

Licensing Committee

Thursday, 28th February,
2013

at 9.30 am

PLEASE NOTE TIME OF MEETING
Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Cunio (Chair)
Councillor Parnell
Councillor Thomas
Councillor Mrs Blatchford
Councillor B Harris
Councillor Vassiliou
Councillor Laming
Councillor Lewzey (Vice-Chair)
Councillor Lloyd
Councillor Spicer
Councillor Tucker
Councillor L Harris
Councillor Fitzhenry

Contacts

Democratic Support Officer
Sharon Pearson
Tel: 023 8083 4597
Email: sharon.pearson@southampton.gov.uk

Head of Legal, HR and Democratic Services
Richard Ivory
Tel. 023 8083 2794
Email: richard.ivory@southampton.gov.uk

PUBLIC INFORMATION

Terms of Reference

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2012/13

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 5.

DISCLOSURE OF INTEREST

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's website at
www.southampton.gov.uk/council/meeting-papers

1 **APOLOGIES**

To receive any apologies.

2 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 **STATEMENT FROM THE CHAIR**

4 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting held on 5th November 2012 and to deal with any matters arising, attached.

5 **GAMBLING ACT 2005 - LARGE CASINO COMPETITION - ADVISORY PANEL AND DRAFT APPLICATION PACK**

Report of the Head of Legal, HR and Democratic Services requesting that the Committee approve the content of the Application Pack for use in the large casino process and the overall composition of the Advisory Panel, attached.

Wednesday, 20 February 2013

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

This page is intentionally left blank

SOUTHAMPTON CITY COUNCIL
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 5 November 2012

Present:

Members of the Council

Councillors Cunio (Chair), Parnell, Mrs Blatchford, B Harris, Vassiliou, Lewzey, Lloyd and Tucker

Apologies

Councillors Harris and Fitzgerald

5. **ELECTION OF VICE CHAIR**

RESOLVED that Councillor Lewzey be elected as Vice-Chair for the remainder of the 2012/13 municipal year.

6. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 14th June 2012 be approved and signed as a correct record. (Copy of the minutes appended to the agenda and circulated with the signed minutes).

7. **TRIENNIAL REVIEW OF GAMBLING ACT 2005 POLICY - CONSULTATION**

The Committee considered the report of the Head of Legal, HR and Democratic Services providing a consultation draft on the revised Gambling Policy for comment, which would then be reported back to Council at the meeting on 14th November 2012. (Copy of the report circulated with the agenda and appended to the signed minutes).

The following was noted:-

- the Policy (Statement of Licensing Principles – SLP) was a draft and administrative/typographical errors would be amended prior to submitting to Council;
- the majority of the SLP flowed from statutory guidance and included greater detail as to how the Council would approach any application process in relation to a Large Casino. There were 2 stages to the process ie Stage 1 “The Regulatory Test” to determine whether the applicant was a fit and proper operator and Stage 2 the “Greatest Benefit Test” where an Advisory Panel would be set up to assist in the evaluation process and where the operating schedule and conditions would be negotiated ;
- external/separate smoking areas that were provided with gaming machines would be covered by all the conditions which were embedded in the premises licence;

- casinos were professionally and responsibly operated with food being a substantial part of their business and it was doubtful whether a marketing strategy would be aimed at students, who in any event were adults;
- the competition would be a transparent process, in the public domain except for the confidential, commercially sensitive issues;
- the Licensing Committee's decision on an applicant was final with no right of appeal, although it could be potentially judicially reviewed ;
- the indicative time scale for the competition would be as follows:-
 - the competition criteria on the process would be agreed at full Council in January 2013;
 - after consultation it would then be formally adopted at the March 2013 Council meeting and the competition would then formally commence shortly afterwards;
 - stage 2 would be the lengthy process where the details of the bids were assessed in detail and terms negotiated and
 - the Licensing Committee would make the final decision; and
- the application to submit a bid to the Casino Advisory Panel to grant a large casino in Southampton had been agreed by the Council in 2005 and the Council as Licensing Authority had not passed a "no casino" resolution under Section 166 of the Gambling Act 2005, but was aware that it had the power to do so; members who had not been part of that vote would not be affected or have an interest to declare if they sat on the Licensing Committee that made the final decision in relation to the casino operator.

RESOLVED

- (i) that the Committee considered and commented on the draft revised Gambling Act Policy; and
- (ii) that Sections 15.65, 15.67 and 15.68 of the SLP be amended to read that the Licensing Committee would consider all the applications and determine the application and not the Licensing (Licensing and Gambling) Sub-Committee.

Agenda Item 5

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	GAMBLING ACT 2005 - LARGE CASINO COMPETITION – ADVISORY PANEL AND DRAFT APPLICATION PACK		
DATE OF DECISION:	28 FEBRUARY 2013		
REPORT OF:	HEAD OF LEGAL, HR & DEMOCATIC SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Jamie Hollis	Tel: 023 8083 3468
	E-mail:	jamie.hollis@southampton.gov.uk	
Director	Name:	Director of Corporate Services	Tel: 023 8083 2371
	E-mail:	mark.heath@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

The process to grant a large casino premises licence includes two key stages – the provisional grant of a licence or provisional statement, and the assessment of applications to determine which offers the greatest overall benefit to the City of Southampton.

The Council intends to commence stage one of the process in April 2013, and must also start preparations for stage two of the process which it is anticipated will begin in August 2013.

This report asks the Committee to approve the draft application pack for use in the large casino licensing process, the composition of the Advisory Panel, the terms of reference for the Licensing Committee and Advisory Panel, a storage protocol to be used at stage 2 of the process, and also to delegate authority to the Head of Legal, HR and Democratic Services to attend to matters associated with this licensing process.

RECOMMENDATIONS:

- (i) That the Committee approve the content of the Application Pack for use in the large casino licensing process, as well as the information Storage Protocol;
- (ii) That the Committee approve the overall composition of the Advisory Panel who will assess applications and report to the Committee in due course;

- (iii) That authority is delegated to the Head of Legal, HR and Democratic Services, after consultation with the Chair of the Licensing Committee, to:
 - a) make any amendments or take any further action necessary to finalise the Application Pack prior to implementation;
 - b) commission appropriate specialist advisors to comprise and maintain the membership of the Advisory Panel; and
 - c) publish any statutory and other notices required as part of the large casino licensing process.

