

## LICENSING COMMITTEE

## MEETING TO BE HELD IN CIVIC HALL, LEEDS ON TUESDAY, 17TH JANUARY, 2012 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;

Agenda compiled by: Tel No:

**Governance Services** 

Civic Hall

**LEEDS LS1 1UR** 

**Helen Gray** 247 4355

## AGENDA

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS	
			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)	
			(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC	
			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.	
			2 To consider whether or not to accept the officers recommendation in respect of the above information.	
			3 If so, to formally pass the following resolution:-	
			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	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			LATE ITEMS	
			To identify items which have been admitted to the agenda by the Chair for consideration	
			(The special circumstances shall be specified in the minutes)	
4			DECLARATIONS OF INTEREST	
			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	
5			APOLOGIES FOR ABSENCE	
6			MINUTES	1 - 6
			To approve the minutes of the last meeting held on 15 <sup>th</sup> November 2011	
			(copy attached)	
7			LARGE CASINO APPLICATION PACK	7 - 32
			To consider the report of the Head of Licensing and Registration on the progress of the Large casino project and seeking approval of the draft application pack prior to the start of the Large casino application process.	
			(Report attached)	
			PLEASE NOTE that due to the volume of documentation, a copy of the application pack was despatched to Members of the Committee prior to Christmas in order for Members to have sufficient time to consider the contents.	
			Copies are available on request and Committee  Members are requested to bring their existing copy to the meeting	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			LICENSING WORK PROGRAMME	33 - 36
			To note and comment on the Licensing Work Programme	
			(Schedule attached)	
9			DATE AND TIME OF NEXT MEETING	
			To note the date and time of the next meeting as Tuesday 14 <sup>th</sup> February 2012 at 10:00 am	

### **Licensing Committee**

## Tuesday, 15th November, 2011

**PRESENT:** Councillor S Armitage in the Chair

Councillors K Bruce, R Downes, J Dunn, B Gettings, G Hussain, G Hyde, A Khan, P Latty, B Selby, C Townsley, D Wilson

and G Wilkinson

#### 46 Late Items

No formal late items of business were added to the agenda. The Committee had however received a representation submitted by Unite Leeds prior to the meeting in response to the Taxi & Private Hire information report (minute 50 refers).

#### 47 Declarations of Interest

There were no declarations of interest.

## 48 Apologies for Absence

Apologies for absence were received from Councillors Feldman and Hanley

#### 49 Minutes

**RESOLVED** – That the minutes of the previous meeting held on 18<sup>th</sup> October 2011 be agreed as a correct record

# Taxi & Private Hire Licensing - Information report on Operational and Delegated Administrative Process for the year 4 October 2010 to 3 October 2011

The Head of Licensing and Registration submitted a report on operational and administrative activity undertaken by the LCC Taxi and Private Hire Licensing (TPHL) Section between October 2010 and October 2011. The report outlined key areas of work and was presented for Members information.

The Section Head, Taxi & Private Hire Licensing Office attended the meeting to present the information contained within the report and highlighted the following issues for Members particular attention:

<u>Vehicles</u> – statistics showed that drivers and operators were making use of the age criteria exemption, as more applications were being made and approved for vehicles over the 7 year age criteria limit. Members noted the success of the scheme aimed at improving the overall safety of vehicles by encouraging drivers/operators to properly maintain the fleet.

<u>Staffing and resources</u> – a copy of the staffing structure was included within the report along with statistics showing the number of

applications/renewals/enquiries and actions dealt with by TPHL. A number of posts were vacant and were being pursued through the appropriate recruitment process. Implementation of a new ICT system will improve administration time and reduce the number of trade customers who visited the

offices in person. Additionally, consideration was being given to the introduction of a new "3 year licence" for drivers where appropriate.

<u>Delegated Decisions</u> - Appendix B set out the decisions taken in line with LCC policies relating to the conditions and applications for new licences or renewals. Statistical data was presented showing a breakdown of the types of action taken by officers in line with the policies and further detail was provided on the following:

- Revocations decisions made by officers were taken in line with the policy focussing on public safety
- Remedial training such as refresher courses where appropriate for drivers who had been referred on receipt of complaints.
- Enforcement action taken in respect of vehicle defects or after receipt of notification of police action involving a driver. Legislation regarded being a Hackney Carriage (HC) or Private Hire (PH) drivers as being in a position of trust and it was therefore a notifiable occupation.
- Public complaints the number and nature of complaints and the measures LCC could employ to address the issues raised.
- Offences Officers reiterated that conviction of an offence did not automatically result in the revocation of a licence but LCC policy required action to be taken where public safety was put at risk

The Committee noted the information provided and went onto comment and discuss the following issues:

- the work undertaken to identify vehicle defects, such as defective tyres
- the number of vehicles being granted an exception to the 7 year age criteria rule (68 out of 114 applications).
- the number of prosecutions undertaken and the number of those that were of drivers from outside Leeds (52 out of 96)
- the number of customers dealt with by the licensing officer counter staff (approximately 13,000 by 3 to 5 staff)
- the liaison undertaken with other neighbouring authorities to seek a consistent approach; noting that some of Leeds' policies had been adopted by other authorities and as examples of good practice
- the approach taken by the Courts.

One Member raised a number of his concerns relating to:

- the length of time of suspensions and the financial impact this had on the drivers
- figures on training and the ethnicity of drivers which he felt would be particularly useful when dealing with complaints against drivers
- the NVQ Working Group and lack of information on the progress of that group;
- the policy review consultation documents

The Committee noted that the TPHL Equality Impact Assessment had been despatched to all Members of the Committee previously and the consultation documents had also been formally considered by the Committee.

Officers reiterated that legislation prevented a local authority from considering hardship when dealing with suspensions and revocations. On receipt of a

complaint; TPHL was duty bound to investigate the matter and suspension of a driver or vehicle may be necessary for reasons of public safety even if that period was extensive whilst a criminal case was pursued.

