. Scoring for the underlying appropriateness of the revenue and cost assumptions will be considered within sub criteria 1.1.4.

Sub-criteria 1.1.2: Financial offer paid on signing of Schedule 9 Agreement

Potential maximum weighted score = 80

The council requires the applicant to set out the amount of financial contribution which will be paid upon signature of the Schedule 9 Agreement. This is an upfront payment made to the council. Applicants should note that the results provided by applicants will be assessed by the council using a financial model.

Information required:

Value of the cash to be received by the council upon signature of the Schedule 9 Agreement.

Format of information:

- ♦ Applicants should complete the proforma provided.

Submissions will be evaluated in terms of:

The nominal value of the payment which is received upon the signing of the Schedule 9 Agreement of each applicant will be compared to the other applicants.

The applicant with the highest nominal value of the payment received will receive 10 marks, with the remainder pro-rated against the highest scoring applicant.

Sub-criteria 1.1.3: Net Present Value of Total Underwritten Annual Financial Offer

Potential maximum weighted score = 50

For evaluation purposes the council will assess the total value of the annual financial payment which is underwritten over a ten year period.

Information required:

Details of the annual financial offer which is underwritten.

Format of information:

- ♦ The numerical data will be drawn from the applicants responses to the proforma.

Submissions will be evaluated in terms of:

The data provided will be entered into a financial model to calculate the NPV of the total underwritten annual payment.

The inputs from the financial proforma will be analysed within a financial model, using a nominal discount rate of 6.09%. This is the standard 'real' HM Treasury discount rate of 3.5%, uplifted by an inflation assumption of 2.5%, to reflect a nominal discount rate. The NPV analysis will have a start date of 01 December 2012 and will be evaluated using the XNPV function within Microsoft Excel 2003.

Applicants should note that this section will be evaluated on a comparison basis against other applicants' submissions. The applicant with the highest NPV will receive a maximum of 10 marks with other applicants scored on a pro-rata basis against the highest financial contribution.

Note: The council view an offer with a higher proportion of underwritten revenue as inherently less risky than one with a higher proportion of payments which are variable.

Sub-criteria 1.1.4: Credibility of financial assumptions

Potential maximum weighted score = 100

Applicants will be assessed on the credibility and robustness of the evidence provided to support the financial assumptions which underpin the quantum of the financial offers evaluated within sub criteria 1.1.1 – 1.1.3. This will also evaluate the credibility of the quantum of the financial offer throughout the duration of the agreement and casino operation. The sub-criterion will also consider the assurances and evidence that the applicant will be in a position to provide the payments offered.

Information required:

Applicants should provide a detailed financial model, the outputs of which must support the results provided within Proforma provided. As a minimum the following detailed breakdowns should be included for the development and its constituent elements (i.e. the casino and each element of related development e.g. hotel, retail, etc):

Financial model:

- ♦ Revenue Assumptions – (the method of calculation of revenue, assumptions could include footfall, average spend per visitor).
- ♦ Detailed upfront capital expenditure costs, broken down into the component parts (land acquisition, construction costs, fit out costs, professional fees).
- ♦ Detailed ongoing operating costs, broken down into the component parts (staff costs, maintenance costs, lifecycle costs, replacement of, utilities).
- ♦ Project Dates (construction date, operating start date).
- ♦ Indexation assumptions.
- ♦ Debt Assumptions – if applicable - (interest rate, gearing, tenor, debt tail, commitment fees, arrangement fees).
- ♦ Equity Assumptions – if applicable – (method of equity injection, return on capital).

Narrative – to include details:

- ♦ Behind the assumptions which underpin the model. Applicants should provide evidence to support the reasonableness of their assumptions.
- ♦ Of the key risks regarding the provision of these assumptions and should assess the potential numeric impact of these risks.
- ♦ Of mitigation approaches for any areas identified and illustrate the extent to which such risks would be mitigated, and the potential numeric impact of such strategies.
- ♦ Of any contracts that are in place to finance the proposals
- ♦ Of any conditions attached to financing of the developments which may affect the financial performance
- ♦ Where there is no contract to fund the development, any evidence of the funder's due diligence into the scheme

Applicants should note that the above lists are not exhaustive.

Format of information:

- ♦ A detailed financial model supporting the outputs provided within the Financial Offer Proforma (as provided by the council and illustrated at Appendix 2).
- ♦ Applicants are encouraged to provide as much detail as they believe reasonable in order to explain the results set out in the proforma provided.

Submissions will be evaluated in terms of:

The evaluation of the credibility of financial offers will consider the scale of the proposed financial offer and whether, as a minimum, it provides sufficient finance for a credible and sustainable SIF throughout the duration of the schedule 9 agreement and lifetime of the casino operation.

The council will review the underlying assumptions and supporting evidence to evaluate the credibility, reasonableness and consistency of the financial offer.

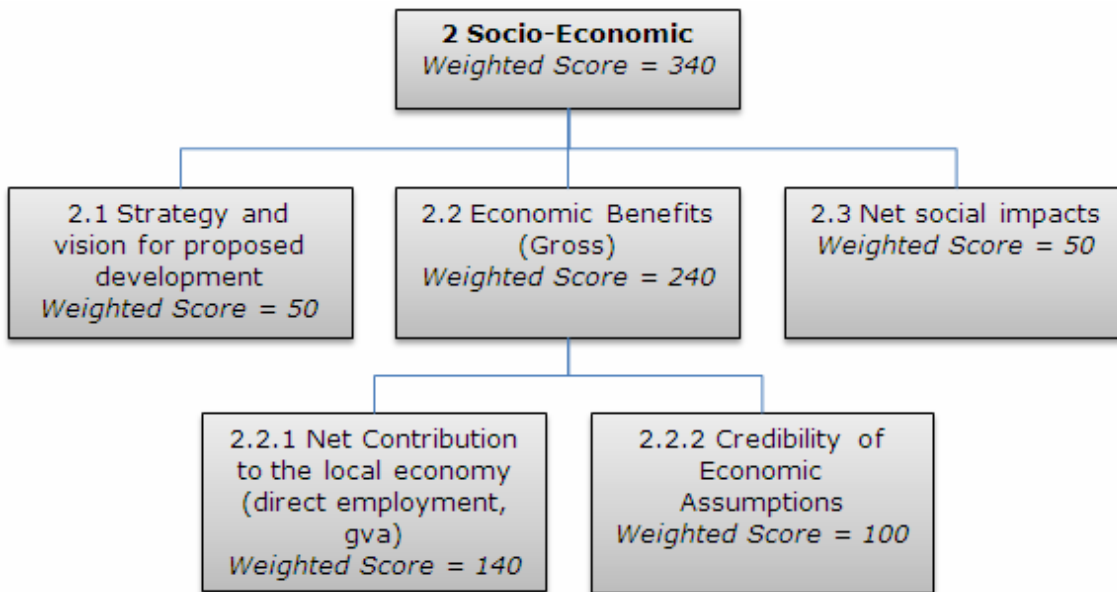
The nature of contracts (if any) that are in place to fund the proposals. This will include any conditions attached to agreements.

Assumptions and supporting evidence will be benchmarked against industry data to determine the appropriateness of the assumptions used. Applicants who believe that their assumptions are outside of industry norms should ensure that they provide good quality, robust evidence to validate and justify such assumptions.

Deliverability of the proposals, including consideration of any facts or information highlighted in information submitted for criteria 3 in relation to risk and deliverability.

Evaluation Category 2: Socio Economic Benefits

Potential maximum weighted score = 340



The council has agreed in its policy to the following principles:

Social To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.

Economic To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds.

The policy also outlines how:

- ♦ Applicants should have regard to the proposed location of the premises, with regard to meeting the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. Applicants will be asked to provide information related to the area in which their proposed developed is situated in their strategy and vision documents.
- ♦ Applicants will be asked to provide information on how their development will impact on employment and training, including amongst others, graduate training, NEETs and vocational qualifications as well as opportunities for Leeds businesses and the local supply chain.

Within this category the council is seeking to identify and quantify the level of expected net socio-economic benefits that could be secured for the Leeds metropolitan area based on the projected gross levels applicants believe their proposals will generate.

The council will expect to see that the applicant has tailored its proposals specifically to the requirements of Leeds through research and detailed assessment of the physical, social and economic position as outlined in its vision documents.

This criterion links to these aspects of the policy and will consider:

- ♦ The strategy and vision for the proposed development
- ♦ Net contribution to the local economy including employment (Direct Full Time Equivalents (FTE)) and Gross Value Add (GVA),
- ♦ Credibility of economic assumptions.
- ♦ Additional social and equality impacts and how mitigations will be developed to address negative impacts.

This criterion will also focus on the development (s) applicants propose. Applicants should note the following extracts from the policy.

Applications where the benefits, including delivery of the development itself, are made subject of contractual obligations as opposed to merely damages for non-delivery, are likely to receive greater weight in the evaluation process.

The council is aware that the casino application may form part of a wider development proposal. The stage 2 evaluation will only take into consideration parts of a development that the applicant is willing to make a firm contractual commitment to deliver within a set timescale. Any benefits not supported by a contractual commitment in the schedule 9 agreement along with meaningful proposed penalties on non-delivery or delay and without proof of funding will receive little, if any, weight. Development outside of the control of the applicant will not be considered.

The evaluation takes this into account as follows.

In evaluating this criterion, proposed development that the applicant is willing to make a contractual commitment to deliver within 5 years of signing the schedule 9 agreement, along with meaningful payments for non-delivery, will be evaluated in terms of economic impact in sub-criteria 2.2.1. In this sub-criterion, the gross economic impacts the developments applicants will commit to deliver in 5 years will then be evaluated as per the methodology set out in this document and a net economic impact of proposals identified. Accordingly, applicants will note that this sub-criterion carries a higher weighting so as to comply with the policy. Therefore, the higher the economic impact of contractually committed proposals, the increased chance of a higher score in this criteria.

If an applicant can not or will not commit to deliver a development within 5 years along with meaningful payment for non-delivery, this development should be included in the strategy and vision section (criteria 2.1), as part of a proposal applicants have a vision or strategy for, but cannot/ will not deliver as part of this application. The gross and net economic impact of these non committed development proposals will not be evaluated under sub-criteria 2.2.1. Any development must be within the control of applicant or partners.

Criterion 2.1: Strategy and vision for proposed development

Potential maximum weighted score = 50

In order to bring about major socio-economic regeneration for the Leeds metropolitan area, the council considers it important that applicants have a detailed strategy to ensure their proposals maximise local benefit. The council wishes to identify measures applicants will put into place on these matters whilst understanding how the applicants propose to maximise and boost the image of Leeds. Applicants should provide a clear explanation of their corporate vision, plans and vision for the casino/other related developments and how these will address Leeds City Council strategic priorities and objectives and the local area context.

In this criterion/sub-criteria applicants can outline physical development that they have vision or ambition for but is physical development that they cannot commit to deliver within 5 years in the schedule 9. As discussed above, these are developments that will not be included in the schedule 9 or evaluated under sub-criteria 2.2.1.

However, within this sub-criterion, applicants are required to provide commitments on elements of their strategy and vision related to the committed development (e.g employment plans, recruitment proposals, local sourcing etc).

Information required:

Applicants should clearly set out their plans for the casino/related developments describing why they intend to develop their proposals as outlined and the benefits they expect to be secured for the Leeds metropolitan area.

Applicants should provide:

- ♦ A detailed description of the chosen location covering as a minimum: where it is, facilities in the locality already, the nature of these (i.e. residential, commercial, industrial, etc), any competitor gambling operations, the area's demographics and the expected nature and scale of demand.
- ♦ A clear and concise description of the type of visitors and rationale for the choice of style and form of proposed development (e.g. nature of the casino, class of hotel, etc).
- ♦ A high level master-plan
- ♦ a RIBA Stage B as a minimum for the casino and for each element of related developments
- ♦ How the proposed developments – and in particular the expected benefits to the Leeds metropolitan area – address policy objectives.
- ♦ Details of how the objectives and related outputs/outcomes will be secured.
- ♦ Details of confirmed corporate support for this project.
- ♦ Approaches to employment and training to maximise opportunities for trainees at a range of levels, including graduate trainees, apprenticeships and Non Vocational Qualifications (NVQ) progression opportunities.
- ♦ Details of how applicants will maximise opportunities for Leeds businesses and local supply chains.
- ♦ Narrative linking vision to applicant's approaches to the mitigation of social impacts (detailed in criterion 2.3).

Applicants should also set out their approaches to:

- ♦ Marketing and promotional activities
- ♦ Procurement including local sourcing
- ♦ Staff recruitment and training
- ♦ Working with local partners on supporting local social programmes.

Format of information:

- ♦ A clear and concise assessment of local objectives, including those in the policy, to be addressed by the applicant's proposals, detail of how these objectives will be addressed, with the rationale for these views.
- ♦ A clear statement of how the casino and other related developments will maximise the potential benefits that could be secured for the Leeds metropolitan area in line with the principles set out in the policy.
- ♦ A summary of the approaches to be adopted to implementing proposals including monitoring and reporting arrangements. A detailed description should be provided for sub-criterion 3.2.4 – Implementation.
- ♦ Completion of Tables 4A and 4B providing details on qualifications. See Appendix 4 for illustrative example.
- ♦ Case studies of existing approaches covering employment and training, working with local businesses and developing local supply chains.

- ♦ Signed letters of support from company/parent board level or similar to reflect the level of commitment from the company, copies of Board Minutes, etc, underlining senior management commitment to the vision for the proposed developments and its linkages to the council's objectives as set out in the policy.