REASONS FOR REPORT RECOMMENDATIONS

1. It is a statutory requirement that the Council produce an application pack for use in the large casino licensing process. The minimum information to be included in this pack is set out in regulations, with some additional information to be included as a result of established good practice.
2. Although not a statutory requirement, Members are strongly advised to draw on specialist advice and technical analysis from an advisory panel to assist in the evaluation of applications.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. To refrain from acquiring specialist advice and technical analysis from an advisory panel. This would not be a reflection of good practice, and would lead to delays and additional expense associated with commissioning individual specialist advice on an ad hoc basis.

DETAIL (Including consultation carried out)

4. The Gambling Act 2005 (the Act) significantly changed the legislation governing the licensing of casinos. The Act, associated regulations and a Code of Practice describe the process to be followed before a large casino licence can be issued. This process includes:
 - a) Updating the Statement of Licensing Principles to include a statement of principles the Council will apply when determining the casino applications (which Council did at its November meeting);
 - b) Development of an application pack which describes the process the Council proposes to follow and how the principles will be applied when determining the licence;
 - c) Advertisement of the 'competition' and commencement of a two stage application process:
 - o Stage 1 of the competition imposes a regulatory test whereby applications are tested for their compliance with the gambling licensing objectives, the Gambling Commission's codes of practice and guidance, and Southampton's Statement of Licensing Principles.

If there is more than one successful applicant at stage 1, then the competition at stage 2 is activated.

- At Stage 2, the large casino licence is to be awarded to the applicant whose proposal is considered likely to result in the greatest benefit to Southampton. This decision will be taken by the Licensing Committee.
5. Members are asked to note that should there only be one application at stage 1 of the process, stage 2 of the process may not be engaged, and the licence may be awarded to the sole applicant.

The Application Pack

6. The Council must produce a comprehensive application pack. There are a number of legal requirements as to the composition of the pack 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 extra documents that should form part of the pack. The draft application pack includes the following documents:
7. a) Procedure Note:
This sets out the procedure that the applicant and Licensing Authority will follow during the application process. This document is currently subject to a non-statutory consultation exercise with applicants and the public, and will be finalised at full Council in March.
- b) Stage 1 Application Documents:
- Stage 1 Premises Licence Fee Schedule (Appendix 1)
 - Stage 1 Licence Application Form (standard) (Appendix 2)
 - Stage 1 Licence Application Form (vessel) (Appendix 3)
 - Stage 1 Provisional Statement Application Form (Appendix 4)
 - Stage 1 List of Responsible Authorities (Appendix 5)
 - Stage 1 Licence Application Newspaper and Premises Notice (Appendix 6)
 - Stage 1 Provisional Statement Newspaper and Premises Notice (Appendix 7)
 - Stage 1 Licence Application, Notice of Application – Form A (Appendix 8)
 - Stage 1 Licence Application, Notice of Application – Form B (Appendix 9)
 - Stage 1 Provisional Statement, Notice of Application – Form A (Appendix 10)
 - Stage 1 Provisional Statement, Notice of Application – Form B (Appendix 11)

c) Stage 2 Application Documents:

- Stage 2 Application Form and Notes for Guidance (Appendix 12 + 13)
- Stage 2 Evaluation Framework and Scoring Matrix. This document is currently subject to a non-statutory consultation exercise with applicants and the public, and will be finalised at full Council in March.
- Draft Schedule 9 Agreement (Appendix 14). This is the draft agreement that any successful applicant will have to enter into with the Council to ensure delivery of those benefits specified in the Stage 2 Application. A condition may be attached to the Licence giving effect to the agreement.

d) Other Documents:

- Terms of Reference for the Licensing Committee and Advisory Panel (Appendix 15). The Terms of Reference sets out further procedural detail relating to the involvement of the Licensing Committee and the Advisory Panel in the large casino licensing process.
- List of Members of the Licensing Committee (Appendix 16)
- List of Members of the Advisory Panel (Appendix 17). At this stage this list contains the intended categories of specialist advisors that will constitute the Advisory Panel. This report seeks authority for the Head of Legal, HR and Democratic Services to commission appropriate specialists in each of these categories, after consultation with the Chairman of the Licensing Committee.
- Information Storage Protocol for use at stage 2 of the process (Appendix 18)

8. This report asks Members to consider the draft Application Pack documents set out above, and subject to any suggested amendments, approve the documents for use in the large casino licensing process.
9. Members are asked to note that the various application forms that are contained within the Application Pack are prescribed by statute and cannot be changed from their current drafting. The Terms of Reference at Appendix 15 is based on a draft prepared by counsel and used by other authorities undergoing this process.

The Advisory Panel

10. Assuming there is more than one application, once Stage 1 has completed, the appeal period is over and any appeals dispensed with, the process will move into Stage 2. All successful Stage 1 applicants will be advised of the start of Stage 2, and invited to submit their detailed applications.
11. The initial applications will be reviewed and confidential, detailed negotiations will begin with each applicant with a view to the application being refined, supplemented or altered so as to maximise the benefits in accordance with the Act and adopted evaluation criteria; It is recommended this is carried out

through an expert advisory panel.

12. The benefits of this approach are:
 - a) It will be easier to control timescales and to set realistic deadlines
 - b) Specialist officers from the council will be able to plan and dedicate time to the process
 - c) External advisors can be procured providing the best value for money for the council
 - d) Expertise in negotiations and conclusion of legal documents can be procured
 - e) The Council can better ensure it meets the requirements of confidentiality and document control

13. The Advisory Panel will provide detailed technical analysis especially in relation to areas relating to finance and credit assumptions, socio-economic impacts, health and potential addiction impacts, and the credibility/viability of any particular casino offer. A draft list of categories of expert is attached at Appendix 17 to this report. The list is a reflection of the various specialisms required to provide a complete and well-rounded evaluation of each application to the Licensing Committee.

