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SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 4 SEPTEMBER 2014

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Present: Councillors Tucker (Chair), Galton, Lewzey, Painton, Parnell, Vassiliou, Whitbread and Hammond

Apologies: Councillors Lloyd, Pope and Spicer

1. **ELECTION OF VICE CHAIR**

**RESOLVED** that Councillor Lewzey be elected as Vice Chair of the Committee for the 2014/15 municipal year.

2. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Committee noted that apologies had been received from Councillor Pope and Spicer.

It was noted that following receipt of the temporary resignation of Councillor Lloyd from the Committee, the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Hammond to replace him for the purposes of this meeting.

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

**RESOLVED** that the minutes of the meeting held on 8 April 2014 be approved and signed as a correct record.

4. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that the parties to the hearing, press and public be excluded at a predetermined point in accordance with Section 100A(4) Local Government Act 1972 whilst the Committee reaches its decision.

5. **GAMBLING ACT 2005 - APPLICATION FOR A LARGE CASINO PROVISIONAL STATEMENT BY ASPERS UNIVERSAL LTD AT THE PROPOSED ROYAL PIER WATERFRONT DEVELOPMENT**

The Committee considered an application for a large casino provisional statement by Aspers Universal Ltd at the Proposed Royal Pier Waterfront Development.

Mr Heslop QC and Mr Noble (Aspers) were present and with the consent of the Chair, addressed the meeting.

The Committee heard a representation from Mr Linecar (Southampton Commons and Parks Protection Society) in relation to the Kymeira application. The issues raised were carried forward and considered in relation to the application.

All applications were heard before a decision was taken on any of the applications.

The Committee considered the decision in confidential session in accordance with the Local Government Act, 1972 Section 100A(4).

## RESOLVED

- (i) that a provisional decision be made to grant an application for a provisional statement to Aspers Universal Ltd for a large casino at the proposed Royal Pier Waterfront development, subject to two conditions agreed with the applicant, set out below;

### Conditions

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

- (ii) to exclude the default condition as to hours of operation.

After private deliberation the Committee reconvened and the Chair read the decision which included any conditions, however the full decision and reasons for the decision would follow. All parties would receive written confirmation of the decision with reasons.

### Reasons

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.

The Committee is satisfied that Aspers will be able to operate a casino which is regulatorily compliant, and that any casino would need to have an operating licence from the Gambling Commission which is subject to compliance with the Licence

Conditions and Codes of Practice. This includes control of entry to prevent the admission of children.

The Committee has not considered the question of whether there may be crime and disorder in the vicinity arising from the operation of the casino. This is because there is no detailed design for the casino, nor detailed designs for the wider development. These are matters which may be considered in any future gambling premises licence application, the planning process and any application for a Licensing Act 2003 licence.

In the circumstances, 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.

The Committee was impressed with the Community Action for Responsible Gaming and would expect to see more about the scheme at Stage 2 of the competition.

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.

6. **GAMBLING ACT 2005 - APPLICATION FOR A LARGE CASINO PROVISIONAL STATEMENT BY GENTING CASINOS UK LTD AT THE PROPOSED ROYAL PIER WATERFRONT DEVELOPMENT**

The Committee considered an application for a large casino provisional statement by Genting Casinos UK Ltd at the Proposed Royal Pier Waterfront Development.

Mr Roberts (Solicitor), Mr Myers and Ms Atkinson (Genting Casinos UK Ltd) were present and with the consent of the Chair, addressed the meeting.

The Committee heard a representation from Mr Linecar (Southampton Commons and Parks Protection Society) in relation to the Kymeira application. The issues raised were carried forward and considered in relation to the application.

The Committee noted that the representations from Hampshire Constabulary and Southampton City Council, as licensing authority had been withdrawn.

The Committee considered the decision in confidential session in accordance with the Local Government Act, 1972 Section 100A(4).

**RESOLVED**

- (i) that a provisional decision be made to grant the application for a provisional statement to Genting Casinos UK Ltd for a large casino at the proposed

Royal Pier Waterfront Development, subject to two conditions agreed with the applicant, set out below;

Conditions

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

(ii) to exclude the default condition as to hours of operation.

After private deliberation the Committee reconvened and the Chair read the decision which included any conditions, however the full decision and reasons for the decision would follow. All parties would receive written confirmation of the decision with reasons.

Reasons

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.

The Committee is satisfied that Genting will be able to operate a casino which is regulatorily compliant, and that any casino would need to have an operating licence from the Gambling Commission which is subject to compliance with the Licence Conditions and Codes of Practice. This includes control of entry to prevent the admission of children.