Submissions will be evaluated in terms of:

Proposals which demonstrate both visionary and ambitious plans to address local objectives and which provide robust evidenced based justification for how these plans will be implemented and the project benefits secured.

The degree of compatibility of applicant's proposals with the objectives set out in the policy.
The commitments which will be included within the Schedule 9 Agreement and how these address requirements set out in the policy.

The credibility of assumptions.

The robustness of examples of:

- ♦ Helping develop the local workforce through training and employment opportunities and, in particular, for disadvantaged groups, persons Not in Education, Employment or Training (NEETs) and local residents (of the Leeds metropolitan area).
- ♦ Supporting and encouraging local businesses to maximise employment and training opportunities for local residents of the Leeds metropolitan area.

Criterion 2.2: Economic Benefits (Gross)

Potential maximum weighted score = 240

This criterion will assess the projected economic benefit that could be secured by the development in terms of the:

- Net contribution to the local economy including employment (Direct Full Time Equivalents (FTE)) and Gross Value Add (GVA), and
- Credibility of economic assumptions which underpin the gross numbers provided by applicants.

The Approach

The approach to be adopted by the council to the evaluation of applications will measure the economic benefits that might be generated from the applicant's proposals for a casino and any other related developments at a Leeds metropolitan area level. The council will convert gross data to identify a net impact of the applicant's proposals. This is to ensure a consistent approach is applied to all applications.

In setting out this approach reference is made to the information that will be supplied by applicants as captured in gross economic benefit proforma (illustrated at Appendix 3) and the other sources of information and evidence the council will require in order to assess the net benefits associated with different applications to be provided in Tables 3A to 3G and Tables 4A and 4B (illustrated at Appendices 3 and 4). Electronic forms for submission by applicants are available.

It is the intention of the council, in measuring the net economic benefits, to adopt the principles set out within HM Treasury Green Book as well as other guidance material developed by English Partnerships², the European Commission³ and Scottish Enterprise⁴.

In calculating net impacts the council will consider the difference in impacts between what might happen anyway (i.e. the 'reference case') compared to a casino and any other related developments being built and operational. Such assessments will be undertaken at a Leeds metropolitan area level.

Various measures – and evidence to support these measures – are likely to be adopted by the council in calculating net additional impacts. These include:

Gross Impacts (GI), which may be defined as the direct benefits associated with the Applicant's proposals and defined reference case.

Leakage (L), which represents the proportion of those benefits that are generated outside a defined locality, i.e. in this case the Leeds metropolitan area.

Displacement (D), namely the proportion of reduced benefits, within a given area, that result from a casino and other related developments being taken forward.

Substitution (S), where customers of the casino may substitute other similar activities to participate in gambling and other activities on site.

Multiplier Effects (M), which represents the additional levels of expenditure and employment associated with both the reference and casino/other development cases within the defined geographical areas.

Applicant Data Requirements

The council requires applicants to complete the gross economic benefit proforma and supporting information tables (3A to 3G and 4A to 4B as illustrated at Appendixes 3 and 4).

Based on this information it is anticipated that:

- Gross Impacts and Leakage in relation to employment impacts will be derived from the information supplied at Tables 3A, 3C, 3D and 3E.
- Displacement in relation to employment at the casino and related developments will be based on information provided at Tables 3B, 3F and 3G.

² English Partnerships Additionality Guide, 2004.

³ "The Evaluation of Socio-economic Development", Directorate General for Regional Policy, 2003.

⁴ "Additionality and Economic Impact Assessment Guidance Note", Scottish Enterprise, 2008.

In relation to Substitution the council intends to adopt an industry norm for casinos of 10% (based on previous research). Any other developments will also be benchmarked accordingly.

The assessment of 'deadweight', associated with the 'reference case', will be based on previous development profiles as well as future projections in regard to city centre and other areas.

Multiplier effects will be based on information provided at Tables 3D and 3E as well as input output analysis available to the council.

Finally GVA estimates will be based on local and regional GVA per employee estimates.

Sub-criteria 2.2.1: Net contribution to the local economy including employment (FTE) and GVA

Potential maximum weighted score = 140

Applicants are required to complete the proforma and related evidence tables provided in electronic form in the application pack and illustrated at Appendix 3 outlining the gross benefits associated with the proposals they are making a contractual commitment to deliver within 5 years.

Information required:

Gross socio-economic data to allow calculation of the projected Gross Value Added (GVA) and projected total direct employment opportunities (based on full time equivalents) as a contribution to the economy of the Leeds metropolitan area resulting from the proposed developments.

Format of information:

- ♦ Gross Economic Benefits Proforma and Tables 3A to 3G as illustrated at Appendix 3 provided in electronic form.

Submissions will be evaluated in terms of:

The gross data included by applicants within the Proforma will be assessed by the council to identify net impacts and benefits which will be aggregated to identify the level of contribution to the local economy (Leeds metropolitan area) in terms of gross value add (GVA) and the net employment based on Full Time Equivalents (FTE).

This analysis will be undertaken by the council in accordance with the approach detailed at Appendix 3

Sub-criteria 2.2.2: Credibility of economic assumptions

Potential maximum weighted score = 100

Applicants are required to provide evidence of, and justification for, the credibility and robustness of their projections of the potential gross impacts of their proposals, including their deliverability and achievability within realistic and suitable timeframes, and those benefits which are included within the Schedule 9 Agreement.

Information required:

- ♦ Underpinning evidence, justification for and analysis of gross economic data provided by applicants in the Gross Economic Benefits proforma and Tables 3A to 3G.

Format of information:

Narrative setting the context for and outlining the expected benefits/impacts and justification for the gross figures provided in the Gross Economic Benefits Proforma and Tables 3A to 3G (provided with the application pack), covering the assumptions used and the evidence to underpin these.

Submissions will be evaluated in terms of:

- The robustness and viability of projections, underlying assumptions and evidence provided
- Whether or not the proposed development has planning permission or not.

The council has decided on this approach to assessing net economic benefits to ensure consistency and transparency of the assessment and comparability of outcomes between applicants.

Criteria 2.3: Net social impacts

Potential maximum weighted score = 50

This criterion will assess the net social impacts that could result from the development of a casino and related developments and the approaches to be adopted by applicants to mitigating any negative social impacts resulting from these developments. It will consider:

- ♦ The nature and scale of potential economic benefits and any negative social impacts.
- ♦ The approach applicants will adopt to mitigation of effects and the credibility to do so.
- ♦ The role the applicants and their developments could play in the regeneration of the chosen location and the Leeds metropolitan area.

Applicants should identify and provide an assessment of the potential social and equality impacts for their proposed location and detail their approaches to mitigating any negative impacts.

In particular, the council considers it important that applicants work in partnership with local employment and social programmes and have a detailed strategy that ensures educational, employment and training opportunities arise for disadvantaged communities.

In accordance with the requirements of the DCMS Code of Practice guidance applicants should take into consideration proximity to the following:

- ♦ Schools.
- ♦ Other facilities for children and vulnerable adults.
- ♦ Deprived areas.
- ♦ Places of worship.
- ♦ Large young or elderly populations.

Information required:

A strategy setting out the applicant's:

- ♦ Assessment of diversity issues for the chosen location including identification and assessment of potential positive and negative impacts of establishing the casino (and wider developments where applicable) at this location.
- ♦ Any mitigating factors to reduce the negative impact of the development at their chosen location.
- ♦ Approach to how measures/mitigations of negative impacts will address the requirements outlined in the policy and the Code of Practice.
- ♦ Management arrangements to address social and equality issues including monitoring of mitigation of potential adverse effects of the development
- ♦ Key areas of where cooperation could take place, specifying the nature of activities/programmes, partners to be involved, the role expected of the council.
- ♦ The form that this cooperation would take (e.g. funding/sponsorship, staff time/benefits in kind, development, management/administrative support, facilities, etc).
- ♦ Who will be responsible for the costs of mitigation.
- ♦ Any constraints or dependencies (e.g. support and input from the council or other organisations).

Where applicants already have an Operating Licence they should identify where the actions set out in their strategy are additional to those already required under the DCMS Code of Practice, which are at the discretion of the applicant and which will form part of the Schedule 9 Agreement to be signed with the council

Case study examples of existing co-operation with local partners and organisations, including the outcomes of these examples, with appropriate references.

Format of information:

An Equality Impact Assessment providing a detailed description and analysis of the:

- ♦ Social mix of the location.
- ♦ Equality characteristics considered (should cover as a minimum assessment of age, race, sex, carers, disability, religion or belief, sexual orientation, gender reassignment).
- ♦ Identification of potential impacts and their remedial action/mitigation.
- ♦ Details of key stakeholders and partners.
- ♦ Community consultations undertaken (with groups who may be affected and feedback from consultation).

- ♦ Research studies undertaken, e.g. into the potential barriers individuals may face based on different equality strands.
- ♦ Details of individuals responsible for management of equality and diversity, and of those with lead responsibility for actions detailing type of action, likely timescales, measures to be implemented.

Appropriate diagrammatic and graphical representation to underpin analysis and commentary.

Detailed description of proposed activities, including case studies of previous examples, with plans for how the applicant proposes to involve and cooperate with the council and local partners to support and deliver local social programmes.

Submissions will be evaluated in terms of:

The innovative nature of the strategy and the approaches to mitigating negative impacts which provide net additional benefit to the proposed location over and above the 'costs' of mitigation.

The degree of pro-activity in working with city wide partnerships and organisations, e.g. the third sector, to maximise economic impact and minimise negative social impacts.

The degree of commitment – as evidenced in the Schedule 9 Agreement – to:

- ♦ Working with the council to support the activities of the SIF.
- ♦ Outputs and outcomes that can be measured and substantiated with appropriate evidence, e.g. service level agreements with city organisations who can work in partnership with organisations, agreements to work together with city partners, contractual documentation, example templates, delivery plans or other relevant evidence.

The quality and deliverability of detailed strategies and approaches to addressing potential negative social impacts resulting from the proposed developments with a clear commitment from management to undertake the required remedial actions.

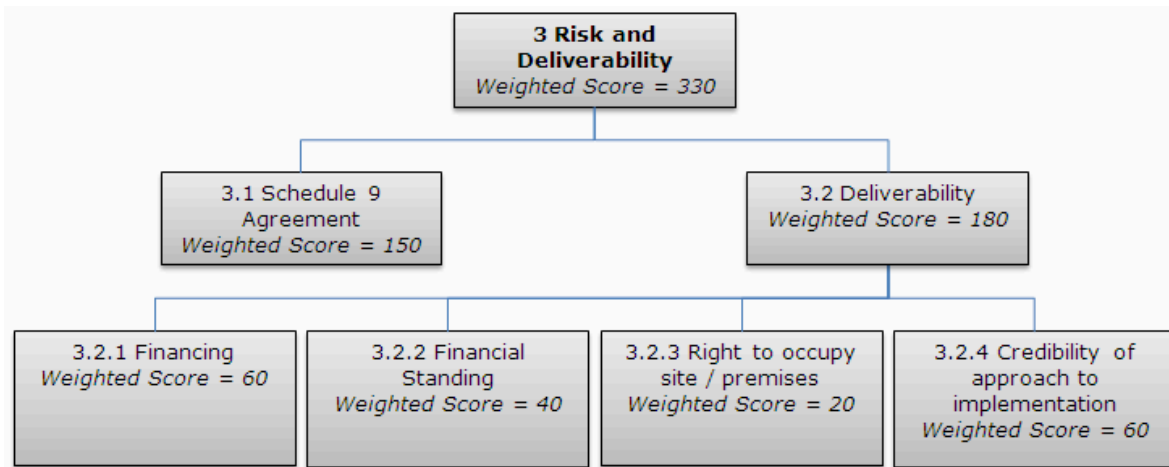
Evidence based case study examples of existing approaches to remedying negative social impacts, including cooperation and collaboration with local partners and support for the implementation and delivery of these activities – particularly where this is in the Leeds metropolitan area - supported by evidence of outputs/outcomes and references.

The council is interested in applicants detailing approaches and activities which are additional to those required under the DCMS Code of Practice.

In line with the details provided in the policy the council has no preferred site for the large casino/related development.

Evaluation Category 3: Risk and Deliverability

Potential maximum weighted score = 330



The council has agreed in its policy the following principles:

- Financial** To seek to maximise the financial return to the council.
- Social** To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
- Economic** To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds.

In order to achieve these principles, the council will evaluate the commitment, deliverability and the risks associated of the benefits that applicants propose.

As the policy details, the council will assess the risk and deliverability of the proposed scheme. In particular the council will wish to consider what legal and financial assurances there are that the proposed development will be delivered within 5 years, and that the promised benefits will both materialise and be maintained. Firm evidence is required that all benefits and development proposed can be funded and a contractual obligation with details of payment to be made for non-delivery is required.

The council will therefore assess the degree of certainty provided by the applicant regarding their proposals. Relevant factors may include, but will not be limited to:

- ♦ Commitments to be made by applicants within the Schedule 9 Agreement.
- ♦ Deliverability of proposals, considering the applicant's:
 - Financial standing.
 - The robustness of the approach adopted to financing the casino and related developments.
 - Right to occupy site/premises.
 - Approach to implementation.
 - Funding.
 - Guarantors, if any.

This evaluation category will consider issues related to the deliverability of all aspects of applicant's submissions.

Criteria and sub-criteria – with the exception of Financial Standing (3.2.1) – will be scored on a standalone qualitative basis. Financial Standing will be assessed using the thresholds set out in table 4 under Sub-criteria 3.2.2.