The Advisory Panel will be used to evaluate the applications, oversee negotiations and provide the Licensing Committee with a detailed evaluation report on each application before they meet to determine the licence. The Advisory Panel will not select a preferred applicant, but merely make an analysis of each application. The Licensing Committee will then discuss the applications and the report from the Advisory Panel and select their preferred applicant. If further information is required, the Licensing Committee may request this from the Advisory Panel before making their determination.

14. The Advisory Panel must be completely independent of the decision making process, avoiding bias. It is proposed that wherever possible internal advisers will be used in order to provide value for money. However there are some areas where the specialism required is outside of the expertise of the Council and external specialists will be sourced. This report seeks approval for the Head of Legal, HR and Democratic Services, after consultation with the Chairman of the Licensing Committee, to commission appropriate specialist advisors to complete and maintain the membership of the Advisory Panel throughout the course of the licensing process.

15. Approval is also sought for the Head of Legal, HR and Democratic Services to place any required notices that may be necessary.

RESOURCE IMPLICATIONS

Capital/Revenue

16. The large casino provides the council with the opportunity to secure benefits

for the city. Although the development of the revised Policy and application pack, as well as the upcoming application process has had a cost associated with it, the project is being delivered within the ring fenced Gambling Act budget. In addition there will be an application fee of £10,000 per applicant and annual premises licence fees should a licence be granted.

Property/Other

- 17. None. Any potential landholding interests of the Council are to be considered separately from the strict regulatory process

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 18. Gambling Act 2005. Southampton is one of the 8 cities identified nationally by the Casino Advisory Panel to be given the authority to grant a large casino premises licence.
- 19. Applicants dissatisfied with the process have recourse by way of appeal to the Magistrates Court at the end of Stage 1 and Judicial Review of the decision made at the end of Stage 2.

Other Legal Implications:

- 20. The Gambling Act 2005 has three licensing objectives:
 - a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - b) ensuring that gambling is conducted in a fair and open way, and
 - c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

The licensing authority, in exercising their functions under the Act, shall aim to permit the use of premises for gambling in so far as it thinks it is reasonably consistent with the licensing objectives. The council has produced a revised Policy with this in mind and has taken special consideration of the protection of children and vulnerable people.

POLICY FRAMEWORK IMPLICATIONS

- 21. The application pack is based upon the principles as described in the Gambling Act 2005 Statement of Licensing Policy. Applicants for the large casino are expected to read the Policy before making their application and the Council will refer to the Policy when making its decisions.

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	none
------------------------------------	------

SUPPORTING DOCUMENTATION

Appendices

1.	Premises Licence Fee Schedule
2.	Stage 1 Licence Application Form (Standard)
3.	Stage 1 Licence Application Form (vessel)
4.	Stage 1 Provisional Statement Application Form
5.	Stage 1 List of Responsible Authorities
6.	Stage 1 Licence Application Newspaper and Premises Notice
7.	Stage 1 Provisional Statement Newspaper and Premises Notice
8.	Stage 1 Licence Application, Notice of Application – Form A
9.	Stage 1 Licence Application, Notice of Application – Form B
10.	Stage 1 Provisional Statement, Notice of Application – Form A
11.	Stage 1 Provisional Statement, Notice of Application – Form B
12.	Stage 2 Application Form and Notes for Guidance
13.	Stage 2 Guidance Notes for Application Form
14.	Draft Schedule 9 Agreement
15.	Terms of Reference for the Licensing Committee and Advisory Panel
16.	List of Members of the Licensing Committee
17.	List of Members of the Advisory Panel
18.	Information Storage Protocol

Documents In Members' Rooms

1.	None.
----	-------

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
--	----

Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
------------------------------	--

This page is intentionally left blank

Fees under the Gambling Act 2005

1	2	3	4	5	6	7	8	9
Classes of premises licence	Maximum conversion application fee for non-fast track application	Maximum non-conversion application fee in respect of provisional statement premises	Maximum non-conversion application fee in respect of other premises	Maximum annual fee	Maximum fee for application to vary licence	Maximum fee for application to transfer a licence	Maximum fee for application for reinstatement of a licence	Maximum fee for application for provisional statement
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£2,000	£750	£1,000	£950	£950	£2,000
Betting premises (other) licence	£1,500	£1,200	£3,000	£600	£1,500	£1,200	£1,200	£3,000
Please note that these fees have been set by Southampton City Council's Licensing Committee.								
Conversion of premises licence – fast track application		£300						
Change of circumstance fee		£50						
Copy of a licence		£25						
Occasional Use Notice		No power to charge a fee						
Temporary Use Notice		Notice:	£500	Endorsed copy of notice:	£50			

Appendix 1

Fees under the Gambling Act 2005

1	2	3	4	5	6	7	8	9	
Permit/Registration Type	Application Fee - Existing Operator	Application Fee - New Operator	Renewal Fee	Annual Fee ¹	Duration of Permit	Variation	Transfer	Change of name	Copy of permit
Family Entertainment Centre	£100	£300	£300		10 years from date of issue			£25	£15
Prize Gaming Permit	£100	£300	£300		10 years from date of issue			£25	£15
Alcohol Licensed Premises Gaming Machine Permit	£100	£150		£50	Indefinitely	£100	£25	£25	£15
Alcohol Licensed Premises Notifications	£50				Indefinitely ²	²	²	²	
Club Gaming and Club Machine Permits – Existing holders of registrations or Club Premises Certificates	£100		£100	£50	10 years from date of issue	£100			£15
Club Gaming and Club Machine Permits – All other cases		£200	£200	£50	10 years from date of issue	£100			£15
Small Society Lottery Registration		£40	£20		Indefinitely				y

Note 1
The first annual fee is payable within 30 days after the permit comes into effect or within 12 months from the issue date, whichever is the sooner. Thereafter the annual fee will be payable on the anniversary of the issue date of the permit.

Note 2
A change of the holder of the Licensing Act 2003 Premises Licence will necessitate a new notification.

Please note that these fees are fixed by the Government's Department for Culture Media and Sport.