#### Members further discussed:

- whether wheelchair accessible PH vehicles required a specific livery, noting that an application had been granted for such a vehicle to be painted "anthracite". Officers responded that the authority had sought to ensure differentiation between HC and PH vehicles, however it was possible for the PH trade to make an application for any type or colour of vehicle to be licensed and there were no grounds by which LCC could substantiate refusal of that application.
- whether TPHL staff liaised with WYP when defects were found on vehicles.
   Officers responded that LCC officers did not have authority to issue Fixed
   Penalty Notices for vehicle defects but pursued prosecutions under the Local Government Act 1972.
- noted a comment acknowledging the number of complaints was small but supported officers in their commitment to deal with the complaints in order to ensure public safety
- Moving on, officers described a "traffic light system" approach to the trade and stated that most of the drivers were excellent drivers with no complaints received these were described as the "green" group. The smaller "amber" group included those drivers who may need to retrain or maintain their vehicles better. The "red" group contained a number of drivers who were perpetually investigated for their behaviour and/or their vehicle.
- Officers outlined consideration of the introduction of three year licences where applicable – some drivers required stronger management than others, those which were only seen once a year at renewal could be eligible for a three year licence rather than the current annual renewal – these drivers would be on "green", but those drivers with 9 points or more are those the authority would want to keep a check on and could still require an annual renewal of their licence.

The Committee generally noted that responsibility for the upkeep, maintenance and safety of vehicles lay with the trade and acknowledged the work done through education, training and promotion by TPHL to advise the trade of non-compliance with the Policies and Conditions. The Chair referred to the Licensing Newsletter issued twice a year to all drivers which provided the trade with relevant information and advice on the policies and the role of trade forum meetings and unions in keeping their members informed.

(Councillor Townsley withdrew from the meeting at this point)

The Section Head, TPHL, reminded Members of the availability of training on taxi and private hire issues and extended an invitation to visit the Torre Road offices. Members were also invited to attend a late night site visit to view the work of the enforcement team and consider relevant late night economy issues.

#### **RESOLVED -**

a) that the contents of the report be noted

## 51 De-Brief Report to Members following the Leeds Festival 2011 held at Bramham Park

The Head of Licensing and Registration submitted a report on the outcome and findings of the Leeds Festival Multi-Agency meeting held on 29 September 2011. The Festival had been held over August Bank Holiday weekend and the report referred to the comments made by the various agencies involved in preparations for the Festival.

Members noted the comments of Mr G Mudhar on behalf of LCC Environmental Protection Team regarding the nature of the noise complaints received during the event.

It was noted that this year's event had the lowest crime figures for 5 years and officers highlighted the swift action taken by Festival Republic to address issues when raised

The Committee noted that all agencies had been satisfied with the event this year and welcomed the efforts made by the promoter to address issues identified in previous years to provide a successful Festival.

**RESOLVED** – To note the contents of the report and to thank all agencies and LCC officers involved in the event for their continued effort to produce a successful Festival.

52 DCMS Consultation on the Deregulation of Regulated Entertainment
Further to minute 42 of the meeting held 13th September 2011, the Head of
Licensing and Registration submitted a further report on the Governments'
proposals to reform those activities currently classed as "regulated
entertainment" in Schedule One of the Licensing Act 2003 and setting out the
Councils response to that consultation having regard to the comments made
by Members at the previous meeting and those submitted afterwards.

A copy of the full draft response was attached to the report for members consideration and approval.

**RESOLVED** – That the Licensing Committee endorses the document attached at Appendix 1 of the submitted report as the Council's response to the DCMS consultation on the deregulation of entertainment.

#### 53 Changes to the Licensing Act 2003

The Head of Licensing and Registration submitted a report providing the Committee with information on the measures within the Police Reform and Social Responsibility Act 2011 which will have an impact on the provisions of the Licensing Act 2003. Measures included in the Act were intended to overhaul the Licensing regime and give more powers to local authorities and police to tackle problem premises.

The Committee noted that it was likely the changes would lead to substantial revisions to the Section 182 Guidance and were mostly likely to commence after April 2012

**RESOLVED** – To note the contents of the report

## 54 Licensing Work Programme

The Committee noted that Member Learning Day was scheduled for Tuesday 22<sup>nd</sup> November 2011 and would include gambling and equality & diversity issues

**RESOLVED** – To note the contents of the Work Programme

## 55 Date and Time of Next Meeting

**RESOLVED** – To note the date and time of the next meeting as Tuesday 20<sup>th</sup> December 2011 at 10:00 am

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Ag**Age**nda Item 7

Originator: Sue Holden

Tel: 51863

## Report of the Head of Licensing and Registration Services

**Licensing Committee** 

Date: 17th January 2012

**Subject: Large Casino Application Pack** 

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 award a licence on the basis of greatest benefit to the Authority's area..

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 approval.

## 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 seek approval for the application pack.

## 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 is to be significantly larger than existing casinos. The licences were 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. The regional casino proposal did not progress.
- 2.3 Licensing Committee approved the draft application pack on the 28<sup>th</sup> June, for the external consultation process. Since this date there has been further refinement so as to ensure that the documentation achieves the main principles as set out in the Licensing Policy and Executive Board report of March 2010 and are set out in more detail at 3.16 to 3.18.
- 2.4 Following concerns expressed by some Members in June 2011, Licensing Committee further considered the role of an advisory panel on the 18<sup>th</sup> October and approved in principle the appointment of an advisory panel. This in principle approval was required to ensure that the statement of licensing policy could be completed for approval in a manner consistent with the application pack. Licensing Committee will be asked to approve the membership of the advisory panel in due course.
- 2.5 Members are now requested to consider the final version of the pack and to approve it for the commencement of the process.

#### 3.0 Main Issues

- 3.1 The council must produce a comprehensive application pack. There are a number of legal 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.
- 3.2 The application pack includes the following documents:
- 3.3 Application Pack Contents cover page and contents list.
- 3.4 <u>General Information</u> this provides general information on the background of the large casino application process. It briefly describes the two stage process.