Criteria 3.1: Contents of the Schedule 9 Agreement

Potential maximum weighted score = 150

The application pack includes a template agreement under paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a schedule 9 agreement'). This agreement will give effect to the licence and the council and the chosen applicant will enter into this agreement. As detailed in sections 16.51-16.54 of the policy, the amount of commitments that applicants will contractually commit to are likely to receive higher weight.

The Schedule 9 Agreement outlines the key clauses the applicant will be expected to sign up to for their proposals and provides the contractual agreement between the applicant and the council to ensure that benefits are realised for the Leeds metropolitan area.

The Schedule 9 Agreement will cover amongst other areas, the following:

- ♦ The clauses and terms that applicants are required to accept
- ♦ A template schedule whereby applicants will be required to outline the benefits, and on what basis, they will contractually commit to deliver along with details on monitoring and reporting arrangements for the committed benefits. This will include benefits offered by operators, developer partners, consortium partners or other key organisations seeking to provide benefit identified within applications whether through construction, refurbishment, casino operation, operation of related developments, or the financial contribution.
- ♦ A template schedule whereby applicants will outline the levels of any payments they will make for late or non delivery of each of the benefits they propose to make a contractual commitment to deliver within set timeframes.

Applicants' responses to the draft Schedule 9 Agreement will form a key part of the evaluation of submissions by the council and will include assessment of the applicant's willingness to commit to their proposals. By agreeing to terms within a Schedule 9 Agreement and thereby entering into a contractual relationship with the council to ensure benefits are realised for the Leeds metropolitan area applicants will demonstrate their commitment to the area and be scored accordingly.

Following initial review of applications by the Panel applicants will be given the opportunity during the clarification phase to discuss with the council their responses to the draft Schedule 9 Agreement and jointly agree necessary amendments, alterations and revisions that are acceptable to both parties. The revised draft of the Schedule 9 Agreement will form the basis of evaluation of applications by the council.

Information required:

A detailed commentary addressing:

- ♦ Any additions to the Schedule 9 Agreement applicants feel will enhance or improve it.
- ♦ Any areas applicants wish the council to consider further, with full detailed and evidenced rationale for doing so. Applicants should provide suitable alternatives to meet the council's requirements .
- ♦ Rationale why any benefits (including elements of the financial contribution) set out in the application may not be included.
- ♦ As appropriate, the inter-relationship between the casino and other related developments and any issues arising in relation to the Agreement.

Format of information:

The detailed commentary should include as a minimum separate sections on:

- ♦ Acceptance of clauses.
- ♦ Amendments/ additions to Schedule 9.
- ♦ Benefits that the applicant will make a contractual commitment on levels of payment for non-delivery the applicant will make for those contractual commitments

Comments should be clearly referenced to the paragraph number within the draft Schedule 9 Agreement. Information must be clear, unambiguous and easy to understand.

Applicants should provide a fully complete and, if necessary, marked up Schedule 9 Agreement outlining changes and amendments made as well as additions. Mark ups should use track changes so all changes made are clearly audited.

Submissions will be evaluated in terms of:

- ♦ The level of substantial or significant change required by applicants, the rationale for these changes and whether these changes are acceptable to the council.
 - ♦ The level of risk to the council and the impact on Leeds metropolitan area.
 - ♦ The level of payments applicants are willing to pay the council for late or non-delivery of benefits.
 - ♦ The level and nature of contractual commitment made by the applicant in terms of:
 - Contractual commitment to deliver the development itself.
 - The quantum and form of financial offer (reference Sub-criteria 1.1.1, 1.1.2 and 1.1.3).
 - The level of economic benefits to be secured (reference Criterion 2.1).
 - Mitigation of negative social impacts (reference Criterion 2.2).
 - Implementation and deliverability commitments (reference Criterion 3.2).
-

Criterion 3.2: Deliverability

Potential maximum weighted score = 180

The sub-criteria all seek to evaluate the deliverability of proposals. For this criterion information should be provided for all relevant partners who the applicant is partnering with or reliant on in making their submission(e.g developers or consortium partners)

Sub-criterion 3.2.1: Financing

Potential maximum weighted score = 60

Applicants should clearly outline the total funding requirement and the proposed funding sources within their application, providing detailed breakdowns where appropriate.

Information required:

Applicants must provide:

- Details of the anticipated costs to be incurred in order to open and operate a Casino and related developments. This should reconcile to the financial model provided as part of sub criteria 1.1.4.
- Details of chosen funding resource (quantum; availability and approach to securing the selected method of funding).
- Any conditions or dependencies attached to availability or utilisation of funding.
- In the case of internal financing, please provide supporting evidence of capacity and commitment.
- Justification of funding approach, including evidence of commitment of funds.

Format of information:

A detailed funding sources and uses schedule, outlining all anticipated costs to open and operate a Large Casino with a comprehensive breakdown of funding sources to pay for these costs. This information should fully reconcile to the financial model provided as part of the assessment in 1.1.4.

A clear explanation of the approach to funding the development, detailing the source of funds, the level of commitment to the their provision including any conditions or restrictions and underpinned by the provision of appropriate support (e.g. letters of support from proposed funders, copies of Board minutes detailing commitment to the provision of funds, Parent Company Guarantee, etc.).

Applicants should provide a detailed plan, outlining their funding strategy and providing evidence where appropriate for the availability of required finance.

Submissions will be evaluated in terms of:

The reasonableness of the funding plan, including the sources of funding, and the evidence provided to support the availability of the funding sources, and the robustness of the chosen funding route (e.g. contracts with, or letters of support from, funders and from the board of the applicant).

The credibility of the funding plan, and the risk level attached to the funding approach

The presence of credible guarantors.

Sub-criterion 3.2.2: Financial Standing

Potential maximum weighted score = 40

Applicants will be assessed on their financial standing.

Information required:

Applicants should provide a Dun and Bradstreet (D&B) credit report dated within the previous four weeks for the parties (including guarantors) contracting under the Schedule 9 Agreement. In the event that a D&B report is unavailable, a comparable credit report should be provided.

The last two years signed statutory accounts.

Consortia should provide the above in relation to the key parties/shareholders material to the casino and related developments.

Where the company outlined above is unlikely to have sufficient financial standing to pass the test below, a parent company guarantee may be offered. In this scenario the parent company's information should be provided instead of the applicant and a written statement confirming that a parent company guarantee is available should be provided.

Applicants should provide a written statement, either confirming that there are no material changes to the financial statements since issue, or outlining any material issues.

Format of information:

- ♦ Dun and Bradstreet Credit Report (or equivalent where not available) and Statutory Accounts
- ♦ Written confirmation of material changes to the accounts since publication

Submissions will be evaluated in terms of:

A threshold approach will be adopted to scoring applications:

- ♦ Applicants with a D&B rating which is deemed to be a reasonable risk (RR) will receive 10 marks
- ♦ Applicants with a D&B rating which is deemed to be a un-reasonable risk (UR) will receive zero marks
- ♦ The Council's interpretation of the D&B ratings, outlining what is a reasonable (RR) and unreasonable risk (UR), are outlined in Table 4 overleaf
- ♦ To support this process the evaluation team will also carry out review of the supporting information submitted and publicly available information on the Factiva database back to 1 January 2011. The searches on Factiva will focus on relevant key words including: acquisitions, disposals, debt, gearing, profit warnings, solvency, credit ratings and investor sentiment. Where the searches reveal facts or events which have not been disclosed by the applicant, and which may have a material bearing on the evaluation, additional information will be sought during the clarification stage
- ♦ Applicants should note that they are responsible for checking the information on the Factiva database and highlighting in their response any material misreporting or other additional explanation which may be required.

Table 4: D&B Thresholds and Council interpretation					
		D&B Risk Indicator (Probability of Failure)			
		1	2	3	4
D&B ref	Financial Strength (tangible net assets)	Minimal	Low	Slightly greater than average	Significant
5A	£35m +	RR	RR	RR	UR
4A	£15m - £35m	RR	RR	RR	UR
3A	£7m - £15m	RR	RR	RR	UR
2A	£1.5m - £7m	RR	RR	RR	UR
1A	£700k - £1.5m	RR	RR	UR	UR
A	£350k - £700k	RR	UR	UR	UR
B	£200k - £350k	UR	UR	UR	UR
C	£100k - £199k	UR	UR	UR	UR
D	£70k - £100k	UR	UR	UR	UR
E	£35k - £70k	UR	UR	UR	UR
F	£20k - £35k	UR	UR	UR	UR
G	£8k - £20k	UR	UR	UR	UR
H	£0k - £8k	UR	UR	UR	UR

Sub-criterion 3.2.3: Right to occupy site/ premises

Potential maximum weighted score = 20

Applicant should outline the contractual position in relation to their right to occupy the site/premises in order for a casino to be operational on the site.

Information required:

If the right to occupy the site/premises is confirmed applicants should provide appropriate evidence to justify this. If the right to occupy remains to be determined applicants should outline the steps which will be taken to establish their right to occupy and provide evidence of the robustness of their approach, clearly outlining any barriers or risks to occupation.

Format of information:

- ♦ Copy of land registry ownership record or signed lease agreement (or equivalent) to occupy chosen location or premises.
- ♦ A clear plan, with risk analysis and mitigation, outlining how the right to occupy the site/premises leading to operation of casino will be secured within a specified timeframe, including appropriate evidence to underpin justification of proposed approach.
- ♦ Particular attention should be given to the following areas (however applicants should note this list is not exhaustive) and detail provided on:
 - Discussions held to date with relevant parties
 - Timetable to occupation
 - Any constraints attached to site and or buildings (including title constraints, restrictions to development) and their potential impact on time table
 - Risk assessment of potential issues to obtaining the right to occupy
 - Mitigating factors to the Risk Assessment
- ♦ Name of vendor(s). if any.

Submissions will be evaluated in terms of:

Confirmation of an unrestricted right to occupy underpinned by appropriate evidence, such as lease agreements.

For applications without a confirmed right to occupy, the robustness of the approach to achieving it, the commitment given by the applicant to achieving it, the quality of the evidence provided of their ability to do so, the timescales involved, and details of any dependencies on third parties or statutory approvals.

Sub-criterion 3.2.4: Credibility of approach to implementation

Potential maximum weighted score = 60

Applicants should set out the arrangements they will put in place to manage the implementation of their proposals and to secure the projected benefits to the Leeds metropolitan area set out in their application, with evidence of previous experience in developing similar or comparable developments.

Information required:

- ♦ A detailed plan for implementation of the proposed developments setting out timeframes, responsibilities, approach to marketing and promotion, community involvement and benefit realisation. This should include:
 - The key management structures and arrangements of the main parties involved in delivery of the proposed development and the nature of the contractual (and other) relationships between them
 - The proposed operational management arrangements including key personnel with roles and responsibilities for the casino and where appropriate other elements included in wider developments
 - The key milestones and a critical path for all stages and elements of implementation leading to successful operation of the casino.
 - Monitoring and reporting arrangements, including key performance indicators, finances and frequency, including information to be provided to the council

- ♦ A high level master-plan for the development and its implementation and / or RIBA Stage B as a minimum
- ♦ Applicants should also set out their approaches to:
 - Management of risk
 - Specific location issues
 - Benefits realisation
 - Contingency planning
- ♦ A description of previous development of a casino and (where appropriate) accompanying developments with an outline of the relevance and appropriateness to the council's requirements
- ♦ Evidence of:
 - The operational performance of previous casino / and other developments, with details of approaches to monitoring and reporting and key performance indicators
 - The ability to secure required statutory permissions
 - Track record for securing projected economic benefits / impacts related to previous developments
 - Approach to addressing potentially negative social impacts of casino developments, including supporting local social programmes and partners and meeting Gambling Commission Code of Practice requirements
 - Examples of successfully completed implementation strategies

Format of information:

- ♦ A concise and detailed description of how the proposed developments will be managed to deliver the expected outcomes identified by the applicants in their application and agreed within the Schedule 9 Agreement with the council, to time, and how this performance will be recognised, monitored and reported on
- ♦ A high level master-plan and a RIBA Stage B as a minimum for the casino and for each element of related developments
- ♦ Robust and evidenced based marketing strategies and promotional programmes
- ♦ Provision of a detailed timetable to the opening of a large casino and related developments (where appropriate) which will be set out in the Schedule 9 Agreement with the council
- ♦ Detailed, evidence-based, case studies of experience addressing Leeds' requirements as set out in the policy and addressing the requirements of the Gambling Commission Code of Practice
- ♦ A summary of key lessons learnt and implications for meeting Leeds' requirements and how these have been addressed in the applicant's proposals

Submissions will be evaluated in terms of:

- ♦ Clear arrangements for management of implementation of proposed development.
- ♦ Applications which set out a clear understanding of the relationship between the parties involved in the proposed developments, how these will be managed, and the level and degree of commitment made by each party to securing benefits, and which includes a commitment within the Schedule 9 Agreement.
- ♦ Robust approaches to management of risk, benefits realisation, and contingency planning, handling of potential adverse effects / impacts.
- ♦ Requirements and local social programmes where these are underpinned by examples of where these approaches have worked effectively and delivered results.
- ♦ Commitments to performance monitoring and measurement outputs in the Schedule 9 Agreement .
- ♦ A detailed, robust, justified and evidenced timetable for implementation, with penalties for poor performance.
- ♦ Evidenced based case studies of developments that match applicant's proposals in terms of mix of facilities, activities, scale, operational performance, and development parties/partners
- ♦ Currency of the case studies and inclusion of named individuals who will be involved in the Leeds developments.
- ♦ The relevance of case studies in relation to the objectives outlined in the policy.
- ♦ The council will assess the credibility of both the applicant and the personnel involved.
- ♦ The provision of references, which can be taken up freely by the council.