**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

Large Casino

Small Casino

Bingo

Adult Gaming Centre

Family Entertainment Centre

Betting (Track)

Betting (Other)

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 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:

This page is intentionally left blank

**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 provisional 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

Applicant 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 the application was made:

9. Tick the box if 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 at 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 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:

This page is intentionally left blank

**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.

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 or proposed 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 or proposed 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 or proposed 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 want the premises licence to have 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 or proposed 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 18(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.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises or proposed 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 20 and 21.]

[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:

This page is intentionally left blank

LIST OF RESPONSIBLE AUTHORITIES FOR GAMBLING ACT 2005



The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007

The applicant must send a statutory notice of the application to each of the following responsible authorities:

1. Southampton City Council
Licensing Team
PO Box 1767
Southampton
SO18 9LA
2. The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
3. Hampshire Police
Hampshire Constabulary
Police Headquarters
West Hill
Romsey Road
Winchester
Hampshire SO22 5DB
4. Hampshire Fire and Rescue
Service Headquarters
Leigh Road
Eastleigh
Hampshire SO50 9SJ
5. Southampton City Council
Development Control Division
Civic Centre
Southampton
SO14 7LT
6. Southampton City Council
Noise & Nuisance Team
Environmental Health
Civic Centre
Southampton
SO14 7LT
7. Southampton City Council
Children Planning & Review Team
Civic Centre
Southampton
SO14 7LT
8. HM Revenue & Customs
Betting & Gaming
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ
9. Any other person / organisation as
advised by the Secretary of State

This page is intentionally left blank

NOTICE OF APPLICATION FOR A PREMISES LICENCE UNDER THE GAMBLING ACT 2005

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:

[Specify the name of the licensing authority to which the application has been made]

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.**

This page is intentionally left blank

NOTICE OF APPLICATION FOR A PROVISIONAL STATEMENT UNDER THE GAMBLING ACT 2005



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 the type 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. If no address is available, give a description of the premises and their location]

The application has been made to:

[Specify the name of the licensing authority to which the application has been made]

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.

This page is intentionally left blank

NOTICE OF APPLICATION FOR A PREMISES LICENCE (Form A)



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 premises licence]

of the following address:

Postcode:

[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 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.]

has made an application for a

premises licence.

[Insert here the 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 for a premises licence has been made to the following licensing authority:

Postcode:

Website:

[Insert name of the licensing authority and the address of its principal office, followed by the address of its website]

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 (Form B)



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 premises licence.

[Insert here the 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 for a premises licence has been made to the following licensing authority:

Postcode:

Website:

[Insert name of the licensing authority and the address of its principal office, followed by the address of its website]

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 (Form A)

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:

Postcode:

[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 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.]

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 or proposed 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:

Postcode:

Website:

[Insert name of the licensing authority and the address of its principal office, followed by the address of its website]

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 a provisional statement was made to the licensing authority.]

NOTICE OF APPLICATION FOR A PROVISIONAL STATEMENT (Form B)

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 types 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:

Postcode:

Website:

[Insert name of the licensing authority and the address of its principal office, followed by the address of its website]

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 after the day on which the application for a provisional statement 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]



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please refer to the attached Guidance Notes.

If you are completing this form by hand, please write legibly in block capitals using black 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.

Part 1 – 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 a partnership), please fill in Section B. All applicants must complete Section C.

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 licence¹ 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".]

¹ Casino Operating Licence is a separate licence which is issued by the Gambling Commission, see www.gamblingcommission.gov.uk

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:

Company Registration Number:

Company VAT Number:

Postcode:

8(a) The number of the applicant's operating licence² (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".]

Section C

Please confirm that the applicant has completed and enclosed the draft Schedule 9 Agreement Yes No

The Licensee shall comply with the terms of the written agreement Reference No dated Yes No

Is the applicant prepared to offer a third party guarantor of its obligations under the Agreement Yes No

If so, identify the proposed guarantor:

Name:

Registered address:

Company Registration Number:

Confirm that a letter of consent from the proposed guarantor and its last 3 years audited accounts have been attached Yes No

² Casino Operating Licence can only be obtained from the Gambling Commission

Part 2 – 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 or proposed premises and their location):

Postcode:

12. Telephone number at premises (if known):

13. Plans submitted as part of Stage 2 application:

14. State whether any of the above plans are illustrative only, giving reasons:

15. State whether the proposal is for the following (tick as appropriate):

- a new build development
- a modification of an existing building

16. If the proposal is for a modification of an existing building, state the current use of the building:

17. 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.

Note: Scale plans should be provided to illustrate the above information. Plans must be titled and referenced appropriately.

Part 3 – Summary Information

The following section requires summary information of key facts, applicants are given the opportunity to expand on this information in later questions.

Casino Areas

20. Please quote the following measurements in square metres

Gross Area	
Gross Customer Area	
Table Gaming Area (including electronic gaming)	
Machines Area	
Other Gaming Areas (please specify)	
Non-Gaming Areas (excluding WCs, reception & lobby)	
Non-Gambling refuge area(s)	
Bar / Lounge(s)	
Restaurant(s)	
Other (please specify)	

21. Minimum / maximum number of gaming tables:

22. How many games will be automated:

23. Minimum / maximum number of electronic gaming terminals:

24. Minimum / maximum number of electronic gaming machines:

25. Games of equal chance to be offered. Please give details:

26. Provision of self-help and tuition facilities (describe):

Non Gambling Facilities

27. Please give details of all proposals for refreshment and regulated entertainment, including hours and regularity of provision:

Southampton City Council is seeking to ensure a high quality Leisure and Entertainment Destination (LED) is created in which gambling is only part of the overall entertainment offer.

Postcode:
28. Is the casino linked to any other development? <input type="checkbox"/> Yes <input type="checkbox"/> No
29. If so, give details of the development and state whether the casino is dependent on the other development.
30. If so, state to what extent the casino is dependent on this development.
31. To what extent is the development dependent upon the casino?
32. Identify all plans and documentation submitted to show the linked development.
32. State the progress and anticipated timing of the linked development.
Number of jobs created
33. Total number of direct full-time equivalent jobs created in the proposed casino:
34. Total number of direct jobs created in the Leisure and Entertainment Destination (excluding casino jobs):
35. Number of jobs safeguarded in the Council area as a result of the proposed Leisure and Entertainment Destination:
36. State anticipated opening date for the complex:

Part 4 Evaluation Framework

Applicants should use separate sheets to address these requirements or provide the information in a separate document(s). It is requested that applicants ensure that information provided is relevant, concise and specific. Reference should be made to Southampton City Council's Statement of Licensing Principles and to the Guidance Notes and Evaluation Framework document included herewith.

