

LICENSING COMMITTEE

4TH SEPTEMBER 2014

GAMBLING ACT 2005 – APPLICATION FOR LARGE CASINO PROVISIONAL STATEMENT BY GLOBAL GAMING VENTURES (SOUTHAMPTON) LIMITED AT THE PROPOSED WATERMARK WEST QUAY DEVELOPMENT, SOUTHAMPTON

The committee has heard an application by Global Gaming Ventures (Southampton) Limited for a provisional statement for a large casino licence at the above address. The hearing today concerned Stage 1 of the application process pursuant to Schedule 9 of the Gambling Act 2005. The applicant has applied for an exclusion of the default condition so as to operate 24 hours per day on Monday to Sunday inclusive.

The application plan shows a large development bounded in red, with separate layout plans showing the general disposition of uses in and immediately around the casino.

The application received representations from Hampshire Constabulary stating that the applicants are obliged to demonstrate that they are fit and proper persons to potentially be awarded the licence, but that the applicants are not holders of an operating licence which was considered to be a fundamental requirement. It was also stated that the applicants had failed to provide any evidence that might convince the Committee that they are fit and proper, having made no reference to age verification schemes or what form of identification would be required, and how children and other vulnerable persons would be protected from harm or exploitation by gambling. It was, however, stated that if the applicants were to submit a robust and acceptable policy or policies detailing how they would propose to comply with the crime and disorder gambling objective, then the Constabulary would be prepared to withdraw its representation. Shortly before the hearing, the Constabulary did withdraw its representation.

A similar representation was received by Southampton City Council as licensing authority, with the same caveat that if proper policies were supplied then the Council would reconsider its objection. Following supply of proposed policies and procedures, Southampton City Council duly withdrew its representation.

The application was presented by Mr. Macgregor, who asked that the Committee take into account his representations in relation to Royal Pier on the topic of social responsibility, policy and procedures, to avoid repetition, which the Committee was content to do.

He produced an illustrative plan showing indicatively where it is intended that the casino be located within the Watermark West Quay development, the casino being part of phase 2 of the development.

Mr. Macgregor did not wish to make closing submissions.

The Committee has considered, in accordance with Schedule 9 paragraph 4 of the Gambling Act 2005, whether it would grant this provisional statement if it had power to grant more than one premises licence for Southampton. The Committee's jurisdiction in that regard is governed by

section 153 of the Gambling Act 2005 which requires the licensing authority to aim to permit the use of premises for gambling in so far as the authority 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 Commission;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b));
- (d) in accordance with the authority's gambling licensing policy (subject to (a) – (c)).

In applying that test, the Committee may not have regard to the expected demand for the proposed facility (s 153)(3)) and nor may it have regard to whether the proposal is likely to be permitted in accordance with planning or building law (s 210). This approach applies both to the principle of the licence sought and to the application to exclude the default condition relating to hours of operation. The Committee may not have regard to information which is relevant at Stage 2 of the Schedule 9 procedure unless it is also relevant to the determination at Stage 1 (see Regulation 6 of the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and paragraph 4.4 of the Secretary of State's Code of Practice). Furthermore, the Committee may not at this stage have regard to whether any of the competing applications is more deserving of being granted (Schedule 9 paragraph 4(2)(a) Gambling Act 2005). The Committee confirms that it has obeyed all of these requirements.

In the absence of any objections, the Committee is satisfied that the relevant tests have been met and that it is appropriate to make a provisional decision to grant the application.

For the avoidance of doubt, any eventual licence for these premises will be subject to the statutory conditions included under:

- sections 176(3) of the Gambling Act 2005 (as to compliance with the Commission's Code of Practice as to access for children and young persons);
- section 177 thereof as to the giving of credit;
- section 183, which prohibits the use of the premises for gambling on Christmas Day.

With the consent of the applicant, the Committee has also decided to add conditions:

- Prohibiting visibility of gambling facilities from the exterior of the premises.
- Requiring the operation of Challenge 25.

The Committee was impressed with the Community Action on Responsible Gambling offered by a competitor and has considered whether to attach a condition to this grant requiring a similar scheme. It has decided not to, because it is confident that at Stage 2 the applicant will wish to offer a scheme which provides for community engagement and democratic accountability in the way it promotes socially responsible gambling.

Given that there are competing applications for the large casino licence, this is a provisional decision issued under Schedule 9 paragraph 4(2)(c) of the Gambling Act 2005. Since other applications have successful at Stage 1, then those applications will join this one at Stage 2 of the competition.

Decision

The Committee therefore makes a provisional decision to grant the application for a provisional statement and to exclude the default condition as to hours of operation. It has also decided to attach the individual conditions mentioned above.