- 3.5 <u>Gambling Act 2005 Statement of Licensing Policy 2010-2012</u> this is a full copy of the amended policy.
- 3.6 <u>Stage 1 Guidance</u> 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.
- 3.7 <u>Stage 1 Application Forms</u> this is the complete set of stage 1 application forms provided by statute.
- 3.8 <u>Stage 2 Guidance</u> this document provides the full process for stage 2, as well as details of how to seek clarification, submit electronic submission, how to communicate with the council, and a timetable. It also provides additional guidance for applicants not included in the evaluation methodology on each of the application stages.
- 3.9 <u>Stage 2 Evaluation Methodology</u> 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 advisors in conjunction with officers from City Development, based on the Executive Board directions and the statement of licensing policy.
- 3.10 <u>Stage 2 Advisory Panel Terms of Reference</u> this document provides information on the scope and function of the advisory panel.
- 3.11 <u>Stage 2 Proforma Schedule 9 Agreement</u> this is the draft contractual agreement under Schedule 9 of the Act prepared by external legal advisors, in conjunction with Legal Services and City Development.
- 3.12 The full application pack is available as background documents, due to the size of the pack, but has also been provided to each member of the Licensing Committee. A summary of changes made since the pack was dispatched to Committee Members is attached as Appendix 1
- 3.12 The application pack has been developed as follows:
  - 1. The basis of 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 approach agreed at Executive Board.
  - 3. External advice was sought 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.
  - 7. 4 week non statutory consultation alongside the policy consultation.

- 8. Consultation responses considered and the application pack altered to include further requirements on applicants to consider mitigation of negative impact.
- 3.13 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.
- 3.14 The council undertook a non-statutory four week consultation which ran from 4th July to 29th July 2011. This ran alongside the last four weeks of the consultation on the Large Casino Section of the Statement of Licensing Policy.
- 3.15 Information that a consultation on the pack 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.
- 3.16 The consultation elicited 14 responses, but these were mainly related to the policy. A response from NHS Leeds, mainly concerned the mitigation of negative impacts the large casino operation would bring. Joelson Wilson, solicitors representing the Rank Organisation, provided a comprehensive response to the consultation. The details, including any changes made are detailed in Appendix 2 which is an extract from the overall consultation responses to both the policy and the application pack and which have been considered by Executive Board and Scrutiny.
- 3.17 In brief, both the policy and the application pack received minor amendments to require the applicants to provide mitigation strategies for negative impacts. In the application pack, the financial scoring criterion was clarified as further detail was required to explain the intended evaluation approach. Other minor tweaks were made to provide greater clarity and detail on some criteria following comments received during consultation.
- 3.18 In summary, the application pack seeks to draw out detailed information on the benefits proposed and sets out how they will be evaluated under the criteria of financial contribution, socio-economic benefits and risk and deliverability. The award of the licence will be made from the evaluation of this information. Committee Members are specifically directed to the Stage 2 Evaluation Methodology. In evaluating financial criteria, proposed payments and credibility and deliverability of the offer will be evaluated. Due to difficulties in evaluating the credibility and deliverability of financial estimates over a long period, payments proposed after 15 years will receive less weight in the evaluation than payments proposed in years 0-15.. The financial contribution will be used primarily to create a social inclusion fund which will be used to bring benefits to the area and to mitigate any negative impact from the casino.

#### 4.0 Implications for Council Policy and Governance

4.1 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

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

Officers from Entertainment Licensing and City Development, along with advice from Economic Development, Procurement, Legal Services, external advisors and external legal advisors, have developed a Large Casino application pack which is presented for approval by Licensing Committee at this meeting.

#### 7.0 Recommendations

7.1 That Licensing Committee approve the application pack in preparation for the start of the Large Casino application process, which will be advertised on the 24th January 2012.

### **Background Papers**

Large Casino Application Pack Consultation Report - Large Casino Section This page is intentionally left blank

## **Licensing Committee 17 January 2012.**

## **Appendix 1 - Summary of Changes to issued pack**

- 1.1 <u>Application Pack Contents</u> A new cover page has been provided, and the formatting of the entire document has been amended to be more user friendly.
- 1.2 <u>General Information</u> an addition has been added to state "All applications submitted during this period will be governed by the principles set out in the revised Leeds City Council Gambling Act 2005 Statement of Licensing Policy 2010-2012 approved on 18 January 2012 and taking effect on 23<sup>rd</sup> February".
- 1.3 <u>Gambling Act 2005 Statement of Licensing Policy 2010-2012</u> no changes have been made.
- 1.4 <u>Stage 1 Guidance</u> A statement has been included encouraging applicants to apply earlier within the application period but confirming that such applications will be treated as being made on the closing date and will not open to public view prior to that date.
- 1.5 <u>Stage 1 Application Forms</u> no changes have been made
- 1.6 Stage 2 Guidance there has been three minor changes.
  - 1) it has been clarified that *written* feedback will be provided upon request after the licence has been granted, whereas previously it was unclear as to the form of feedback.
  - 2) In between the Licensing Committee issuing a minded to grant decision and granting the licence, the council and legal advisors will finalise the schedule 9 agreement. Text has been added into the paragraph explaining this stage to include the following text "As the schedule 9 agreement will be evaluated, it is not envisaged that there will be significant modifications to the schedule 9 at this stage".
  - 3) Within the disclaimers section, there is a section on confidentiality. Two minor changes were made due to correct numerical references to paragraphs. Lastly, on the 'Request For Information Template' a footnote has been added to make clear that this template will be provided when 'Notice 2' is issued at Stage 2. Typos have also been addressed, and correct communication information detailed.

## 2.7 <u>Stage 2 Evaluation Methodology</u> –

- 1) the diagram representing financial criteria has been slightly amended so that one box reads 'completion of schedule 9...' as opposed to 'upon signature of schedule 9...'
- 2) the following text has been added into the narrative introducing criteria 1.1.1. "Applicants will note that the up-front capital payment and the annual cash sum will be evaluated twice in the council's evaluation, with the up-front capital payment evaluated in this criteria and criteria 1.1.2, and the annual cash sum is evaluated in

this criteria and criteria 1.1.3. This method purposely aims to reward applicants who propose payments that have more certainty attached to them."

- 3) Where an applicant proposes an annual variable payment (e.g a % of profit), applicants will provide an estimate of what this will be. Text has been added to clarify that 'the credibility and deliverability of these estimates will be evaluated in criteria 1.1.4'. Likewise, in criteria 1.1.4. reference to this has been added to refer explicitly to the evaluation of the credibility.
- 4) in the financial standing section, in the 'the submissions will be evaluated in terms of' list, the list has been tweaked to provide more clarity as to how the section will be evaluated by expanding upon details.
- 5) The document twice referred to a 'code of practice'. It has been clarified that this is the DCMS code of practice.
- 2.8 <u>Stage 2 Advisory Panel Terms of Reference</u> no changes made
- 2.9 <u>Stage 2 Proforma Schedule 9 Agreement</u> there has been minor changes to update the terminology to reflect financial definitions detailed in the application pack. Indexation clauses have been amended to outline how indexation will apply on each anniversary of the date of completion of the agreement, and not January 1<sup>st</sup> of each year. Minor changes were made to the schedules within the schedule 9 to references to the application pack, including criteria numbers and terminology used in the schedules. An amendment was added to ensure that reports on social benefits/ impacts are provided to LCC upon 28 days of request.