CRITERIA A

Regenerative Impact and Deliverability

CRITERIA B

Problem Gambling

CRITERIA C

Financial

Part 5 – Contact Details

37. Please give the name of a person who can be contacted about the application:

Address:

Postcode:

Daytime Telephone Number:

Mobile Telephone Number:

Postcode:

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

Part 6 – Declaration and Signature

I confirm that, to the best of my knowledge, the information contained in this application and accompanying documents is true. I understand that it is an offence under Section 342 of the Gambling Act 2005 to give information which is false or misleading.

I confirm that I am authorised by the applicant to sign this form on its behalf.

Signature: _____

Print name: _____

Position: _____

Address: _____

Date: _____

This page is intentionally left blank



STAGE 2: APPLICATION FORM NOTES FOR GUIDANCE

Please note, the applicant is required to lodge:

- xxx sets of the form and all plans and attachments. Each complete set should be filed in an indexed, tabbed lever arch file. All printing should be double-sided.
- A CD containing a complete set of the documentation.
- Applications must be securely packaged and clearly marked '*Private and confidential*'.
- Applications should be submitted to the following address:

Licensing Team
Southampton and Eastleigh Licensing Partnership
PO Box 1767
Southampton
SO18 9LA

Part 1 – Applicant details

- 1.1 The name given must be the same name given at Stage 1 of the competition, and in the applicant's operating licence or application for such a licence.

Part 2 – Premises Details

- 2.1 The applicant should give the title and number of each plan submitted as part of the application. This should include and conform with the plans submitted at Stage 1.
- 2.2 It is recommended that the plans should be as full as possible so as to provide sufficient detail of the development to enable a judgment to be made regarding likely benefits to the area.
- 2.3 Floor plans should include (where relevant) table gaming areas with indicative table layouts, machine areas, card rooms, tuition areas, cooling off / self help areas, bar and restaurant areas, non-gaming lounge or other recreation areas, entertainment areas or stages, events facilities, disabled facilities (including consideration given to counter heights and level changes), kitchen areas, staff changing, hygiene and recreation areas.
- 2.4 Elevation plans should demonstrate the quality of the elevational treatment, and whether gaming facilities will be visible from the exterior of the building.
- 2.5 Site plans should show the extent and quality of car parking, taxi waiting areas, provision for non-motorised and public transport, walking links from other developments, together with off-site security provision for customers (e.g. lighting and CCTV).
- 2.6 Where the proposed casino is part of a wider development, the plans should demonstrate the overall development.
- 2.7 The Authority will generally wish to include plans in the premises licence by condition, so as to ensure that the casino development proposed is delivered. If the applicant is offering the plans as illustrations only, and therefore not to be included in the premises licence, the applicant should explain its reasons.

Part 3 – Summary Information

- 3.1 Part 3 requires summary information of key facts as detailed. Applicants are given the opportunity to expand on this information in Part 4 it is therefore intended that answers provided to questions in Part 3 are specific and succinct.
- 3.2 The form asks a number of questions regarding the gaming provision on site. The applicant may submit an operating plan describing the style and nature of the casino in greater detail, should it so wish. In addition to the matters set out in the form, the applicant may describe its proposals as to minimum staking levels, so as to permit low stakes gambling in the casino. If there is a proposal to offer low- or no-stakes gambling, the applicant should give details of the provision, including the times and numbers of tables involved, and state whether it is prepared to submit to a condition to require such provision, and suggest the drafting of such a condition.
- 3.3 The applicant should describe its non-gambling facilities. The Authority is seeking to ensure that a high quality Leisure and Entertainment Destination (LED) is created in which gambling is only part of the overall entertainment offer. It wishes to guard against a proposal for non-gambling facilities which results in only token provision. The applicant should therefore describe its proposals in summary detail in Part 3 and provide further detail in Part 4.
- 3.4 The applicant is asked to state whether the casino is part of a wider development. Where it is, the applicant should state whether the casino is dependent on this development, giving the timetable for this development, and indicating any constraints on delivery. Please note that the authority is not entitled to take into account whether the proposal is likely to be permitted in accordance with the law relating to planning or building.

Part 4 – Evaluation Framework

- 4.1 In this section the applicant is invited to state how deliverable the scheme is and what benefits it will realise.
- 4.2 The applicant should clearly structure its submissions around the criteria in the attached document “Evaluation Framework” since these will form the focus of the Authority’s consideration. The suggested information requirements set out in Part 4 are provided as a guide and applicants may provide additional information to illustrate their case as they see fit.
- 4.3 The Authority considers that “benefit” includes avoidance of disbenefit. Further, the authority is concerned with net benefit, so that if there are benefits which are likely to arise even if the application is not granted, the applicant may wish to focus on the added value which a 2005 Act casino licence would bring.
- 4.4 It is important that the Authority is satisfied that promised benefits will be delivered in the time stated and maintained thereafter.
- 4.5 The applicant is invited to deliver a raft of information to provide assurance that it has the financial standing and intention to deliver the scheme. If the applicant or an associated company has been granted casino licences which it has not developed, or has closed or disposed of, the applicant is invited to explain the circumstances so as to satisfy the Authority that there is no such intention in this case.
- 4.6 Applicants are invited to contract with the Authority for provision of the benefits and to state what compensation will be offered if the benefits are not delivered. A draft

Schedule 9 agreement is attached to the form, for completion by the applicant. Compliance with the agreement will be made a Licence condition, if granted. Applicants are invited to state whether they agree to such a condition.