Note: The council's decision to award the licence (Provisional Statement) will not prejudice future decisions on other processes e.g. planning or building regulation approval. Applicants should satisfy themselves that planning permission will be obtained for their proposal

Appendix 1 Evaluation Scoring Matrix

Proforma will be completed by the council to record scores for applications.

NOT TO BE COMPLETED BY APPLICANTS.

Category	Marks Available	%	Criteria / Sub Criteria					
Criteria	Weighting	Reference	Description	Type	Weighting	Marks Available	Score	Weighted Score
1.0 Financial Contribution								
1.1 Financial Offer	33%	1.1.1	Net Present Value of total financial offer	Quantitative	10.0%	100	0	0
		1.1.2	Financial offer paid on signing of Schedule 9 Agreement	Quantitative	8.0%	80	0	0
		1.1.3	Net Present Value of total underwritten annual financial offer	Quantitative	5.0%	50	0	0
		1.1.4	Credibility of financial assumptions	Qualitative	10.0%	100	0	0
Sub-Total	33%				33.0%	330	0	0
2.0 Socio-Economic								
2.1 Strategy and vision for proposed development	5%			Qualitative	5.0%	50	0	0
2.2 Economic Benefits (Gross)	24%	2.2.1	Net contribution to local economy (including direct employment and gva)	Quantitative	14.0%	140	0	0
		2.2.2	Credibility of economic assumptions	Qualitative	10.0%	100	0	0
2.3 Net social impacts	5%			Qualitative	5.0%	50	0	0
Sub-total	34%				34.0%	340	0	0
3.0 Risk and Deliverability								
3.1 Contents of Schedule 9 Agreement	15%			Qualitative	15.0%	150	0	0
3.2 Deliverability	18%	3.2.1	Financing	Qualitative	6.0%	60	0	0
		3.2.2	Financial Standing	Quantitative	4.0%	40	0	0
		3.2.3	Right to occupy the site/premises	Qualitative	2.0%	20	0	0
		3.2.4	Credibility of approach to implementation	Qualitative	6.0%	60	0	0
Sub-total	33%				33.0%	330	0	0
Total	100%				100.0%	1000	0	0

Appendix 2 Financial Contribution Proforma

For illustration only. Electronic proforma provided separately

Leeds Casino										
Applicant Financial Proforma										
[Applicant Name]										
All cashflows are £'000										
All cashflows assumed to occur at period end										
Year Number	1	2	3	4	5	6	7	8	9	10
Period Start	1-Dec-12	1-Dec-13	1-Dec-14	1-Dec-15	1-Dec-16	1-Dec-17	1-Dec-18	1-Dec-19	1-Dec-20	1-Dec-21
Period End	30-Nov-13	30-Nov-14	30-Nov-15	30-Nov-16	30-Nov-17	30-Nov-18	30-Nov-19	30-Nov-20	30-Nov-21	30-Nov-22
Inputs from Applicant's Financial Proforma										
Payment at signing of Schedule 9 Agreement	-									
Annual Underwritten Financial Offer	350	350	350	350	350	350	350	350	350	350
Annual Variable Payment	800	200	500	500	100	50	20	300	250	400

Appendix 3 Proforma and Tables for Measurement of Economic Benefits

For illustration only. Proforma and Tables 3A to 3G to be completed by applicants are provided in electronic form as part of the full application pack

Economic Benefit (Gross) Proforma: Summary Data											
Criteria	Value (£)	Time Period						Total	Comment		
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6-25				
Capital investment	Casino Licence								Leeds metropolitan area (LMA) – see map Appendix 5		
	Related developments								Leeds City Region (LCR) – see map Appendix 5		
Total		0	0	0	0	0	0	0			
Number		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Total				
Employment (Direct - FTE)	Casino Licence								Breakdown by type of employment, e.g. Pit Bosses, Croupiers, etc, recruitment area (local, other and outside of a) and b); please detail expected staff turnover rate by type and recruitment location. Provide data in Table 3A		
	Related developments										
	Casino Licence										
	Related developments										
Visitors	Casino Licence								Leeds metropolitan area Leeds City Region Provide data in Table 3B		
	Related developments										
	Casino Licence										
	Related developments										
Qualifications Achieved	Casino Licence								Leeds metropolitan area Leeds City Region Provide data in Table 3B		
	Related developments										
	Casino Licence										
	Related developments										
Total		0	0	0	0	0	0	0	Provide data in Table 4A Breakdown by number for Levels 1 to 5		

Value (£)		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Total
Employment (Direct - FTE)	Casino Licence						
	Related developments						
Construction spend	New						
	Safeguarded/retained Construction						
	New						
	Safeguarded/retained Construction						
Supply chain (operational spend)	LMA						
	LCR						
	LMA						
	LCR						
Visitor spend	LMA						
	LCR						
	LMA residents (a)						
	LCR residents (b)						
Total	UK residents from outwith (a) and (b)						
	International						
	LMA residents (a)						
	LCR residents (b)						
	UK residents from outwith (a) and (b)						
	International						
		0	0	0	0	0	0

Please provide actuals where possible, where not breakdown by salary band, £5-10,000, £10,001-15,000, £15,001-20,000, £20,001-25,000, £25,001-30,000, 30,001 to 35,000, £35,001-40,000, £40,001 - 50,000, £50,000+ please specify; recruitment area (local, Related and outside of a) and b). **Provide data in Table 3C**

Provide data in Table 3D

Include details for a local supplier who works for a national organisation
Provide data in Table 3E

Include details for a local supplier who works for a national organisation

Leeds metropolitan area
Leeds City Region

Provide data in Table 3F

Leeds metropolitan area
Leeds City Region

Value (%)		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Total
Training spend	Casino Licence						
	Related developments						
Market share	Casino Licence						
	Related developments						
Supply chain (operational spend)	Casino Licence						
	Related developments						
Market share	Casino Licence						
	Related developments						
Origin of visitors	Casino Licence						
		LMA residents (a)					
		LCR residents (b)					
		UK residents from outwith (a) and (b)					
	International						
	Related developments						
		LMA residents (a)					
		LCR residents (b)					
		UK residents from outwith (a) and (b)					
		International					

By NVQ level (1-5) and for on-the-job-training - please separate by type. **Provide data in Table 3G**

Need to define

Provide data in Table 3G

See note ref Table 3E

Leeds metropolitan area
Leeds City Region

Leeds metropolitan area
Leeds City Region

Guidance for completion of Tables 3A to 3G:

Please **complete separate sections within each table for each type of development** included within your proposal, i.e. for the casino and each of the elements of any related elements developments.

Table 3A: Full Time Equivalent Direct Jobs by type of development⁵

Construction												
Job Title	Number of Employees			Likely Period of Employment ⁶			Leeds metropolitan area			Leeds City Region		Outside of Area
	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	

Casino																
Job Title	Year 1			Year 2			Year 3			Year 4			Year 5			Average Turnover Rates ⁷
	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	
	X ₁	Y ₁														

⁵ It is accepted that no guarantee can be provided, under employment law, to the 'origin' of any role (in terms of local, other and outside of area residency). The purpose of this table is, therefore, to allow you to indicate the 'likely origin' of employees given previous experience and your understanding of the local and regional labour market.

⁶ Please state the proportion of time each role (or group of employees) is likely to be engaged during the construction period. For example, if final fit out (and the related employment of, say, electricians) occurs over the last 6 months of a total 18 month construction period please state the likely period of employment as 33% (i.e. 6/18).

⁷ If you anticipate changes in the proportion of the labour force being drawn from local and/or other areas it is important that you set out – at the end of this table – the:

- ◆ Assumptions you have made in relation to any such changes over time; and,
- ◆ Future role of the Council, and other stakeholders, you anticipate may be required to secure positive change (i.e. by increasing local content).

⁸ Please insert: firstly, the level of new jobs per role (X); and, then, secondly, the level of retained jobs per role (Y). Where there are no jobs meeting each or both category please insert a '0'.

Other Developments : For each type of development e.g. Hotel

Job Title	Year 1			Year 2			Year 3			Year 4			Year 5			Average Turnover Rates
	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	

Other Developments : For each type of development e.g. Retail

Job Title	Year 1			Year 2			Year 3			Year 4			Year 5			Average Turnover Rates
	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	

Key Assumptions re Casino and Other Developments

- (a) Assumptions made in relation to (any) changes in employment residency over time
 - 1.
 - 2.
- (b) Requirements and role of council /other stakeholders in securing positive change in local/regional employment
 - 1.
 - 2.
- (c) Any other key assumptions you have made (e.g. turnover rates)
 - 1:
 - 2:

Table 3B: Visitor Origins

Casino (000)						
Origin of Visitors	Year 1	Year 2	Year 3	Year 4	Year 5	
Leeds metropolitan area						
Leeds City Region						
UK Residents						
International						
Total						
Other Developments (000) – for each type of development e.g. Hotel						
Origin of Visitors	Year 1	Year 2	Year 3	Year 4	Year 5	
Leeds metropolitan area						
Leeds City Region						
UK Residents						
International						
Total						
Other Developments (000) – for each type of development e.g. Retail						
Origin of Visitors	Year 1	Year 2	Year 3	Year 4	Year 5	
Leeds metropolitan area						
Leeds City Region						
UK Residents						
International						
Total						

Table 3C: Relative Wage Levels

Construction	
Role	Wage Band
Casino	
Role	Wage Band
Other Developments – for each type of development e.g. Hotel	
Role	Wage Band
Other Developments – for each type of development e.g. Retail	
Role	Wage Band

Table 3D: Construction Expenditure

Casino (£'000)			
Item⁹	Leeds metropolitan area	Leeds City Region	Elsewhere
Other Developments (£'000) – for each type of development e.g. Hotel			
Item¹⁰	Leeds metropolitan area	Leeds City Region	Elsewhere
Other Developments (£'000) – for each type of development e.g. Retail			
Item¹¹	Leeds metropolitan area	Leeds City Region	Elsewhere

⁹ Including all major items of expenditure and, where possible, differentiating between capital and employment costs (e.g. gaming equipment v fixture and fitting employees).

¹⁰ *Ibid*

¹¹ *Ibid*

Table 3E: Operational Expenditure (excluding direct wages)

Casino (£'000)																		
Item 12	Year 1			Year 2			Year 3			Year 4			Year 5			Five Year % Average		
	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area

Other Developments (£'000): for each type of development e.g. Hotel

Item	Year 1			Year 2			Year 3			Year 4			Year 5			Five Year % Average		
	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area

Other Developments (£'000): for each type of development e.g. Retail

Item	Year 1			Year 2			Year 3			Year 4			Year 5			Five Year % Average		
	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area	LMA	LCR	Outside of Area

¹² i.e. including direct wage costs – based on your responses to Tables A and D - please identify all items of operational expenditure and the likely supplier in terms of their – local, regional or ‘outside of the area’ – location. Please note that a national or international supplier **with a local/or regional branch** may be identified as a ‘local’ or ‘regional’ supply source

Table 3F: Visitor Expenditure

Casino £'000						
Origin of Visitors	Year 1	Year 2	Year 3	Year 4	Year 5	
Leeds metropolitan area						
Leeds City Region						
UK Residents						
International						
Total						
Other Developments (£'000) – For each type of development e.g. Hotel						
Origin of Visitors	Year 1	Year 2	Year 3	Year 4	Year 5	
Leeds metropolitan area						
Leeds City Region						
UK Residents						
International						
Total						
Other Developments (£'000) – For each type of development e.g. Retail						
Origin of Visitors	Year 1	Year 2	Year 3	Year 4	Year 5	
Leeds metropolitan area						
Leeds City Region						
UK Residents						
International						
Total						

Table 3G: Market Share Tables¹³

Casino												
Visitors	Year 1		Year 2		Year 3		Year 4		Year 5		Average	
	LMA	LCR	LMA	LCR	LMA	LCR	LMA	LCR	LMA	LCR	LMA	LCR
Total												
Leeds metropolitan area												
Leeds City Region												
UK												
Non UK												
Other Developments : for each development e.g. Hotel												
Total												
Leeds metropolitan area												
Leeds City Region												
UK												
Non UK												

¹³ Please indicate your anticipated share of both the local and regional market places in terms of the:

- (a) Proportion of total visitor spend at your facility compared to the total spend at your own and (if relevant similar facilities) in the local and regional areas; and,
- (b) **If possible** the breakdown of these shares by visitor type.

Other Developments : for each development e.g. Retail												
Total												
Leeds metropolitan area												
Leeds City Region												
UK												
Non UK												

Appendix 4 Qualifications and Training Data

For illustration only. Tables 4A and 4B to be completed by applicants is provided in electronic form as part of the full application pack. Please **complete separate sections within the table for each type of development** included within your proposal, i.e. for the casino and each of the elements of any related elements developments.