**Consultation Report** 

Large Casino Section

Statement of Licensing Policy 2010 – 2012

Gambling Act 2005



## **Executive Summary**

The Gambling Act 2005 (the Act) created a new system of licensing and regulation for commercial gambling in Great Britain. Within this regime local authorities were appointed as Licensing Authorities and became responsible for issuing premises licences to gambling premises such as casinos, bookmakers and amusement arcades.

In April 2008 Leeds City Council was awarded the right to issue a new style of casino licence. The Gambling Act and associated regulations set out the process the council and applicants must undertake before the large casino licence can be granted.

Under the Act the Licensing Authority must publish a statement of the principles that they propose to apply in exercising their functions under the Act. Leeds City Council's Statement of Licensing Policy for the Gambling Act 2005 was last consulted upon in 2009 and was published in January 2010. Licensing authorities are required to review and republish their policy every three years.

The council developed a new section to insert into the Statement of Licensing Policy in order to describe the principles it will apply when determining the large casino applications. The council is sought the views of residents and interested parties on the content of the section during a public consultation which ran from 9th May to 29th July 2011. The council developed an application pack which details the two stage process required by the legislation and the evaluation methodology to be used to determine which application would provide the best benefit to the city. The application pack was provided for comment between 4th and 29th July 2011.

The council received 13 responses to the public consultation. This report provides the council's response to the consultation and describes any changes made as a result of the comments received.

The policy will be taken through the approval process, being presented to Executive Board for referral to Scrutiny and Overview Panel with final approval by full council in January 2012.

#### **Consultation Information**

#### **Background information**

The Gambling Act 2005 completely overhauled the regulation of commercial gambling in Great Britain and gave effect to the governments proposals to reform and modernise the law on gambling. Within the new regime the Gambling Commission became the national gambling regulator. The Commission is responsible for granting operating and personal licences for commercial gambling operators and personnel working in the industry. The Act set out different types of operating licence that cover the full range of commercial gambling activities conducted in Great Britain. It also made provision for the Commission to have powers of entry and inspection to regulate gambling, with safeguards for those subject to the powers.

As part of this licensing framework, licensing authorities have the power to licence gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines and clubs and miners' welfare institutes. The Act also provides for a system of temporary use notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of equal chance gambling, for limited periods.

Local authorities can issue premises licences once they are notified that the applicant has secured operating licences from the Gambling Commission. However operators are able to apply for a provisional statement before they apply for their operating licence but they are not able to open their premises until they have successfully secured a premises licence.

#### **The Gambling Act and Casinos**

The Gambling Act 2005 changed the legislation governing the licensing of casinos significantly. Under the Act seventeen new casino licences were to be granted, each of which 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.

In April 2008 Parliament approved the locations of eight small and eight large casinos in line with the CAPs original recommendations. Leeds was awarded the right to issue a large casino licence.

The Act describes the process the council and the applicant must complete before issuing a large casino licence. This includes:

- Updating the Statement of Licensing Policy to include a statement of the principles the council will apply when determining the casino applications.
- Advertisement of the "competition"
- A two stage application process:
  - Stage 1 follows the same process as for any other premises licence application under the Act
  - Stage 2 in which the council determines which of the competing applications would, in the authority's opinion, be likely if granted, to result in the greatest benefit to the authority's area
- At the conclusion of Stage 2 the council may enter into a written agreement with the applicant

#### **Purpose of the consultation**

The council has developed a new section to insert into the current Statement of Licensing Policy in order to describe the principles it will apply when determining the large casino applications.

As part of the Act, if the council amends the Statement of Licensing Policy it is required to consult with:

- a) the chief officer of police for the authority's area
- b) one or more persons who appear to the authority to represent the interests of person carrying on gambling businesses in the authority's area, and
- c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

The consultation methodology has been designed to provide a wide selection of the Leeds population with the opportunity to comment on the revised content. In addition comments are sought from the responsible authorities as well as a list of identified stakeholders such as organisations concerned with the social impact of gambling, faith groups, national bodies representing the gambling industry, plus representatives of local businesses.

#### **Consultation Methodology**

The consultation ran from 9th May to 29th July 2011. This was a twelve week consultation. The HM Government Code of Practice on Consultation specifies that a 12 week consultation is good practice.

The consultation has been advertised by:

- A mailing to an extensive list of identified stakeholders. This includes existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups.
- A colour poster in all libraries, one stop shops and leisure centres.
- A news items to appear on the leeds.gov.uk homepage on the first day of the consultation.
- This report to be uploaded to <a href="www.leeds.gov.uk/gpc">www.leeds.gov.uk/gpc</a> where it will be possible to access an online form to make responses.
- A press release will be issued by the press office advertising the consultation.

#### **Application Pack**

Alongside the policy, the council developed a detailed application pack which applicants can use to assist them in applying for the large casino licence. This pack provides details on how to make an application, the two-stage process, the evaluation at second stage, details of the Advisory Panel and other information.

The council ran a four week non-statutory consultation on the contents of the application pack to the industry at the end of June 2011. This consultation was placed on the website at <a href="https://www.leeds.gov.uk/gpc">www.leeds.gov.uk/gpc</a> and trade representatives were informed in writing.

#### **Public consultation themes**

The council received 14 responses to the consultation on the large casino section of the Gambling Act 2005 Statement of Licensing Policy and the application pack (appendix 1).

There were a number of repeating themes:

#### **Debt**

Web response 6042061 Written response 010

Web response 6042061 linked casinos with problem gambling and felt strongly that Leeds should not go ahead with the Large Casino application process. There is a better way of making our economy grow than by providing a casino.

Leeds Citizens Advice Bureau in written response 010 describe their concerns about the possible impact of a large casino in the city especially in relation to an increase in the number of people with gambling problems in the Leeds area.