- 4.7 Measurable benefits for inclusion in the contract can take any form. They may include (for example) the promotion of physical regeneration, tourism, employment opportunities and financial contributions. The pro forma agreement allows the applicant to include whatever benefits the applicant wishes the Authority to take into account.
- 4.8 The Authority wishes to guard against granting a licence to a scheme which is not then delivered on time or at all, or which then closes or otherwise changes so as no longer to deliver promised benefits. The applicant should consider and include in the agreement its proposals for compensation by way of liquidated and ascertained damages should the promised benefits not be delivered or maintained.
- 4.9 Where the applicant is unable to demonstrate the financial standing to build and operate the casino over a long period, it should consider offering a guarantor to secure its obligations.
- 4.10 The applicant is invited to present its case in whatever format it considers best. The Authority is keen to encourage imaginative and interesting proposals for maximum benefit, and so leaves it to applicants to present their material as they wish.

Part 5 – Contact details

- 5.1 Any contact in relation to this application will be between the person nominated in this section and the single point of contact at the Authority, so as to ensure a proper record of communications. The person nominated should therefore have authority to act for the applicant and sufficient knowledge to be able to communicate efficiently with the Authority. This can be, but does not have to be, the applicant's solicitor.

Part 6 – Declaration and signature

- 6.1 The form should be signed by a person who is authorised by the applicant, and who takes personal responsibility for the accuracy of the content of the form and attachments.

This page is intentionally left blank

Agenda Item 5

Appendix 14



Dated _____ 2013

AGREEMENT
under Schedule 9 Gambling Act 2005
in respect of
Casino Premises Licence at []

Richard Ivory
Head of Legal, HR & Democratic Services
Southampton City Council
Civic Centre
Southampton
SO14 7LY

This Agreement is made the _____ day _____ of 2013

BETWEEN

- (1) Southampton City Council, Civic Centre, Southampton, SO14 7LY and
- (2) [_____] of [_____] ('the Licensee')
and
- (3) [_____] of [_____] ('the Guarantor')

RECITALS

- (1) The Council is the licensing authority for the purposes of the Gambling Act 2005 (the Act) for [address of proposed premises] ('the Premises').
- (2) The Licensee has applied for a large casino premises licence ('the Licence') [provisional statement] under the Act in respect of the Premises.
- (3) The Council has determined to grant to the Licensee the Licence [provisional statement] subject to the conditions mentioned in the said Licence/provisional statement and the terms of this Agreement.
- (4) The parties have agreed to enter into an Agreement under schedule 9 of the Act 2005 in order to secure the delivery of the benefits set out at Schedule 1.
- (5) The parties acknowledge that the Licence will contain a condition to give effect to the Licensee's obligations contained in this Agreement.
- (6) The parties acknowledge that the object of this Agreement is to enable the grant of the Licence to the Licensee by securing the delivery of the benefits set out at Schedule 1.
- (7) This Agreement is entered into by the Guarantor who agrees that it is bound by its terms and conditions.
- (8) The parties to this Agreement agree that these Recitals form part of the Agreement.

1. DEFINITIONS AND INTERPRETATION

- 1.1 In this Agreement unless the context otherwise indicates or requires the following shall have the meanings respectively assigned to them:

'the Agreement' means this agreement constructed as a deed and the schedules hereto and all amendments to such agreement or schedules;

'the Act' means the Gambling Act 2005;

'the Licence means a large Casino Premises Licence to be granted by the Council pursuant to the Act.

- 1.2 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.

- 1.3 The clause headings in this Agreement are for reference only and are not to be taken into account in its construction or interpretation.
- 1.4 Words importing the singular meaning include the plural and vice versa except where the context requires otherwise.
- 1.5 Words of the masculine gender include other genders and words denoting persons include corporate persons and associations.
- 1.6 Obligations by more than one person are joint and several and where any party to this Agreement is more than one person references to that party are to each person individually as well as jointly with the other comprising it.
- 1.7 References to any party under this Agreement shall include successors in title to that party.
- 1.8 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.
- 1.9 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.
- 1.10 If any provision of this Agreement is held to be illegal invalid or unenforceable the legality validity and enforceability of the remainder of the Agreement will be unaffected.
- 1.11 The parties to this Agreement do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third parties Act) 1999 by any person who is not a party to this Agreement.
- 1.12 References to any statutory provision, enactment, order, regulation or other similar instrument shall be construed as a reference to the statutory provision, enactment, order, regulation or instrument(including any EU instrument)as amended, replaced, consolidated or re-enacted from time to time and shall include any orders, regulations, codes of practice, instruments or other subordinate legislation made under it.
- 1.13 This Agreement is to be governed and interpreted in accordance with English law
- 1.14 The Courts of England are to have jurisdiction in relation to any disputes between parties to this Agreement arising out of or related to this Agreement.

2. LEGAL BASIS

- 2.1 This Agreement is made pursuant to schedule 9 of the Gambling Act 2005, section 111 of the Local Government Act 1972 and section 2 of the Local Government Act 2000 and all other powers enabling such agreement.

3. CONDITIONALITY

3.1 This Agreement is conditional upon the grant of the Licence [provisional statement].

4. BENEFITS

4.1 The Licensee covenants to provide the benefits set out at Schedule 1 to the Council's satisfaction from the starting date or dates specified in that Schedule

4.2 In the event that the said benefits set out in Schedule 1 or any of them are not provided at any time following the date specified in Schedule 1 the Licensee covenants to pay to the Council the liquidated and ascertained damages set out in Schedule 1. Where any of the benefits are supplied for only a proportion of the month the liquidated and ascertained damages for that month shall be reduced proportionately

4.3 The Licensee acknowledges and agrees that the obligation in Clause 4.2 will be without prejudice to any other remedies which the Council has for non provision of the said benefits including but not limited to enforcement of the conditions of the Licence, a claim in debt or specific performance.

5. TERMINATION OF AGREEMENT

5.1 The Licensee's covenants contained in this Agreement shall continue unless and until the Licence is surrendered or terminated for any other reason.

5.2 Upon surrender or other termination of the Licence [provisional statement] the Licensee shall remain liable for any liabilities accrued under this Agreement and/ or any breach of covenant prior to surrender or other termination of the Licence [provisional statement] and the Council's remedies in respect thereof shall not be affected by such surrender.