Table 4A: Qualifications and Skills

Casino		
Role	Pre-Employment Qualifications required including NVQs	Pre Employment Skills Required
e.g. Dealer	Personal Functional Licence	<ul style="list-style-type: none"> o Ability to deal games. o Good customer service skills. Sound understanding of the Current Gaming Legislation and LCCP. o Good communication and interpersonal skills.
Other Developments : for each type of development e.g. Hotel		
Role	Pre-Employment Qualifications required including NVQs	Pre Employment Skills Required
e.g. Restaurant Manager	N/A	<ul style="list-style-type: none"> o Previous experience in a similar hospitality role. o Good customer service skills. o Knowledge of Health and Safety regulations.
Other Developments : for each type of development e.g. Retail		
Role	Pre-Employment Qualifications required including NVQs	Pre Employment Skills Required
e.g. Shop Manager		

Table 4B: Training Expenditure per head per annum¹⁴

Casino						
Role	Leeds metropolitan area			Leeds City Region		
	NVQ ¹⁵	Other Formal ¹⁶	On the Job ¹⁷	NVQ	Other Formal	On the Job

Other Developments: for each type of development e.g. Hotel

Role	Year 1		Year 2		Year 3		Year 4		Year 5		Average Turnover Rates
	NVQ	Other Formal	NVQ	Other Formal	NVQ	Other Formal	NVQ	Other Formal	NVQ	Other Formal	

Other Developments: for each type of development e.g. Retail

Role	Year 1		Year 2		Year 3		Year 4		Year 5		Average Turnover Rates
	NVQ	Other Formal	NVQ	Other Formal	NVQ	Other Formal	NVQ	Other Formal	NVQ	Other Formal	

¹⁴ Please state the average annual expenditure per head per annum in relation to each role and whether this relates to an NVQ, other forms of formal or 'on the job' training (where no expenditure is likely please state 'N/A')

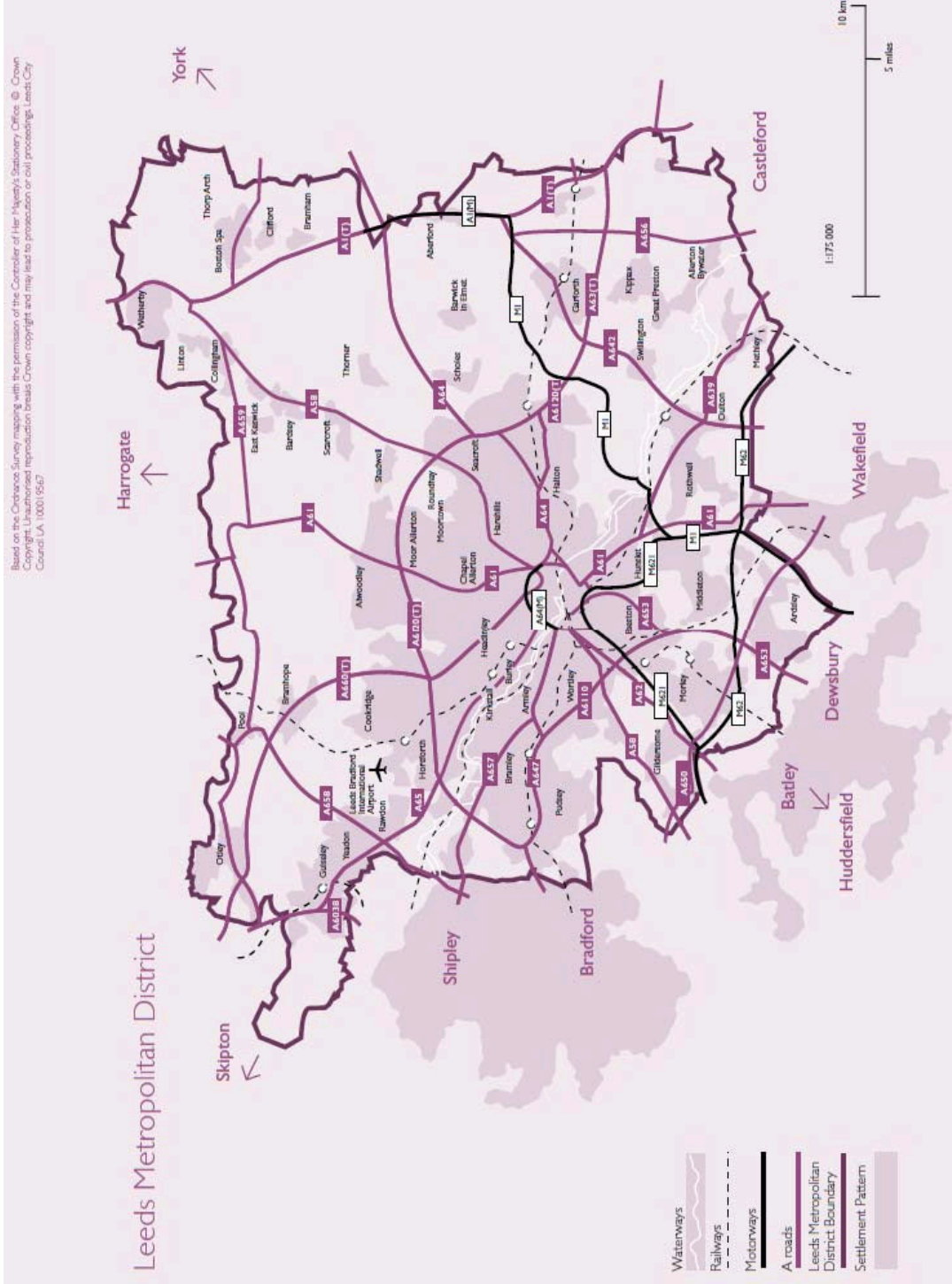
¹⁵ Please indicate against expenditure relevant NVQ (e.g. £1000, NVQ3)

¹⁶ Please indicate against expenditure relevant qualification (e.g. £2000, City and Guilds)

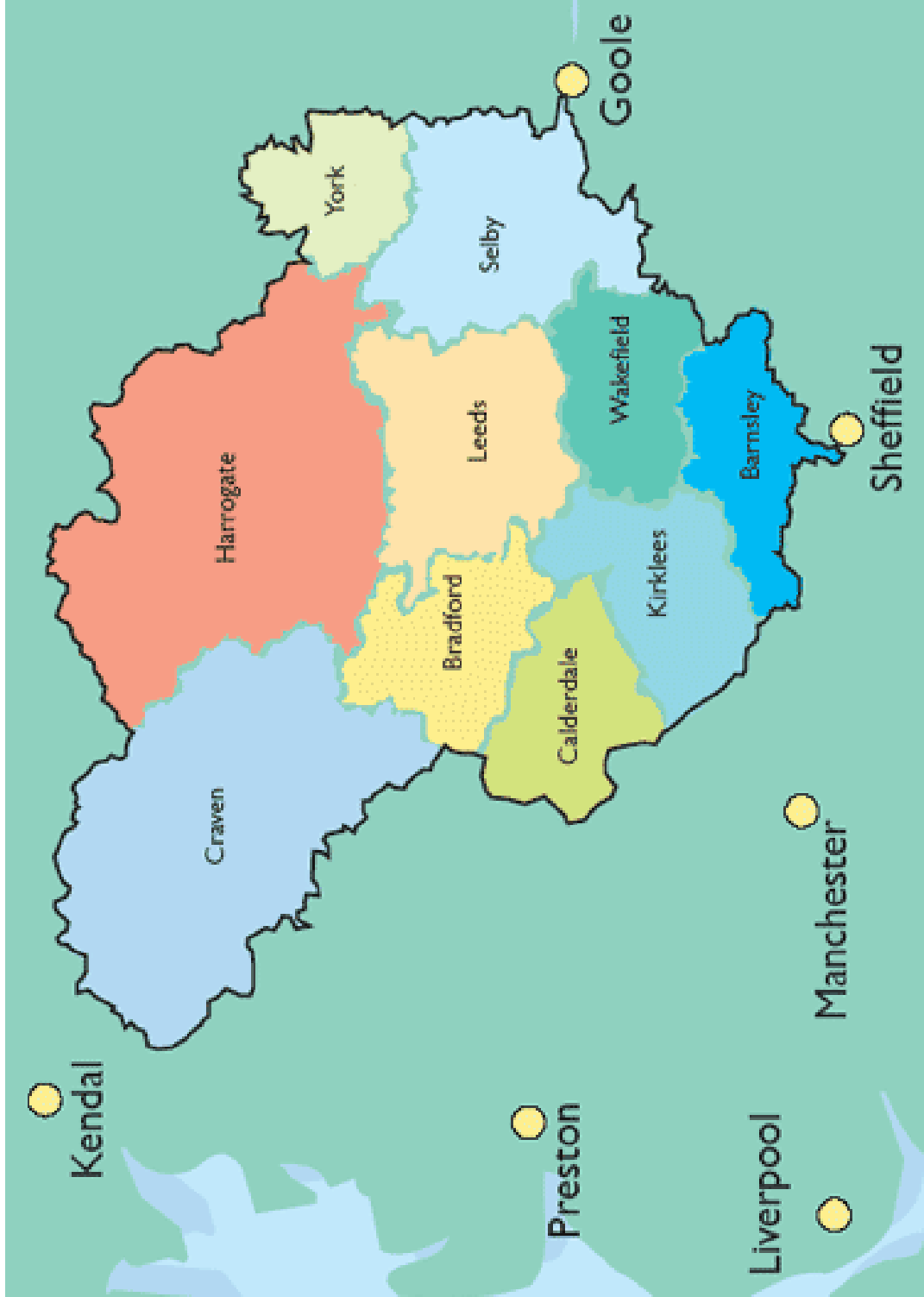
¹⁷ Please indicate the type of training provided for each role (with, where necessary, attached notes indicating the number and type of training courses provided e.g. health and safety, 3 days per annum, money laundering 1 day per annum etc)

Appendix 5 Area Maps

Leeds metropolitan area = Evaluation Area



Leeds City Region



Advisory Panel Terms of Reference

Large Casino Application Pack



Background

In May 2008 Parliament gave Leeds City Council ("the council") the right to grant a premises licence for a large casino under the Gambling Act 2005.

Before granting such a licence, the council must hold a competition.

Stage 1 of the competition imposes a regulatory test, whereby applications are tested for the compliance with the gambling licensing objectives, the Gambling Commission's codes of practice and guidance and the licensing authority's licensing policy.

Should more than one applicant pass through stage 1, the process will proceed to the second stage with each successful applicant being invited to submit information about how their application would, if granted, be likely to result in the greatest benefit to the area.

The licence will be awarded to the applicant whose application would provide the greatest benefit to the area. The decision will be taken by the council's Licensing Committee. It is recognised that the Licensing Committee does not necessarily have specialised expertise required to fully evaluate each application. It will seek professional expertise from officers of the council. Where this expertise is not available, it may seek independent expertise from outside the council.

For this purpose, the Licensing Committee will appoint a non-statutory panel to assist it in the evaluation of the stage 2 application process. This panel is called the "Advisory Panel". The Advisory Panel will independently evaluate each application using the evaluation methodology and scoring provided in the application pack.

This document provides a 'Terms of Reference' for the Advisory Panel and is intended to act as a guidance for Advisory Panel members in undertaking the evaluation of each application.

Advisory Panel Function

The Advisory Panel will provide the following functions:

- Evaluation of each element of each application against the Evaluation Methodology.
- Lead dialogue with applicants.
- Scoring of each application.

To ensure there are no conflicts of interest, applicants will be provided with a list of Advisory Panel members during the Stage 1 application process. Where objections are made, it will be necessary for applicants to give details of the substance of such objection. These objections will be considered by the Licensing Committee before the evaluation of stage 2 applications commence.

Composition of the Advisory Panel

The make up of the Advisory Panel will be provided at a future date. At this stage, it is expected that the panel will be composed from the following:

Composition of the Advisory Panel	
Financial advisors	to review and undertake evaluation of information submitted under Evaluation Criteria 1.
Economic advisors	to undertake the assessment of gross figures to translate this into net impact, to review and assess strategy and vision to maximise benefit as per Evaluation Criteria 2.

Composition of the Advisory Panel	
Economic advisors	to undertake assurance of the assessment of gross to net figures as per criterion 2.2.
Economic/ employment advisors	to review and undertake evaluation of information on employment and training.
Problem Gambling/ Social/ Health/ Equality advisors	to review and undertake evaluation of information under sub-criteria.
Legal advisors	to review the response to the schedule 9 agreement and to provide legal advice to Advisory Panel.
Commercial advisors	to review the commercial information and to lead clarification during the dialogue phase.
Quantity Surveyor/ Construction Project Management	to review information presented to support the deliverability of schemes.
Casino advisors	to review and assist in the evaluation across all criteria.
Strategy and Policy advisors	to review and assist in the evaluation of information submitted relating to its fit with local strategies and policies.
Project Management/ legal advisors	to co-ordinate and administrate the stage 2 procedure.

In line with the procedure detailed in the "Stage 2 Guidance" document, the Advisory Panel will:

- Lead the stage 2 procedure but will not be responsible for determining who to grant a licence to.
- Appraise each application to check for compliance with instructions in the stage 2 evaluation methodology, and outline areas where clarification is required.
- Undertake a net economic impact assessment of each application for the proposals applicants will make a contractual commitment to deliver along with meaningful payment.
- Appraise responses to the schedule 9 agreement and negotiate on the contents of this throughout the stage 2 dialogue process.
- Engage in dialogue with each second stage applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Leeds metropolitan area that would result from it (were it granted).
- Discuss enhancements to the applicant's offer and whether an applicant is willing to enhance any aspect of their bid.
- Once all the final documents pertaining to the applications are received, evaluate each applications against the Evaluation Methodology. This methodology includes a scoring matrix which will provide a numerical score. Advisory Panel will produce a score for each application.
- Produce an evaluation report for each application, detailing the rationale for the score and to outline the outcomes of the evaluation.
- Make available to each applicant their evaluation report so the applicant can outline where they feel there are factual inaccuracies. Advisory Panel will ensure these are noted in the final report.
- Report its findings to the Licensing Committee.

Conduct of Members of the Advisory Panel

1. Members will have no contact with applicants or their representative save as specified above.
2. Members will ensure so far as they are able that all applicants receive equal treatment.
3. Members will not discuss their participation in 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.