#### Response

This consultation considers the principles that will be used to determine how the licence will be granted rather than to determine if Leeds should grant a casino licence. Notwithstanding this, the Council has the powers to pass a no casino resolution if the benefits do not meet the aspirations for the local area.

At Stage 2 of the application process each applicant will be required to undertake a detailed equality and health impact assessment to detail the impact of their proposals and to outline a comprehensive mitigation strategy for any negative effects caused by the casino. The mitigation measures will form part of a contractual arrangement, incurring a penalty should those commitments not be met.

The Social Inclusion Fund - funded as a consequence of the casino - will also help deliver projects that help mitigate the affects of gambling and financial, economic and social exclusion.

#### Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects.

#### Locality to regeneration areas/location of casino

Web response 6045262, 6045339 Written response 004, 005, 008, 009

A number of respondents were concerned that the Large Casino may be situated in or close to a regeneration area and that this should not be seen as good for that area or a social good.

#### Response

All applications must pass through Stage 1 of the application process. This stage follows the same regulatory checks that every gambling licence application goes through. Along with other checks, the application is evaluated against the licensing objectives, which 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.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

At Stage 2 of the application process all applicants will be required to provide a detailed social and health impact assessment, along with mitigation for their proposals. This must include a comprehensive evaluation of the location of the proposed venue. This will be evaluated alongside other criteria.

The Council will not have a preference for a large casino location. In the modern casino market, it is not expected that large casino applications will be placed in housing areas.

#### Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects.

#### Social costs

Web response 6045262, 6045339 Written response 004, 005, 006, 007, 008, 009

There was general concern that the council has concentrated on the benefits of a casino, and that there is not enough emphasis placed on potential harm, and ways of mitigating that harm.

A number of respondents commented that the licence should be awarded on the basis of demonstrating how the negative impacts of a casino would be mitigated as well as demonstrating the intended benefits.

There were comments that the Social Inclusion Fund (funded by the casino operator) should indicate that this will be used to mitigate the social costs.

#### Response

Stage 2 of the application process, as dictated by legislation, is an assessment of which application would, if granted, provide the greatest benefit to the local authority area. Therefore, the Statement of Licensing Policy and Stage 2 Application Pack have been developed to evaluate the benefits that will arise from the casino process.

The Stage 2 evaluation considers negative effects in a number of ways:

- Applicants must provide a comprehensive equality and health impact assessment and provide mitigation. Contractual commitments will be sought on mitigation measures. The commitment to mitigation is present throughout the evaluation.
- ► The social inclusion fund will help mitigate negative affects generally and is worth 33% of the overall evaluation scoring.

In addition, the council will monitor the social impact of the casino through a toolkit developed by leading academics. This will be used to ensure the impact of the casino on the local area will be closely scrutinised independently of the licensed operator.

Applicants will be asked to outline and commit to mitigation measures as part of their stage 2 application. The Social Inclusion Fund will be used to deliver projects that assist the economic and financial inclusion agenda. It is anticipated that some aspects of the Social Inclusion Fund will be used to mitigate social costs brought about by the casino, above and beyond the commitments from operators.

#### Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects.

#### **Economic benefits**

Written response 006

The response from the Diocese of Ripon and Leeds commented specifically that applicants should be required to demonstrate the local economic benefits as well as those for the whole city.

#### Response

When determining which application should be granted the licence, the council must judge which application, if granted would provide the greatest benefit to the local authority area. This is the test prescribed in the legislation and underpins the evaluation process. During Stage 2, each application will be evaluated against a set criteria which has been developed to test the benefit to the area, not just the area directly impacted by the location of the casino. However applicants will be expected to outline their vision and strategy for the development, which includes strategies for maximising jobs for those living in areas nearby to the casino. Raising the amount of local benefits (e.g. benefits from those nearby to the site) will be encouraged and monitored.

#### <u>Action</u>

No change.

#### **Health Impacts**

Written response 007

NHS Leeds raised the concern that the policy does not acknowledge the potential negative impact that a large casino development could have. Their comprehensive response describes the potential health impacts associated with gambling, problem gambling and casinos and goes on to make a number of recommendations:

- Assessment criteria should acknowledge the impact of health within the each of the existing headings (Financial, Social & Economic) but ideally with a separate heading entitled 'Health Impacts'.
- Applicants should be encouraged and assessed upon their strategies and safeguards around minimising the negative impact to individual and community health.

- Provide flyer/campaign specific to the Leeds area assists patrons to recognise the early signs of gambling addiction and how to access help and support.
- ▶ Provide information about mental health services and self help materials in the entrance areas and offer training to the workforce (e.g. Mental Health First Aid).
- Provide information about debt advice within the casino and work with Leeds Credit Union to consider encouraging Casino users to join LCU to encourage financial capability through savings provision.
- Ensure information about alcohol dependency and brief intervention support is available.
- Maximise the social benefits of having casino as meeting point by providing a venue for social interaction that does not involve gambling, for example, a venue for local community groups to run healthy living activities at a reduced cost.
- ▶ Ensure that Positive Activities for Young People (PAYP) are available in the local area which will educate, stimulate and raise aspirations of local young people.
- Ensure that a proportionate quota of jobs within the casino are 'ring fenced' for local people.
- ▶ Consider schemes that promote employment in the casino to vulnerable people who stand to gain the most from employment, e.g. Long term unemployed or people with mental health problems.
- ▶ The document should present a more neutral position in relation to the impacts of a Large Casino on Leeds rather than only including positive impacts a casino could bring in key LCC documentation. LCC should clearly include the potential negative impacts of a Large Casino on health.

#### Response

The licensing process is undertaken in two stages. Stage 1 is the same regulatory process undertaken by all premises licence applicants. Stage 2, as dictated by legislation, is an assessment of which application would, if granted, provide the greatest benefit to the local authority area. Therefore, the Statement of Licensing Policy and Stage 2 Application Pack have been developed to evaluate the benefits that will arise from the casino process.

The Stage 2 evaluation considers negative effects in a number of ways:

- Applicants must provide a comprehensive equality and health impact assessment and provide mitigation. Contractual commitments will be sought on mitigation measures. The commitment to mitigation is present throughout the evaluation.
- ► The social inclusion fund will help mitigate negative affects generally and is worth 33% of the overall evaluation scoring.