5.3 In the event that the grant of a casino premises licence follows the grant of a provisional statement:

5.3.1 the Licensee's covenants herein shall continue in full force and effect unless and until the Licence is surrendered, revoked or lapses; and

5.3.2 all references herein to the Licence shall be deemed to include reference to a casino premises licence following the grant of the provisional statement

5.4 In the event of a transfer of the Licence [provisional statement] the Licensee's obligations under this Agreement shall continue unless and until the Council agrees in writing to terminate this Agreement

5.5 In the event of termination of this Agreement as detailed in clause 5.4 the Licensee shall remain liable for any liabilities accrued under this Agreement and/ or any breach of covenant prior to termination and the Council's remedies in respect thereof shall not be affected by such Termination.

6. WAIVER OF AGREEMENT

- 6.1 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 any of the relevant covenants terms or conditions of this Agreement or for acting upon any subsequent breach or default.

7. INTEREST AND INDEXATION

- 7.1 Where any monetary payments due under this Agreement is not paid within ten (10) working days of the due date it shall carry interest at the rate of 4% above the base rate of the Bank of England from time to time calculated from the due date (whether before or after any judgement) until actual payment.
- 7.2 Any fixed monetary payments due under this Agreement shall increase on 1st January each year by an amount equivalent to the increase in the Retail Prices Index issued by the Office for National Statistics on 1st January of the preceding year.

8. LEGAL COSTS

- 8.1 The Licensee shall pay to the Council on completion of this Agreement the reasonable legal costs of the Council incurred in the negotiation preparation and execution of this Agreement.

9. DISPUTE RESOLUTION

- 9.1 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.
- 9.2 If a dispute is not resolved within 14 days of referral under clause 9.1 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.
- 9.3 If the procedure set out in clause 9.1 and 9.2 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 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.
- 9.4. If the Dispute is not resolved under clauses 9.1 - 9. 3 then the parties may commence proceedings in the Courts for resolution of the Dispute. For the avoidance of doubt compliance with clauses 9.1- 9.3 shall be a condition precedent to the commencement of any such proceedings SAVE THAT:-

nothing in this clause 9.3 shall prevent any party applying for emergency relief from the Court, including injunctive relief, at any time; and

where any dispute party fails to comply with any part of the procedure in clauses 9.1 – 9. 3 inclusive, any other dispute 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.

10. GUARANTEE

10.1 The Guarantor shall comply with the obligations set out in Schedule 2.

11. DEALINGS

11.1 This Agreement may not be assigned, charged, held on trust or in any way dealt with by the Licensee or the Guarantor.

12. INFORMATION

12.1 The Licensee acknowledges:-

that the Council is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004; and

12.1.1 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 Freedom of Information Act 2000 and the Environmental Information Regulations 2004; and

12.1.2 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.

13. NO FETTER OF STATUTORY FUNCTIONS

13.1 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.

IN WITNESS whereof the parties hereto have executed this Agreement as a Deed the day and year first before written

SCHEDULE 1
THE BENEFITS

[Please specify:

- (1) The benefit as fully as possible, together with whether and if so what periodic payments are being proposed*
- (2) The starting date for the provision of the benefit*
- (3) The liquidated and ascertained damages payable per calendar month for any period following the starting date over which the benefit in question is not being provided]*

Benefit	Starting	Liquidated and ascertained damages: sum payable per calendar month
1.		
2.		
3.		
4.		
5. etc		

SCHEDULE 2
GUARANTOR'S PROVISIONS

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
 - 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. DEFAULT OF LICENSEE

- 3.1 The provisions of this clause 3 will apply:
 - 3.1.1 if the Licensee commits a breach of the terms of this Agreement which cannot be remedied;
 - 3.1.2 if the Licensee commits a breach of the terms of this Agreement which is capable of being remedied and:

- 3.1.2.1 does not begin diligently to remedy that breach within ten working days of written notice from the Council or immediately in case of emergency; and
 - 3.1.2.2 does not remedy the breach within a reasonable period of time, to be specified in the notice, to the reasonable satisfaction of the Council;
- 3.1.3 following the disclaimer of this Agreement by the Crown or by a liquidator or trustee in bankruptcy of the Licensee; or
- 3.1.4 if the Licensee is a company, the Licensee is struck off the register of companies or otherwise ceases to exist.
- 3.2 If any of the provisions in paragraph 3.1 apply and the Council requests the Guarantor to do so in writing, the Guarantor is to:
 - 3.2.1 enter into a new agreement with the Council on the terms of this Agreement with the substitution of the Guarantor for the Licensee and with due allowance to be made in the new agreement for any sums paid by the Licensee under this Agreement when calculating any sums due under the new Agreement.

4 NO ASSIGNMENT

- 4.1 The Guarantor is not to take an assignment of this Agreement from the Licensee.

5. ADDITIONAL PROVISIONS

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 If there is more than one Guarantor, the obligations which they undertake can be enforced against them all jointly or against each individually.

THE COMMON SEAL of SOUTHAMPTON 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:

TERMS OF REFERENCE FOR LICENSING COMMITTEE AND ADVISORY PANEL

INTRODUCTION

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

Before granting such a licence, the Authority must hold a competition.

Stage 1 of the competition imposes a regulatory test, whereby applications are tested for their compliance with the gambling licensing objectives, the Gambling Commission’s codes of practice and guidance, and the licensing authority’s licensing policy. If there is more than one winner at Stage 1, then the competition at Stage 2 is activated.

At that stage, the casino licence is to be awarded to the party whose proposal is considered likely to result in the greatest benefit to the authority’s area. To that end, the Authority and the applicant may enter into an agreement for the provision of services or otherwise, the agreement may be enforced as a condition of the licence, and its existence may be taken into account in evaluating the likely benefit of the proposal.

The decision will be taken by the Authority’s Licensing Committee.

However, the Authority has constituted a non-statutory Panel named the Advisory Panel to make recommendations as to how the bids should be evaluated. The Advisory Panel is not a decision-making body, and while the Licensing Committee will take the Panel’s recommendations into account, it is not bound to follow them.

STAGE 1 PROCEDURE

An application for a premises licence or a provisional statement must be made to the Authority in the form and manner prescribed by the Gambling Act 2005 and the Application Regulations.

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 nevertheless apply for a provisional statement.