4. 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, whether during or after the licensing process.
5. Members will comply with the stage 2 evaluation methodology and stage 2 guidance at all times
6. All members should sign for receipt and acceptance of these Terms of Reference.

CONTENTS

Clause

Page

[Table of contents to be inserted once document in agreed form]

This Agreement is dated

201[]

PARTIES

- (1) **LEEDS CITY COUNCIL** of Civic Hall, Leeds LS1 1UR (the “**Council**”);
- (2) [] of [address] (the “**Licensee**”); and
- (3) [] of [address] (the “**Guarantor**”)

INTRODUCTION

- (1) Words which are defined in Clause 1 below shall bear the same meaning when used in paragraphs (2) to (8) below.
- (2) The Council is the licensing authority for the purposes of the Act for the Premises.
- (3) The Licensee has applied for a Licence/Provisional Statement under the Act for the Premises.
- (4) The Council has resolved that it is minded to grant a Licence/Provisional Statement..... subject to the execution of this Agreement.
- (5) The parties have agreed to enter into an agreement under Schedule 9 of the Act in order to secure delivery of the benefits set out in this Agreement.
- (6) The parties acknowledge that the Licence/Provisional Statement will contain a condition attached to the Licence//Provisional Statement under section 169 of the Act so as to give effect to the Licensee’s obligations contained in this Agreement.
- (7) This Agreement is executed by the Council as the licensing authority pursuant to its powers in Schedule 9 paragraph 5 of the Act.
- (8) The parties acknowledge that the Public Contracts Regulations 2006 do not apply to this Agreement. This Agreement is indivisibly linked to the granting of the Licence/Provisional Statement and accordingly, any works or services proposed by the Licensee under this Agreement are wholly dependent on the Licence/Provisional Statement, ancillary to it and would not be entered into by the parties in the absence of the Licence/Provisional Statement.

1 DEFINITIONS AND INTERPRETATION

1.1 The definitions and rules of interpretation set out in this Clause apply to this Agreement:

“Act” the Gambling Act 2005

“Additional Payment” a payment or payments to be notified by the Council to the Licensee representing any reduction in benefit and/or loss to the City of Leeds economy which the Council believes will result from any:

- (a) permitted variation of this Agreement pursuant to Clause 6;
- (b) removal of the Licence/Provisional Statement pursuant to Clause 14; and/or
- (c) Permitted Transfer

“Additional Costs” all costs (including the cost of legal or professional services, legal costs being on an agent/client, client paying basis), expenses and charges whether arising under statute, contract or at common law

“Applicable Law” any applicable Act of Parliament, subordinate legislation within the meaning of subsection 21(1) of the Interpretation Act 1978, exercise of the royal prerogative, enforceable community right within the meaning of section 2 of the European Communities Act 1972, regulatory policy, guidance or industry code, judgment of a relevant court of law, or directives or requirements or any Regulatory Body of which the relevant party is bound to comply

“Application” the Licensee’s application to the Council in respect of the Licence/Provisional Statement

“Benefit” a benefit described in paragraph 2 of Schedule 1 and **“Benefits”** shall be construed accordingly

“Challenge” the commencement of proceedings in the High Court by way of application for judicial review (including any application for permission to make such an application) or by any other claim or application in relation to any decision taken by the Council with respect to the Application the Licence or Provisional Statement

“Contribution” a contribution described in paragraph 1 of Schedule 1 and **“Contributions”** shall be construed accordingly

“Direct Losses” all damage, losses, liabilities, claims, actions, costs, expenses (including the cost of legal or professional services, legal costs being on an

agent/client, client paying basis), proceedings, demands and charges whether arising under statute, contract or at common law but, to avoid doubt, excluding Indirect Losses

“**EIR**” the Environmental Information Regulations 2004

“**FOIA**” the Freedom of Information Act 2000

“**Fraud**” means any offence under Applicable Law in respect of fraudulent acts in relation to this Agreement or defrauding or attempting to defraud or conspiring to defraud the Council

“**Initial Payment**” means the sum paid or payable pursuant to paragraph 1.1 of Schedule 1;

“**Indirect Losses**” means loss of profits, loss of use, loss of production, loss of business, loss of business opportunity, or any claim for consequential loss or for indirect loss of any nature but excluding any of the same that relate to loss of revenue under this Agreement

“**Licence**” a premises licence for a large casino under the Act for the Premises

“**Monitoring Fees**” the fees specified by the Council in accordance with Clause 21 of this Agreement

“**New Schedule 9 Agreement**” an agreement under subsection 188(6) of the Act executed by a Preferred Transferee in a form which has been approved by the Council and is substantially similar to this Agreement and which will ensure that the Contributions and the Benefits are secured for the future;

“**Permitted Transfer**” a transfer of the Licence/Provisional Statement granted pursuant to section 188 of the Act

“**Permitted Transferee**” a person to whom the Council as licensing authority grants an application for transfer of the Licence pursuant to section 188 of the Act

“**Premises**” []

“**Premium**” any payment received or receivable by the Licensee from a Permitted Transferee in connection with or for the transfer of the Licence/Provisional Statement

“**Provisional Statement**” a provisional statement granted pursuant to section 204 of the Act to the Licensee

“Regulatory Bodies” those government departments and regulatory, statutory and other entities, committees, ombudsmen and bodies which, whether under statute, rules, regulations, codes of practice or otherwise, are entitled to regulate, investigate, or influence the matters dealt with in this Agreement or any other affairs of the relevant party and “Regulatory Body” shall be construed accordingly

“Relevant Payment” any of the payments described in column 3 of the table in Schedule 2

“Termination Payment” a payment to the Council by the Licensee following the revocation, lapsing, surrender or termination of the Licence/Provisional Statement in the sum of [£]

“Transfer Payment” a payment calculated in accordance with Schedule 4

“VAT” value added tax chargeable under the Value Added Tax Act 1994 or any similar replacement or additional tax.

“Working Day” any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in all or part of England and Wales but excluding the period from 24th December to the immediately following 2nd January (inclusive)

1.2 In interpreting this Agreement:

1.2.1 where in this Agreement reference is made to any clause, paragraph or schedule, such reference is to a clause, paragraph or schedule in this Agreement;

1.2.2 words importing the singular meaning include the plural and vice versa, except where the context requires otherwise;

1.2.3 words of the masculine gender include other genders, and words denoting persons include corporate persons and associations;

1.2.4 where there is more than one party to this Agreement, all obligations are joint and several;

1.2.5 any reference to an Act of Parliament or subordinate legislation includes any modification or re-enactment of the same and all instruments or orders of whatever nature made under it or deriving from it; and

1.2.6 references to any party to this Agreement shall include successors in title to that party.

2 **LEGAL BASIS**

This Agreement is made pursuant to Schedule 9 of the Gambling Act 2005, section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000 and all other powers enabling such agreement.

3 **CHALLENGES**

3.1 If any third party makes a Challenge, or notifies the Council of its intention to make a Challenge, the Council shall:

3.1.1 as soon as reasonably practicable, give written notice of the Challenge to the Licensee;

3.1.2 keep the Licensee informed of progress of the Challenge;

3.1.3 give the Licensee and its professional advisers copies of all documents relating to the Challenge within 5 Working Days of the Council or its legal representatives sending or receiving the same;

3.1.4 give the Licensee at least 5 Working Days' notice of any meetings to be held in connection with the Challenge and will give the Licensee and the Council's representative the opportunity to attend and a copy of any minutes.

3.2 The Licensee shall at its own expense give all assistance required by the Council in defending or dealing with the Challenge including providing copies of correspondence and other documents relevant to the Challenge, providing suitable witnesses and attending at any conference with the Council's legal representatives or Court hearing.

3.3 For the avoidance of doubt the Council shall be entitled to defend or deal with such Challenge as it sees fit.

4 **PAYMENTS**

4.1 The Licensee shall pay the Payments to the Council on the date or dates specified in paragraph 1 Schedule 1 of this Agreement.

4.2 If the Licensee does not provide the Benefits on the date or dates specified in Schedule 1 the Licensee shall pay to the Council the Relevant Payment(s) as set out in Schedule 2 on the dates or dates specified in that Schedule.

4.3 If the Council specifies pursuant to Clause 6, 14.3 or 15.3. that an Additional Payment is payable, the Licensee shall pay the Additional Payment to the Council within 10 Working Days of receipt of a written request.

4.4 If the Council specifies pursuant to Clause 15.3 that a Transfer Payment is payable, the Licensee shall pay the Transfer Payment to the Council within 10 Working Days of receipt of a written request.

4.5 **General Provisions**

4.5.1 All payments which are to be made to the Council shall be made by banker's standing order or by any other method that the Council requires at any time by giving notice to the Licensee.

4.5.2 All monetary amounts which are expressed in this Agreement are exclusive of any VAT which is payable on and in addition to such amounts.

4.5.3 If a payment due from the Licensee under or in connection with this Agreement is subject to tax (whether by way of direct assessment or withholding at its source), the Council shall be entitled to receive from the Licensee such amounts as shall ensure that the net receipt, after tax, to the Council in respect of the payment is the same as it would have been were the payment not subject to tax.

5 **BENEFITS**

5.1 The Licensee shall provide the Benefits on or before the date or dates specified in Schedule 1.

5.2 In the event that the Council is not satisfied that the Benefits (or any of them) have been provided by the specified date or dates, the Licensee shall pay the Relevant Payment relating to that Benefit or Benefits to the Council by way of liquidated and ascertained damages. The parties confirm that these sums represent a genuine pre-estimate of the Council's loss and are commercially justifiable.

5.3 The Licensee acknowledges and agrees that the obligation in Clause 5.2 will be without prejudice to any other remedies which the Council has for non-provision of the Benefits, including but not limited to:

5.3.1 enforcement of the conditions of the Licence/Provisional Statement;

5.3.2 a claim in debt or specific performance;

5.3.3 a claim under the indemnity in Clause 19.

6 VARIATIONS

- 6.1 No variation of this Agreement shall be effective unless it is in writing and signed by the parties (or their authorised representatives).
- 6.2 Should the Council believe that a proposed variation of this Agreement by the Licensee will result in any reduction in benefit and/or loss to the City of Leeds economy then the Council may specify that an Additional Payment be paid as a condition of and prior to the Council granting its approval to the same.
- 6.3 The parties acknowledge that a variation of this Agreement shall only have effect if it is accompanied by a variation of the condition which is attached to the Licence/Provisional Statement under section 169 of the Act, such variation being under section 187 of the Act, as is specified in paragraph 7(2)(c) of Schedule 9 of the Act.

7 RELATIONSHIP WITH LICENCE/PROVISIONAL STATEMENT

- 7.1 The Licensee shall use all reasonable endeavours to obtain the Licence as soon as possible after the date of this Agreement.
- 7.2 The parties acknowledge that the Licence/Provisional Statement will contain a condition which is attached to the Licence/Provisional Statement under section 169 of the Act so as to give effect to the Licensee's obligations contained in this Agreement.
- 7.3 On the revocation, suspension, lapsing, surrender, termination or transfer of the Licence/Provisional Statement:
- 7.3.1 if applicable, the Licensee shall pay the Termination Payment to the Council within 10 Working Days; and
 - 7.3.2 the obligations and covenants on the part of the Licensee and the Guarantor contained in this Agreement shall continue.
- 7.4 For the avoidance of doubt in the event that the grant of the Licence follows the issue of the Provisional Statement:
- 7.4.1 the Licensee's covenants herein shall continue in full force and effect; and
 - 7.4.2 all references herein to the Licence shall be deemed to include reference to a premises licence issued to the Licensee following the issue of the Provisional Statement.

8 INSOLVENCY AND CHANGE OF CONTROL OF LICENSEE AND/OR GUARANTOR

Insolvency

- 8.1 The Licensee shall provide the Council with notice in writing immediately upon becoming aware that any of the events listed in Clauses 8.2.1 to 8.2.7 is about to or will at any time occur in respect of the Licensee and/or the Guarantor.
- 8.2 The Licensee shall also provide the Council with notice in writing immediately upon the occurrence of any of the following events in respect of the Licensee and/or the Guarantor:
- 8.2.1 a proposal is made for a voluntary arrangement within Part I of the Insolvency Act 1986 or of any other composition scheme or arrangement with, or assignment for the benefit of, its creditors; or
 - 8.2.2 a shareholders' meeting is convened for the purpose of considering a resolution that it be wound up or a resolution for its winding-up is passed (other than as part of, and exclusively for the purpose of, a bona fide reconstruction or amalgamation); or
 - 8.2.3 a petition is presented for its winding up (which is not dismissed within 14 days of its service) or an application is made for the appointment of a provisional liquidator or a creditors' meeting is convened pursuant to section 98 of the Insolvency Act 1986; or
 - 8.2.4 a receiver, administrative receiver or similar officer is appointed over the whole or any part of its business or assets; or
 - 8.2.5 an application order is made either for the appointment of an administrator or for an administration order, an administrator is appointed, or notice of intention to appoint an administrator is given; or
 - 8.2.6 it is or becomes insolvent within the meaning of section 123 of the Insolvency Act 1986; or
 - 8.2.7 being a "small company" within the meaning of subsection 247(3) of the Companies Act 1985, a moratorium comes into force pursuant to Schedule A1 of the Insolvency Act 1986; or
 - 8.2.8 any event similar to those listed in Clauses 8.2.1 to 8.2.7 occurs under the Law of any other jurisdiction.

Change of Control

- 8.3 The Licensee and the Guarantor shall notify the Council immediately if either undergoes a change of control within the meaning of section 416 of the Income and Corporation Taxes Act 1988.

