

LICENSING COMMITTEE

4TH SEPTEMBER 2014

GAMBLING ACT 2005 – APPLICATION FOR LARGE CASINO PROVISIONAL STATEMENT BY GROSVENOR CASINOS LIMITED AT LEISUREWORLD, WEST QUAY ROAD, SOUTHAMPTON

The committee has heard an application by Grosvenor Casinos 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 states that the casino will be sited in part of the ground and first floor areas of the existing Leisureworld building, currently occupied by one vacant restaurant unit and the nightclub/bar premises, with access off the adjacent surface car park area. The building itself is a multi-leisure venue consisting of two floors and including some internal mezzanines, which currently houses existing casinos, cinema, nightclub, bar and restaurant premises.

No representations were received to the application.

Mr. Wade stated that Leisureworld was dear to Rank's heart, having built the development in the first place. He referred to and incorporated all he had said regarding Royal Pier in relation to social responsibility, procedures and policies.

In referring to the plan, he explained that age controls would operate at the front door, despite the gambling facilities being set further back into the building.

Mr. Wade, asked about the timescale for development, considered that the casino would be operational within 18 months of any licence grant. He explained that it would be built within the Leisureworld development rather than comprising new building.

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 objection, 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.

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.

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.

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 been 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 also attaches the individual conditions mentioned above.