Following the making of the application, the applicant must give notice to the responsible authorities, advertise the application and display a site notice, all in accordance with the Application Regulations.

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

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

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

This hearing will be held before the Committee and will be governed by the Hearings Regulations and the Committee's established procedures for premises licence applications.

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

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any relevant Guidance issued by the Gambling Commission;
- (c) reasonably consistent with the licensing objectives¹ (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the Authority under section 349 (subject to paragraphs (a) – (c)).

In making its determination, the Committee must disregard:

- (1) the expected demand for the proposed facilities;
- (2) whether or not the proposal is likely to be permitted in accordance with the law relating to planning or building;

¹ The licensing objectives are: (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, (b) ensuring that gambling is conducted in a fair and open way, and (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

(3) any information which is relevant to a determination at Stage 2, unless that information is also relevant to the determination at Stage 1. So, for example, information regarding the benefit of the proposal to the area would be disregarded;

(4) whether any of the competing applications is more deserving of being granted.

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 competition.

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

STAGE 2 PROCEDURE

(A) THE ADVISORY PANEL

Stage 2 applicants will be invited to complete a form and supply plans and attachments, demonstrating how their proposal is likely to benefit the Council's area.

All Stage 2 applications will then be placed before the Advisory Panel.

Following perusal of the applications, the Panel may request officers of the Authority to engage in discussions or negotiations with each Stage 2 applicant with a view to the particulars of their application being refined, supplemented or otherwise altered so as to maximise the benefits to the Authority's area, should the application be granted. If the discussions are with a view to particulars of the application being improved or altered (rather than merely clarified or particularised), the same invitation will be offered to all other applicants to ensure equal treatment.

Wherever possible, such discussions will take place in writing to ensure transparency. The Panel itself will not correspond with applicants but will direct correspondence through the Council officer assigned to act as the single point of contact with the applicant.

Where oral discussions occur, these will take place with nominated Council officers and will be fully minuted for the Panel's benefit.

The Advisory Panel may elect to interview applicants. If so, all applicants will be interviewed. The purpose of the interview will be to clarify the application and not to negotiate with the applicant. All interviews will be minuted. To ensure equality of treatment, all applicants will be asked the same questions at interview.

The applicant will be invited to amend his bid documentation to reflect any clarifications or alterations to the bid arising from the above process. At this stage, any suggested changes going beyond the agreed clarifications or amendments will be disregarded.

Following completion of the bid documentation, the Advisory Panel will evaluate each bid.

The evaluation will consist of:

(1) A qualitative appraisal.

(2) A quantitative appraisal against each of the headings in the Evaluation Criteria and Scoring Matrix document. The Panel will make a recommendation as to the overall score that show be attributed to each application.

In reaching a unified score for each application, the Panel may choose its own method, for example by taking an average or median score, rounding up or down, or some other method, provided that the same method is used consistently for all applicants.

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

Matters to be disregarded by the Advisory Panel

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

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

Conduct of members of Advisory Panel

1. The members undertake to act in accordance with the Member's Code of Conduct. Without prejudice thereto:

- a. members will act in accordance with the General Principles of Public Life set out in the Annex hereto;
 - b. members will declare any personal interest in the outcome of the competition, and will withdraw from participation if they have a prejudicial interest.
2. Members will have no contact with applicants or their representatives save as specified above.
 3. Members will ensure so far as they are able that all applicants receive equal treatment.
 4. Members will not discuss their interaction with 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.
 5. The content of the bids and all communications with each party is entirely confidential. Members should not disclose any information concerning any bid to any person, including any other party.
 6. All members should sign for receipt and acceptance of these Terms of Reference.

(B) THE LICENSING COMMITTEE

The overriding test for the Committee is that the Authority should determine which of the competing applications would, in the Authority's opinion, be likely if granted to result in the greatest benefit to the Authority's area. In determining this, the Authority may have regard to the effect of an agreement entered into by the Applicant whether as to the provision of services or otherwise.

In each case, the Licensing Committee will be provided with a copy of the application pack, the Stage 1 decision, the Stage 2 application form and associated documents (with any amendments), all correspondence and minutes, and the Advisory Panel's draft and final recommendations together with the applicant's representations.

The Committee will evaluate the respective merits of the applications against the Evaluation Criteria and Scoring Matrix document.

The Committee will be unlikely to need to interview applicants or seek further evidence or representations. If, in an exceptional case, it decides to do so, the same facility must be offered to all applicants to ensure equality of treatment. It will take any legal advice it requires. The legal adviser will play no part in judging the applications or making the decision.

The casino licence or provisional statement should be offered to the highest ranked applicant at Stage 2, subject to completion of any agreement offered at

Stage 2. If the agreement is not completed, the Authority should consider whether to award the licence or provisional statement to the next-ranked applicant, provided that it is satisfied that, in the circumstances, that applicant's proposal would be likely to result in the greatest benefit to the area.

Matters to be disregarded by Licensing Committee

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

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

Conduct of members of Licensing Committee

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

ANNEX – THE GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

Honesty Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership Holders of public office should promote and support these principles by leadership and example.

This page is intentionally left blank

Agenda Item 5

Appendix 16



List of current members of the Licensing Committee (as at February 2013)

Councillor Carol Cunio **(Chair)**
Councillor Brian Parnell
Councillor Don Thomas
Councillor Susan Blatchford
Councillor Beryl Harris
Councillor Spiros Vassiliou
Councillor Georgina Laming
Councillor Paul Lewzey **(Vice-Chair)**
Councillor Mary Lloyd
Councillor Sally Spicer
Councillor Matt Tucker
Councillor Les Harris
Councillor Daniel Fitzhenry

This page is intentionally left blank

Agenda Item 5

Appendix 17

Membership of the Advisory Panel

Role	Name	Title / Organisation
1. Regeneration & Planning		
2. Public Protection/Community Safety		
3. Finance		
4. Leisure		
5. Economic Specialist		
6. Problem Gambling Specialist		
7. Gambling Industry Specialist		
8. Legal Specialist		
9. Public Health		
10. Voluntary Sector		

This page is intentionally left blank

Information 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.

This page is intentionally left blank