9 WAIVER OF AGREEMENT

No waiver (whether express or implied) by the Council of any breach or default in performing any of the covenants, terms or conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing the any of the relevant covenants, terms or conditions or for acting upon any subsequent breach or default.

10 INTEREST AND INDEXATION

- 10.1 Any monetary payments due under this Agreement shall carry interest at the rate of 4% above the Bank Rate of the Bank of England from time to time.
- 10.2 Any fixed monetary payments due under this Agreement shall increase on 1st January of each year by an amount equivalent to the increase in the Retail Price Index issued by the Office for National Statistics on 1st January of the preceding year.
- 10.3 In the event that the Retail Price Index ceases to be published or there is a change in the manner in which it is calculated or published so as to make it impossible to calculate the increase in any fixed payment in any year in accordance with the foregoing provisions the increase (if any) in such fixed payment for that year shall be determined (in the absence of agreement between the parties) in accordance with the procedure at Clause 11.

11 DISPUTE RESOLUTION

- 11.1 If a dispute arises between the parties in connection with this Agreement, the parties shall each acting in good faith use reasonable endeavours to resolve such dispute by means of prompt discussion at an appropriate level.
- 11.2 If a dispute is not resolved within 14 days of referral under Clause 11.1 then the parties may refer it to the Chief Executive or appropriate nominated officer of each party for resolution who shall meet for discussion within 14 days or longer period as the parties may agree.
- 11.3 If the procedure set out in Clause 11.1 and 11.2 fails to resolve the dispute the parties will attempt to settle it by mediation in accordance with the Centre for Dispute Resolution (CEDR) (Resolve) Model Mediation Procedure. To initiate the mediation a party must give notice in writing (the Alternative Dispute Resolution "ADR" notice) to

the other parties requesting mediation in accordance with this Clause. The mediation will take place not later than 28 days after the ADR Notice or within such period as the parties may agree. If there is any issue on the conduct of the mediation upon which the parties cannot agree within 14 days of the ADR notice, then either (CEDR-Resolve) will, at the request of any party, decide the issue for the parties having consulted with them.

11.4 If the dispute is not resolved under Clauses 11.1 to 11.3 then the parties may commence proceedings in the Courts for resolution of the dispute. For the avoidance of doubt compliance with Clauses 11.1 to 11.3 shall be a condition precedent to the commencement of any such proceedings SAVE THAT:-

11.4.1 nothing in this Clause 11.4 shall prevent any party applying for emergency relief from the Court including injunctive relief, at anytime; and

11.4.2 where any party fails to comply with any part of the procedure in Clauses 11.1 to 11.3 any other party may commence proceedings in accordance with this Clause notwithstanding that the said procedure has not been complied with and attempts to resolve the dispute by negotiation and mediation have not been deemed to have failed.

12 **GUARANTEE**

12.1 The Guarantor shall comply with the obligations set out in Schedule 3.

12.2 If any of the events described in Clauses 8.2 and/or 8.3 occurs in relation to the Guarantor the Licensee shall procure that a person of standing acceptable to the Council enters into a replacement or additional guarantee and indemnity of the Licensee's obligations under this Agreement in the same form as that entered into by the Guarantor. References to "the Guarantor" in this Agreement shall include references to any replacement or additional guarantor which is appointed pursuant to this Clause 12.2.

12.3 For so long as the Guarantor remains liable to the Council, the Licensee shall, if the Council requests, procure that the Guarantor joins in any consent or approval required under this Agreement and consents to any variation of this Agreement.

13 **DEALINGS**

This Agreement may not be assigned, charged, held on trust or in any way dealt with by the Licensee or the Guarantor.

14 **REMOVAL OF LICENCE/PROVISIONAL STATEMENT TO OTHER PREMISES**

14.1 It is acknowledged by the parties that as at the date of this Agreement licences granted under the Act cannot be varied so as to apply to any premises other than the Premises.

14.2 If there is a subsequent change in the law enabling the Licence/Provisional Statement to be removed to premises other than the Premises the Licensee will:

14.2.1 give at least 3 months' written notice of its intention to the Council together with full and accurate particulars of the proposed removal; and

14.2.2 promptly supply any further information that the Council requests in connection with the proposed removal;

in both cases with supporting data in sufficient detail to enable the Council to determine:

14.2.3 any impact upon the benefits which are to be delivered or proposed to be delivered by the Licensee pursuant to this Agreement; and

14.2.4 whether an Additional Payment is appropriate, and if so its amount.

14.3 On or before the removal of the Licence/Provisional Statement the Licensee will pay any Additional Payment to the Council on the date or dates which are specified by the Council.

14.4 Without prejudice to the generality of Clause 23, the parties will comply with all Applicable Law in relation to any removal of the Licence/Provisional Statement on the basis set out in this Clause 14 and in the event of any inconsistency between Applicable Law and this Clause 14, Applicable Law shall prevail.

15 **TRANSFER OF THE LICENCE/PROVISIONAL STATEMENT TO A PERMITTED TRANSFEREE**

15.1 The Licensee shall not assign, transfer or deal with the Licence/Provisional Statement or any part of the Licence/Provisional Statement or attempt or purport to do so save by way of a Permitted Transfer.

15.2 If at any time a transfer of the Licence/Provisional Statement is proposed the Licensee shall:

15.2.1 give at least 3 months' written notice to the Council together with full and accurate particulars of the proposed transfer, including details of the

proposed transferee and the amount of any Premium which is payable to the Licensee; and

15.2.2 promptly supply any further information that the Council requests in connection with the proposed transfer;

in both cases with supporting data in sufficient detail to enable the Council to determine:

15.2.3 any impact upon the benefits which are to delivered or proposed to be delivered by the Licensee pursuant to this Agreement; and

15.2.4 whether an Additional Payment is appropriate, and if so its amount; and

15.2.5 the amount of any Transfer Payment.

15.3 On or before completion of the New Schedule 9 Agreement the Licensee will pay to the Council any Additional Payment and/or Transfer Payment which is or are determined by the Council on the date or dates which are specified by the Council.

15.4 Without prejudice to the generality of Clause 23, the parties will comply with all Applicable Law in relation to any transfer or proposed transfer of the Licence/Provisional Statement and in the event of any inconsistency between Applicable Law and this Clause 15, Applicable Law shall prevail.

16 INFORMATION

16.1 The Licensee acknowledges:

16.1.1 that the Council is subject to the requirements of the FOIA and the EIR; and

16.1.2 that any information which the Licensee provides to the Council on the basis that it is confidential information may nevertheless need to be disclosed by the Council in order for the Council to comply with its obligations under the FOIA and the EIR; and

16.1.3 that in the event of a request for information the Council shall be responsible for determining at its absolute discretion whether information is exempt from disclosure and whether information is to be disclosed

and the Licensee agrees that it shall facilitate the Council's compliance with its information disclosure requirements pursuant to the aforementioned

17 **NO FETTER OF STATUTORY FUNCTIONS/DISCRETIONS**

The obligations of the Council under this Agreement are obligations of the Council in its capacity as Licensing Authority and nothing in this Agreement shall operate as an obligation upon or in any other way fetter or constrain the Council in any other capacity nor shall the exercise by the Council of its duties and powers in any other capacity lead to any liability under this Agreement (howsoever arising) on the part of the Council to the Licensee nor affect or reduce any payments which are due under or in connection with this Agreement.

18 **WARRANTIES**

18.1 The Licensee and the Guarantor each warrants and represents to the Council that:

18.1.1 it has full capacity, authority, consents (including where its procedures so require, the consent of its parent company) and the funding and financial resources which are necessary to enter into and perform its obligations under this Agreement;

18.1.2 this Agreement is executed by a duly authorised representative;

18.1.3 in entering this Agreement it has not committed any Fraud;

18.1.4 as at the date of this Agreement, all information contained in the Application remains true, accurate and not misleading, save as may have been specifically disclosed in writing to the Council prior to execution of this Agreement;

18.1.5 no claim is being asserted and no litigation, arbitration or administrative proceeding is presently in progress or, to the best of its knowledge and belief, pending or threatened against it or any of its assets which will or might have a material adverse effect on its ability to perform its obligations under this Agreement;

18.1.6 it is not subject to any contractual obligation, compliance with which is likely to have a material adverse effect on its ability to perform its obligations under this Agreement;

18.1.7 no proceedings or other steps have been taken and not discharged (nor, to the best of its knowledge, are threatened) for its winding up or for its dissolution or for the appointment of a receiver, administrative receiver, liquidator, manager, administrator or similar officer in relation to any of its assets or revenue;

18.1.8 in the three 3 years prior to the date of this Agreement:

18.1.8.1 it has conducted all financial accounting and reporting activities in compliance in all material respects with the generally accepted accounting principles that apply to it in any country where it files accounts;

18.1.8.2 it has not done or omitted to do anything which could have a material adverse effect on its assets, financial condition or position as an ongoing business concern or its ability to fulfil its obligations under this Agreement.

18.2 The Licensee warrants and represents to the Council that:

18.2.1 as at the date of this Agreement, all information which has been provided to the Gambling Commission in support of the related application for an Operating Licence (or otherwise) is true, accurate and not misleading, save as may have been specifically disclosed in writing to the Council and the Gambling Commission prior to execution of this Agreement; and

18.2.2 as a continuing obligation, all information which is provided to the Gambling Commission after the date of this Agreement in support of an application for an Operating Licence (or otherwise) shall also be provided to the Council and shall be true, accurate and not misleading, save as may be specifically disclosed in writing to the Council and the Gambling Commission prior to or at the time of such information being provided.

19 INDEMNITY

19.1 Notwithstanding the provisions of clause 5.3 the Licensee shall indemnify the Council against all Additional Costs suffered or incurred by the Council arising out of or in connection with any failure to provide the benefits which are set out in Schedule 2 (or any of them) at any time following the relevant date or dates,

19.2 The Licensee shall indemnify the Council against all Direct Losses suffered or incurred by the Council arising out of or in connection with:

19.2.1 any breach of the warranties contained in Clause 18;

19.2.2 the Licensee's breach or negligent performance or non-performance of this Agreement (apart from any failure to provide the benefits which are set out in Schedule 2, in respect of which Clauses 4.2 and 17.1 shall apply).

20 **INSURANCE**

- 20.1 The Licensee and the Guarantor shall effect and maintain with a reputable insurance company a policy or policies of insurance providing an adequate level of cover in respect of all risks which may be incurred by them and the performance of their obligations under this Agreement. Such insurance shall be maintained for the duration of this Agreement and for a minimum of 6 (six) years following its termination.
- 20.2 The Licensee and the Guarantor shall give the Council, on request, copies of all insurance policies referred to in this paragraph or a broker's verification of insurance to demonstrate that the appropriate cover is in place, together with receipts or other evidence of payment of the latest premiums due under those policies.
- 20.3 If, for whatever reason, the Licensee and/or the Guarantor fails to give effect to and maintain the insurances required by the provisions of this Agreement the Council may make alternative arrangements to protect its interests and shall be entitled to recover the costs of such arrangements from the relevant party.
- 20.4 The provisions of any insurance or the amount of cover shall not relieve the Licensee and the Guarantor of any liabilities under this Agreement. It shall be the responsibility of the Licensee and the Guarantor to determine the amount of insurance cover that will be adequate to enable the Licensee and the Guarantor to satisfy any liability referred to in Clause 20.1.

21 **MONITORING**

- 21.1 On completion of this Agreement and on each anniversary thereafter the Licensee shall pay to the Council the Monitoring Fees specified by the Council in respect of the costs incurred or to be incurred by the Council in connection with following monitoring activities:

21.1.1 monitoring the performance of the Licensee and its compliance with the requirements of Schedule 1, such costs to include the costs of instructing external consultants to review the reports submitted by the Licensee and advise the Council thereon; and

21.1.2 the operation of a robust system of monitoring, management and mitigation to ensure that the social and health risks are closely monitored to prevent, or at least minimize, the potentially harmful effects of the new casino

such fees not to exceed an annual cap which shall be specified by the Council each year and which, as at the date of this Agreement, is £[50,000].

22 **AUDIT**

- 22.1 The Licensee shall keep and maintain until 6 years after the termination of this Agreement, or as long a period as may be agreed between the parties, full and accurate records of the matters referred to in Schedule 1 and Schedule 2. The Licensee shall on request afford the Council or the Council's representatives such access to those records as may be requested by the Council.
- 22.2 The Licensee shall in so far as it is lawful and reasonable permit the Council or persons authorised by it to have access to the Premises for all reasonable purposes and to have access to any premises where any reports books accounting records and other information relating to the Licence/Provisional Statement and/or this Agreement and/or any New Schedule 9 Agreement shall be prepared or kept for the purposes of inspecting, auditing and taking copies (on an "open book" basis) of any of the same which the Council (acting reasonably) considers relevant.

23 **APPLICABLE LAW**

The parties shall comply with Applicable Law in relation to the execution and implementation of this Agreement.

24 **COSTS**

24.1 The Licensee shall pay the costs and expenses of the Council including any solicitors' or other professionals' costs and expenses (both internal and external) as specified by the Council which are incurred in connection with or in contemplation of:

- 24.1.1 the negotiation, preparation and execution of this Agreement (in this case upon its completion);
- 24.1.2 the enforcement of the any of the Licensee's obligations in this Agreement;
- 24.1.3 serving any notice in connection with this Agreement or taking any proceedings, notwithstanding that relief is granted by the court; and
- 24.1.4 any consent or approval applied for under this Agreement, whether or not it is granted

but excluding for the avoidance of doubt the costs of any review application under section 197 of the Act.