In addition, the council will monitor the social impact of the casino through a toolkit developed by leading academics. This will be used to ensure the impact of the casino on the local area will be closely scrutinised independently of the licensed operator. The council is already working on this with leading academics and the other 15 authorities who will grant new style casino licences.

During the stage 2 evaluation process, a number of criteria are considered including:

- health impacts
- strategies and safeguards to negative impacts.
- employment and skills strategies
- details on how the most disadvantaged could benefit from their proposal
- job ring-fencing proposals

These are considered under the socio-economic criteria, whilst commitments on mitigation are required in the schedule 9 agreement (risk and deliverability). Contractual commitments will be sought to ensure that any strategies promised by applicants are delivered.

The large casino licence operator will fund a Social Inclusion Fund which will support projects that help the financial and economic inclusion agenda (which will include work on health) and may be used to fund such activities away from the boundary of the casino.

Before a premises licence can be granted, which is required before the casino can open, the operators must have an operating licence - a highly regulated licence that requires commitments to mitigating negative effects. More information on the requirements of an operators licence can be obtained from www.gamblingcommission.gov.uk.

The Gambling Act 2005 requires all large casinos to provide non-gambling facilities.

#### Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects. Include an extra paragraph in the Policy as follows:

The applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area.

Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.

Include recommendations in the stage 2 application pack as a suggested benefit or mitigation applicants may propose. The council does not intend to prescribe the benefits applicants should offer but will encourage innovative proposals on mitigation.

#### Written response 011

Joelson Wilson, on behalf of Rank, provided a comprehensive consultation response.

#### No Casino Resolution

We note the reference at paragraph 16.14 to the power of Local Authority to pass a "no casino" resolution under s.166 of GA 2005. The Policy indicates that the Local Authority may choose to exercise the "no casino" resolution option in circumstances either where there is only one application for a large casino premises licence or where there is more than one application "those applications fail to meet the Council's aspirations for the benefit for the Leeds Metropolitan Area".

It is Rank contention that a "no casino" resolution may only be adopted in circumstances where there is only one successful applicant at the <u>conclusion</u> of stage 1 of the competition. Ranks reason for this assertion arises from Schedule 9 to GA 2005. Paragraph 4 of Schedule 9 provides that, at the first stage of the bidding process, the Licensing Authority shall consider in respect of each application whether they would grant such application under s.163 of GA 2005. Paragraph 5 of Schedule 9 then provides that if the Licensing Authority determines under paragraph 4 that they would grant a number of competing applications, then they <u>shall</u> determine which of those applications to grant (see paragraph 5(2) of schedule 9) and in reaching that decision they <u>shall</u> determine which of the competing applications would, in their opinion, be likely, if granted, to result in the greatest benefit to the Authority's area (see paragraph 5(3) of Schedule 9).

It therefore follows that, if more that if more than one bid is successful at Stage 1, the Licensing Authority is obliged to enter Stage 2 of the application process and is obliged to consider which of the competing applications would in their opinion be likely, if granted, to result in the greatest benefit to the Authority's area and to grant a licence accordingly. These requirements are mandatory. It appears to follow that, in the circumstances, a "no casino" resolution would be in conflict with that statutory provisions which are triggered by a "provisional" decision to grant more than one licence at Stage 1. The power to pass a "no casino" resolution by virtue of s.166 of GA 2005 will only arise one the application process has commenced, if only one bid emerges as successful at the end of Stage 1, since there is no mandatory requirement imposed by GA 2005 to grant a licence if there is only one successful applicant at Stage 1.

#### Response

The Council does not agree with this analysis of the legislation. The council believes that the ability to pass a 'no casino' resolution is a general power within the statute and not dependent upon the provisions of schedule 9, upon the council having the ability to licence a casino at all or upon starting a licensing process pursuant to that ability under part 8 or schedule 9. It follows that the council believes it retains the right to pass a 'no casino' resolution at any stage of the process.

#### Action

No action

Rank notes at point 16.40 that payment will be required "upon the signing of any agreements" and at point 6.46 of the application pack under the heading "Finalisation of Schedule 9 Agreement" "upon the signing of the Schedule 9 Agreement" and payment will be taken "once the Committee make their final decision". Rank believes that the payment falls due at the conclusion of Stage 2 and not at the conclusion of the process, that is when the premises licence is approved in circumstances where a provisional statement has been granted initially. Rank would be grateful for clarification on this point. Further, in circumstances where the development cannot proceed because for example, planning permission was not subsequently granted, would the payment which is required "upon the signing of the Schedule 9 Agreement" be forfeited or refunded?

#### Response

The payment will be received upon the schedule 9 being signed regardless of whether it is a provisional or full premises licence. The up front payment is non-refundable and is a one off payment made upon the end of the process and once the schedule 9 is signed - whether giving effect to the provisional statement or premises licence. No other up front payment will be considered in the evaluation. It is for the applicant to determine if they want to offer the benefit sought or not.

If the development does not arise, the council requires that the provisional licence holder must provide payments for non-delivery and the applicant will not be refunded for any upfront payment. It is a commercial risk applicants must consider. The council needs commitment to deliver any development within 5 years in all instances, along with payments for non-delivery.

Net economic impact will score 14% in the evaluation and a new development has a good chance of scoring higher marks due to the economic impacts from the construction.

#### <u>Action</u>

#### No action

At 16.5.2 Rank would be grateful for clarification as to the distinction the Council seeks to make between "contractual obligations" as opposed to "merely damages for non-delivery".

#### Response

The council requires a contractual commitment to secure benefits for the local area in the schedule 9 agreement. The council requires payments for non-delivery of said benefits. An application that commits to both will score more highly. This is made clear in the application pack.

#### **Action**

Clarify this paragraph in the policy as follows:

The application pack will include a template agreement under paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a schedule 9 agreement'). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligation and where the applicant

provides damages for non delivery are likely to receive greater weight in the evaluation process.

In circumstances where the Local Authority is considering a bid from a proposed site which is part of a wider development and not one from an existing site, Rank seeks to clarify point 16.53. Development sites, as the point accepts, will involve certain aspects outside the control of the operator. By contrast, an existing site will not face such constraint. It is proposed that the reference to "development outside the control of the applicant will not be considered" means to favour existing sites, either by suggesting a development site, despite possible regenerative benefits, will not be entertained or because an existing site can guarantee delivery in a way that a proposed site may not?