24.2 Where the Licensee is obliged to pay or indemnify the Council against any solicitors' or other professionals' costs and expenses (whether under this or any other Clause of

this Agreement) that obligation extends to those costs and expenses assessed on a full indemnity basis.

25 **RIGHTS OF THIRD PARTIES**

The parties to this Agreement do not intend that any of its terms will be enforceable by virtue of this Agreements (Rights of Third Parties) Act 1999 by any person not a party to it.

26 **MISCELLANEOUS**

- 26.1 If any clause of this Agreement is found to be invalid, illegal or unenforceable, then this shall not affect the validity or enforceability of the remaining provisions of this Agreement.
- 26.2 This Agreement is governed by and interpreted in accordance with the law of England and Wales.
- 26.3 Nothing in this Agreement creates or implies a partnership or joint venture between the parties and the Licensee shall not be or be deemed to be an agent of the Council and shall not hold itself out as having authority or power to bind the Council in any way.
- 26.4 The parties to this Agreement hereby acknowledge that this Agreement forms the entire agreement between them relating to its subject matter and the Licensee acknowledges that no representation whether oral or written has been made to it before this Agreement by or on behalf of the Council which has influenced or induced it to enter in to this Agreement or any other agreement connected in any way with the subject matter of this Agreement.
- 26.5 The rights and remedies provided under this Agreement are in addition to, and not exclusive of, any rights or remedies provided by law.
- 26.6 Without prejudice to Clause 15, each party shall and shall use all reasonable endeavours to procure that any necessary third party shall promptly execute and deliver such documents and perform such acts as may reasonably be required for the purpose of giving full effect to this Agreement.
- 26.7 No party shall make, or permit any person to make, any public announcement concerning this Agreement without the prior written consent of the other parties (such consent not to be unreasonably withheld or delayed), except as required by law, any governmental or regulatory authority (including, without limitation, any relevant securities exchange), any court or other authority of competent jurisdiction.

26.8 This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute an original of this Agreement, but all the counterparts shall together constitute the same agreement. No counterpart shall be effective until each party has executed at least one counterpart.

IN WITNESS whereof the parties hereto have executed this Agreement on the day and year first before written.

SCHEDULE 1

NOTE: References to sub-criteria in the clauses below refer to the sub-criteria set out in the Evaluation Framework and Guidance contained in the application pack. Applicants should complete Schedules 1 and 2 in accordance with the information provided by the Applicant in order to meet the requirements set out in the relevant sub-criteria.

1 FINANCIAL CONTRIBUTIONS

NOTE: The amount of any Payments must be clearly stated and in the case of any variable annual payments the formula to be used for the calculation of such variable payments must be provided. The payments should be referenced as appropriate to the financial model to be provided as part of the application in accordance with sub-criteria 1.1.4.

Set out here the following:-

- 1.1 *The amount of any payment to be made on completion of this Agreement (sub-criteria 1.1.2)*
- 1.2 *The amount of any fixed payments to be made annually on the anniversary of the completion of this Agreement (sub-criteria 1.1.3)*
- 1.3 *The amount of any variable annual payments to be made, identifying the basis for the calculation of such variable payment (including any formulae to be used), setting out the assumptions made, if any, identifying the amount of any minimum payments to be made and the circumstances in which such minimum payments would be made rather than the payments calculated in accordance with the appropriate formula. The approach taken to the calculation of such variable payments should relate back to the information to be provided by the applicant under sub-criteria 3.2.1.*

2 SOCIAL AND ECONOMIC BENEFITS

NOTE: The benefits listed below should be referenced back to and correlate with the information to be provided as part of the application under sub-criteria 2.1 and 3.2.4. Of the benefits set out in the application, the applicant should only include here those in respect of which the applicant is prepared to make a definite commitment and for which the applicant is prepared to make a payment under Schedule 2 in the event of failure to supply the benefit on time.

2.1 Strategy and Vision

Set out here the following:

- 2.1.1 *Those benefits (other than physical developments) of which are included in the information provided pursuant to sub-criterion 2.1 (if any) which the applicant will commit to their provision; .*
- 2.1.2 *Depending on the benefits identified in paragraph 2.1.1, the proposals for reporting of progress to the Council in relation to the delivery of those benefits, the specific information to be provided to the Council to enable*

the Council to monitor progress and reporting frequencies and the format thereof.

2.2 Economic benefits

NOTE: The benefits listed below should be referenced back to and correlate with the information relating to gross socio economic data to be provided as part of the application under sub-criteria 2.2, 2.2.1 and 2.2.2. Of the benefits set out in the application, the applicant should only include here those in respect of which the applicant is prepared to make a definite commitment and for which the applicant is prepared to make a payment under Schedule 2 in the event of failure to supply the benefit on time.

2.2.1 *Set out here a detailed description of the economic benefit (if any) or physical development (if any) which the applicant will commit to deliver, the means whereby such delivery will take place (including proposed uses and amounts of floorspace to be provided, if appropriate) with details of any actions which the applicant will commit to undertake to secure delivery and any timeframes for their delivery, completion or for their occupation/bringing into use to which the applicant will commit.*

2.2.2 *Depending on the benefits identified in paragraph 2.2.1, the proposals for reporting of progress to the Council in relation to the delivery of those benefits, the specific information to be provided to the Council to enable the Council to monitor progress and reporting frequencies and the format thereof.*

2.3 Social Benefits

NOTE: The benefits listed below should be referenced back to and correlate with the information relating to net social impacts gross socio economic data to be provided as part of the application under sub-criterion 2.3. Of the benefits set out in the application, the applicant should only include here those in respect of which the applicant is prepared to make a definite commitment and for which the applicant is prepared to make a payment under Schedule 2 in the event of failure to supply the benefit on time.

2.3.1 *Set out here a detailed description of the social benefits which the applicant will commit to deliver, the means whereby such delivery will take place with details of any actions which the applicant will commit to undertake to secure delivery and any timeframes for their delivery to which the applicant will commit.*

2.3.2 *Set out any actions to be taken to reduce or mitigate any negative social impacts together with details of those actions to which the applicant will commit to undertake and any timeframes for the completion of such actions to which the applicant is prepared to commit;*

2.3.3 Depending on the benefits identified in paragraph 2.2.1 and the actions identified in paragraph 2.3.2, the proposals for reporting of progress to the Council in relation to the delivery of those benefits or completion of those actions, the specific information to be provided to the Council to enable the Council to monitor progress and reporting frequencies and the format thereof.

3 RISK AND DELIVERABILITY

NOTE The commitments listed below should be referenced back to and correlate with the information relating to deliverability, finance, occupation and credibility of approach to implementation provided under sub-criteria 3.2 and 3.2.1-3.2.4. The applicant should only include here those in respect of which the applicant is prepared to make a definite commitment and for which the applicant is prepared to make a payment under Schedule 2 in the event of failure to supply the benefit on time.

3.1 *Please insert here any additional commitments the Applicant is prepared to make in relation to the information relating to together with any relevant timeframes for their delivery.*

SCHEDULE 2

(Relevant Payments)

Set out in the box below the sum(s) or the means of calculating the sum(s) which the Applicant will pay if the benefits described in Schedule 1 are not delivered, setting out the date when such payment(s) will commence and, where appropriate, the payment period and the date, if any, when such sums will cease to be paid.

(1) Benefit/Action and relevant clause in Schedule 1	(2) Date(s) for provision or completion	(3) Relevant Payment: sum payable in the event that the Benefit/Action specified in Column 1 is not provided or delivered by the date specified in Column 2
1.		
2.		
3.		
4.		
5		
6		
7		
8		
9		
10		

SCHEDULE 3

(Provisions relating to Guarantor)

1 OBLIGATIONS GUARANTEED

- 1.1 The Guarantor as primary obligor and not only as guarantor, guarantees to the Council that the Licensee will comply with the terms of this Agreement.
- 1.2 As an independent obligation, the Guarantor agrees with the Council to comply with the terms of this Agreement if the Licensee does not do so and to indemnify the Council against any breach of those terms.
- 1.3 The Guarantor agrees that the Council may make a claim under this guarantee and indemnity without first making a claim against the Licensee
- 1.4 The Guarantor is to pay all sums due to the Council under this guarantee and indemnity without any legal or equitable set-off, counterclaim or deduction.

2 CONTINUATION OF THE GUARANTEE

- 2.1 The obligations of the Guarantor are not to be released by:
 - 2.1.1 any delay or neglect by the Council in enforcing the terms of this Agreement or any time allowed by the Council for their performance;
 - 2.1.2 any variation of the terms of this Agreement;
 - 2.1.3 the disclaimer of this Agreement by the Crown or by a liquidator or trustee in bankruptcy of the Licensee;
 - 2.1.4 the Licensee being struck off the register of companies or otherwise ceasing to exist;
 - 2.1.5 the Licensee or the Council giving consent to any matter under this Agreement;
 - 2.1.6 any legal limitation, immunity, disability, incapacity or other circumstances relating to the Licensee, whether or not known to the Council or any invalidity or irregularity of any of the Licensee's covenants in this Agreement or any unenforceability of any of them against the Licensee; or
 - 2.1.7 anything else which would have released the Guarantor whether by the variation of the obligations guaranteed or by the conduct of the parties.

3 **ADDITIONAL PROVISIONS**

- 3.1 The Guarantor is not to claim any rights of subrogation in respect of the obligations guaranteed by the Guarantor and is not entitled to participate in any security held by the Council in respect of those obligations unless and until those obligations have been performed or discharged in full.
- 3.2 The Guarantor is not to claim in competition with the Council in the insolvency of the Licensee and is not to take any security, indemnity or guarantee from that person in respect of those obligations.
- 3.3 If any payment made to the Council is set aside or avoided under the laws relating to insolvency, the Council may claim under this guarantee and indemnity in respect of that payment and "any settlement," release or discharge of the obligations guaranteed by the Guarantor is to take effect subject to this condition.
- 3.4 If there is more than one Guarantor, the obligations which they undertake can be enforced against them all jointly or against each individually.

SCHEDULE 4

(Transfer Payment)

Date of Permitted Transfer	Transfer Payment
From and including the date of this Agreement to [insert date] ¹	100% of the difference between the Initial Payment and the Premium or if there is no Initial Payment, the Premium.
From and including [insert date] ² to [insert date] ³	50% of the difference between the Initial Payment and the Premium or if there is no Initial Payment, 50% of the Premium.
From and including [insert date] ⁴	25% of the difference between the Initial Payment and the Premium or if there is no Initial Payment, 25% of the Premium.

¹ This will be the date which is 18 months from the date of this Agreement

² This will be the date immediately following the second date in Row 1

³ This will be the date which is 60 months from the date of this Agreement

⁴ This will be the date immediately following the second date in Row 2

THE COMMON SEAL OF LEEDS CITY COUNCIL

was affixed in the presence of

Authorised signatory:

EXECUTED AS A DEED by []

The Licensee

In the presence of:

EXECUTED AS A DEED by []

The Guarantor

In the presence of:

LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 14 June 2011 (hg)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			
Leeds PCT	Update on Alcohol Strategy and Health Matters		B
WYTSS	Test purchasing and other measures tackling under age sales		B
Constitution for HC trade forums	To approve new constitution (update report due in July 2011)	John Mulcahy	DP
Regular Renewal of CRBs for Licence Holders	Review, timetable to be agreed having regard to necessary public consultation	Des Broster	
TPHL Policy Review – ongoing review of the policies/conditions	Timetable for the reviews was agreed Feb 11, the policies/conditions will return to the Committee at the conclusion of the necessary consultation period (to include driver licences nationality & immigration status checks)	Des Broster (Sept 2011 – Jan 2012)	DP
NVQ/VRQs for drivers	Review ongoing arising from the Working Group	Des Broster	DP
SEVs	w/c 11 June 2012 applications to be considered		
Casino	w/c 25 June 2012 training followed by Casino Stage 1 application process		

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 17 May 2011 - cancelled			
Meeting date: June 2011			
Casino	Consultation & application pack	Sue Holden	B
Annual Governance arrangements	To note the Terms of Reference for the 11/12 Municipal Year and appoint Sub Committees	Gill Marshall	PM
Procedure Rules	To approve the Procedure Rules and note the Code of Practice for Determining Licensing applications	Gill Marshall	PM
Appeals	Outcome of recent appeals		

LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 14 June 2011 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: July 2011			
SEVs	Report on Policy and consultation responses	Sue Holden	DP
City Centre Quarterly Update	Discussion on city centre premises, licensing and policing	WYP	B
HC Trade Forum Constitution	Information report	John Mulcahy	B
Meeting date: August 2011			
Leeds Festival	Update prior to the Festival during August Bank Holiday	S Holder	B
Meeting date: September 2011			
Planning & Licensing		Chris Sanderson & Sue Holden	B
Meeting date: October 2011			
City Centre Quarterly Update	Discussion on city centre premises, licensing and policing	WYP	B
City Centre Night Time economy	Discussion on the night time strategy & economy	Clare McCall	B
Police Reform Bill	Update on the progress of the Police Reform Bill	Sue Holden	B

LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 14 June 2011 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: November 2011			
Meeting date: December 2011			
Meeting date: January 2012			
City Centre Quarterly Update	Discussion on city centre premises, licensing and policing	WYP	B
Meeting date: February 2012			
Meeting date: March 2012			

LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 14 June 2011 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: April 2012			
City Centre Quarterly Update	Discussion on city centre premises, licensing and policing	WYP	B
Meeting date: May 2012			

Key:

RP – Review of existing policy

PM – Performance management

SC – Statutory consultation

DP – Development of new policy

B – Briefings