#### Response

Page 7 to 14 of the Stage 2 Evaluation Methodology clarifies the process. The respondent infers that development sites would be less favoured than existing sites. However this is not the case. The evaluation methodology was specifically developed to ensure that no particular type of development , would be favoured more highly than another.

#### Action

Clarify this paragraph in the policy as follows:

The council is aware that the casino application may form part of a wider development proposal or be a new development. A casino development with firm contractual commitment to be fully operational within a 5 year timescale with proof of funding and with meaningful payment proposed for late or non delivery will score more highly than a casino development that is not supported by a contractual commitment and/or meaningful payments for late or non delivery and/or proof of funding. Any part of a wider development proposal which is not directly required for the delivery of the casino will score more highly if the applicant commits to completing the wider development within a 5 year timescale, proposes meaningful payment for late or non delivery and provides proof of funding. These commitments will be contained within the schedule 9 agreement and the five year timescale will start from the signing of the schedule 9 agreement. Applicants must demonstrate that all development proposals are credible.

#### **DRAFT APPLICATION PACK**

On page 4.4, there is further reference to the "no casino" resolution under s.166 of GA 2005 and the same comments apply as made in relation to the Statement of Licensing Policy as mentioned previously.

Re	<u>sponse</u>
As	before

Action

As before

At page 6.3 it is stated that "applicants must not publicise their plans or make public statements about their involvement in the Stage 2 process". Although Rank appreciates the confidential nature of the process and the requirement to keep all details of Stage 2 confidential, involvement in Stage 2 would be a matter for public record and Rank seeks clarification that this point does not seek to prohibit disclosure about participation in the process at Stage 2 by contrast with the content of the proceedings.

#### Response

To clarify, Stage 1 applications are a matter of public record as all premises licence applications are available for public inspection. However the DCMS Code of Practice: Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos, places a number of obligations on the licensing authority to maintain confidentiality:

- 5.4.5. A licensing authority may not, during the second stage, discuss the details of a person's application with the other competing applicants without the person's permission.
- 5.4.6. A licensing authority must put in place a protocol governing the storage of confidential information submitted to them during the second stage, so as to maintain the confidentiality of that information.

It is desirable that discussions applicants may have with the council at Stage 2 will remain confidential although the council does appreciate that there is no legal or statutory requirement for applicants to maintain confidentiality about their Stage 2 application.

#### Action

Amend page 6-3 accordingly.

Rank notes that it is currently intended that only 5 representatives from each applicant company will be permitted to attend the hearing before the Advisory Panel. Rank suggests that no limit is placed on those who might be able to attend the hearing. Rank does not suggest that any presentation should involve more than 5 people in total, but would be keen to have representatives in attendance who would be able to assist the Panel as matters arose, since this is the only oral presentation proposed under the consultation document.

#### Response

It should be noted that the council does not intend to hold a hearing at Stage 2. The Advisory Panel will meet to discuss the applications in order to provide an expert evaluation of the bids for the Licensing Committee. This evaluation process will include dialogue sessions where the Advisory Panel will ask applicants to clarify or enhance their bid in order to maximise the benefits for the city. The application pack describes the process. The reference to 5 representatives refers to the dialogue sessions where the Advisory Panel would permit 5 attendees at any one dialogue session.

#### **Action**

No action

On page 6.6 under the heading "Licensing Committee Stage" the policy states that "applicants will not be permitted to present to the Licensing Committee". Rank should be grateful for clarification in relation to the omission of any reference to hearings at Stage 2 of the process, particularly since it is envisaged that conditions will be attached to any licence during Stage 2. This is made clear at point 6 of the introduction of the draft agreement, where it is stated that "the parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

SI Number 173 of 2007 ("the Hearing Regulations") applies to proceedings of the Licensing Committee in the exercise of its functions under GA 2005 and a hearing complaint with those regulations is required when the Licensing Authority intends to impose conditions on a licence under GA 2005 s.169. Rank would be grateful to receive clarification as to how it is proposed to impose such conditions without a hearing before the Licensing Committee.

#### Response

It is clear that Part 8 of the casino licensing procedure is to apply to casino licensing applications at Stage 1. This is expressly stated in Schedule 9 paragraph 4(1)(c) of the Gambling Act 2005 and in paragraph 4.1 of the DCMS Code of Practice.

It is also clear that the procedures in Part 8 of the Act do not apply to Stage 2 of the process. Rather, Schedule 9 of the Act and section 5 of the Code of Practice leave the procedure at Stage 2 to be decided by the licensing authority, subject to the minimum requirements set out in the DCMS Code of Practice. The references to Part 8 provisions in Schedule 9 do not concern the process of determination, merely its consequences.

With regards to the conditions to be attached to the licence, these will be decided at Stage 1.

The single exception is any condition to be attached under Schedule 9 paragraph 5(3)(c). Any difference between the authority and the applicant as to this condition will have been explored during the dialogue process at Stage 2 so that when the council comes to make its final decision as to which application offers the greatest benefit the council will have before it the applicant's proposed written agreement and condition. Based on that material, it will then decide which is the winning applicant. The reference to section 169 in Schedule 9 paragraph 5(3)(c) was not intended to import the requirement for a hearing in section 162. Nevertheless, as a precautionary measure, the authority will invite the winning applicant to waive any entitlement to a hearing prior to the grant.

## <u>Action</u>

#### No action

Sub-criteria 1.1 at page 7.9 establishes the criterion that the benefits and impacts will be assessed over a 10 year period commencing on 1st December 2012. In cases where sites are to be developed, if the development is not completed for say, 18 months to 2 years, this could provide an advantage to the potential operator of an existing site. Rank suggests that the assessment should commence from the commencement of trade of any new build.

#### Response

The evaluation period is from the signing of the schedule 9 agreement and not once the casino is operational. There is no advantage to an existing site as the approach does not dictate the form of payment. For example, the methodology does not state that the payment must only be a % of gaming yield of an operational large casino. Rather it says the payments can be a mixture of a upfront lump sum payment, an annual underwritten payment and an annual variable payment (see page 7-9 of the Stage 2 Evaluation Methodology). There is nothing stopping an applicant making an annual underwritten payment whilst the casino is in construction.

Furthermore, it is made clear in 1.1.4 that payments throughout the duration of the schedule 9 (which is beyond 10 years) will form part of the evaluation. The level of financial benefits will also be evaluated in 3.1, which will include an evaluation of financial benefit beyond the 10 year NPV period. Therefore, for the avoidance of doubt, it should be noted that applicants are expected to provide financial benefits in perpetuity and all financial payment will be considered in the evaluation.

#### **Action**

No action

At page 7.10 Rank would be grateful for clarification of weighting assessment. Rank has assumed that the weighted score is calculated by multiplying the mark out of 10 score by the appropriate factor eg. Where the weighted score is out of 80, the mark out of 10 score is multiplied by 8.

#### Response

The weighting for Criteria 1.1.1, 1.1.2. 1.1.3 is made clear on pages 7-3 and 7-4 - which is a pro-rata assessment. Rank assumes correctly that this is how weighted scores are calculated.

#### **Action**

No action

At paragraph 7.19 the reference to planning permission is not qualified in the way that it is at page 7.1 under the heading "background information". Rank suggested that the reference at page 7.19 should be qualified for the avoidance of doubt.

#### Response

Agreed.

#### Action

Amend 7.19 in the Stage 2 Evaluation Methodology.

#### **DRAFT AGREEMENT UNDER SCHEDULE 9 OF THE GA 2005**

At "Introduction Point (6)" of the draft agreement it states – "the parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

And at Clause 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 s.169 of the Act, such variation being under s.187 of the Act, as is specified in paragraph 7(2)(c) of Schedule 9 of the Act. The same comments apply in relation to the imposition of conditions as at point 8 of this letter. licensing

Res	nor	ise

See before

Action

See before

#### FINAL DETERMINATION

Rank would welcome confirmation that the same Licensing Committee members will consider and determine all applications at Stage 2.

#### Response

The Licensing Committee comprises of 15 members all appointed by full Council, all of whom will be trained. The quorum for the Licensing Committee is 5 members. It is currently expected that the determination will be made by the full Licensing Committee and not by a sub committee however that is a matter for the Licensing Committee to determine and no guarantees can be given as to the numbers of Councillors who will make the decision or whether it is to be full Committee or a sub committee.

The Stage 2 determination may be undertaken over several days and will be influenced by the number of applications at stage 2. It is expected to include a 'minded to grant' decision followed by confirmation of grant. It is expected that only members who have be present throughout the evaluation process of all applications will be involved in the 'minded to grant' decision.

## <u>Action</u>

No action.

#### **PLANS**

Rank would be grateful if you could confirm the procedure should the layout drawings have to be altered by reasons beyond their control, during Stages 1 and 2. As you will appreciate, in the normal course of events in relation to a development site, a developer, separate and distinct from the operator of the gaming licence, will be responsible for building the premises to a certain stage. On completion of the "shell" of the building, it is then handed over to the operator who fits out the internal building to its own requirements. Therefore, for some considerable time, the final layout of the premises is a matter which is outside the absolute control of the operator. Clearly, any alterations are kept to a minimum, not least because otherwise considerable costs can be involved. However, if alterations are necessary, which as indicated, would be out of the control of the operator, Rank would be grateful for details as to the procedure to be followed at Stage 2 vis a vis the production of plans, in such circumstances.

## <u>Response</u>

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 place a requirement on applicants to provide plans with a specific level of detail. This requirement is placed on both applicants for premises licences and provisional statements.

The council will not be able to accept altered plans after the completion of Stage 1 as this would lead to plans being assessed at Stage 2 that had not been available for consultation during Stage 1. Should an applicant wish to vary the plans after the completion of Stage 2, and the grant of the licence/provisional statement, they can do so in accordance with the Act.

#### **Action**

No action.

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## LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 5 Jan 2012 (hg)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM			
Items Currently Unscheduled						
WYTSS	Test purchasing and other measures tackling under age sales		В			
Regular Renewal of CRBs for Licence Holders	Review, timetable to be agreed having regard to necessary public consultation	Des Broster				
NVQ/VRQs for drivers	Review ongoing arising from the Working Group	Des Broster	DP			
Leeds PCT	Final Alcohol Action Plan	Brenda Fullard	В			
Planning & Licensing		Chris Sanderson & Sue Holden	В			
SEVs	Training ongoing from January 2012. SEV applications to be considered w/c 11 June 2012					
Casino	Training ongoing from January 2012 Casino Stage 1 application process w/c 9 July 2012					
City Centre Policing Update	Discussion on city centre premises, licensing and policing (June/July 2012)	WYP	В			
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			

ITEM	DESCRIPTION		Officer	TYPE OF ITEM	
Meeting date: 17 May 2011 - cancelled					
Meeting date:	June 2011 - HELD. Casino application pack/Annual Gov arrangements/procedure /appeals				
Meeting date:	26 July 2011 – HELD SEVS policy/HC Trade Forum constitution				
Meeting date:	16 Augus	16 August 2011 – HELD Leeds Festival EMP update			

## LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 5 Jan 2012 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM		
Meeting date: 13 Septe	ember 2011 – HELD WYP presentation, City Centre nig	ht time economy			
Meeting date: 18 Octob	per 2011 – HELD De-regulation of regulated ents, Casir	no Advisory Panel;			
Meeting date: 15 Novei De-Regulation of ents.	mber 2011 – HELD Leeds Festival de-brief, Police refo	rm Bill, TPHL operation matters,			
Meeting date: 20 Decer	mber 2011 - CANCELLED				
Meeting date: 17 Janua	ary 2012				
Large Casino Application Pack		Sue Holden			
Meeting date: 14 Febru	ıary 2012				
City Centre policing Update	Discussion on city centre premises, licensing and policing	WYP	В		
Transport & the night time economy	Discussion on transport matters and strategy and impact on the night time economy	Andrew Hall	В		
Meeting date: 14 March	n 2012	_			
Meeting date: 13 April	2012				
Meeting date: 15 May 2	Meeting date: 15 May 2012				

## LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 5 Jan 2012 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM

Key:

DP – Development of new policy B – Briefings

RP – Review of existing policy
PM – Performance management
SC – Statutory consultation

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