The Committee has not considered the question of whether there may be crime and disorder in the vicinity arising from the operation of the casino. This is because there is no detailed design for the casino, nor detailed designs for the wider development. These are matters which may be considered in any future gambling premises licence application, the planning process and any application for a Licensing Act 2003 licence.

In the circumstances, 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.

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.

The Committee notes that the plans are at an early stage of evolution and expresses at least some concern about secondary entrances directly adjacent to parkland. No doubt this is something to which the applicant would wish to give close attention as its plans develop.

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.

7. **GAMBLING ACT 2005 - APPLICATION FOR A LARGE CASINO PROVISIONAL STATEMENT BY GLOBAL GAMING VENTURES (RP) LTD AT THE PROPOSED ROYAL PIER WATERFRONT DEVELOPMENT**

The Committee considered the application for a large casino provisional statement by Global Gaming Ventures (RP) Ltd at the proposed Royal Pier Waterfront Development.

Mr Macgregor (Solicitor) was present and with the consent of the Chair, addressed the meeting.

The Committee heard a representation from Mr Linecar (Southampton Commons and Parks Protection Society) in relation to the Kymeira application. The issues raised were carried forward and considered in relation to the application.

The Committee noted that the representations from Hampshire Constabulary and Southampton City Council, as licensing authority had been withdrawn.

All applications were heard before any decision was taken on the applications.

The Committee considered the decision in confidential session in accordance with the Local Government Act, 1972 Section 100A(4).

### **RESOLVED**

- (i) that a provisional decision be made to grant the application for a provisional statement to Global Ventures (RP) Ltd at the proposed Royal Pier Waterfront development, subject to three conditions agreed with the applicant, set out below;

#### Conditions

- Prohibiting visibility of gambling facilities from the exterior of the premises;
- Requiring the operation of Challenge 25;
- Preventing access to the smoking terrace except via the casino.

- (ii) to exclude the default condition as to hours of operation.

After private deliberation the Committee reconvened and the Chair read the decision which included any conditions, however the full decision and reasons for the decision would follow. All parties would receive written confirmation of the decision with reasons.

#### Reasons

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.

The Committee is satisfied that GGV will be able to operate a casino which is regulatorily compliant, and that any casino would need to have an operating licence from the Gambling Commission which is subject to compliance with the Licence Conditions and Codes of Practice. This includes control of entry to prevent the admission of children.

The Committee has not considered the question of whether there may be crime and disorder in the vicinity arising from the operation of the casino. This is because there is no detailed design for the casino, nor detailed designs for the wider development. These are matters which may be considered in any future gambling premises licence application, the planning process and any application for a Licensing Act 2003 licence.

In the circumstances, 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.

The Committee was impressed with the Community Action on Responsible Gambling offered by a competitor, and was informed that GGV staff had in their former posts been instrumental in its establishment. It 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.

The Committee notes that the plans are at an early stage of evolution and expresses at least some concern about secondary entrances directly adjacent to parkland. No doubt this is something to which the applicant would wish to give close attention as its plans develop.

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.

8. **GAMBLING ACT 2005 - APPLICATION FOR A LARGE CASINO PROVISIONAL STATEMENT BY GLOBAL GAMING VENTURES (SOUTHAMPTON) LTD AT THE PROPOSED WATERMARK WEST QUAY DEVELOPMENT**

The Committee considered an application for a large casino provisional statement by Global Gaming Ventures (Southampton) Ltd.

Mr Macgregor (Solicitor) was present and with the consent of the Chair, addressed the meeting.

The Committee noted that the representations from Hampshire Constabulary and Southampton City Council, as licensing authority had been withdrawn.

All applications were heard before any decision was taken on the applications.

The Committee considered the decision in confidential session in accordance with the Local Government Act, 1972 Section 100A(4).

### **RESOLVED**

- (i) that a provisional decision be made to grant an application for a provisional statement to Global Gaming Ventures (Southampton) Ltd at the proposed Watermark West Quay development, subject to two conditions agreed with the applicant, set out below;

#### Conditions

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

- (ii) to exclude the default condition as to hours of operation

After private deliberation the Committee reconvened and the Chair read the decision which included any conditions, however the full decision and reasons for the decision would follow. All parties would receive written confirmation of the decision with reasons.

#### Reasons

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.

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.

9. **GAMBLING ACT 2005 - APPLICATION FOR A LARGE CASINO PROVISIONAL STATEMENT BY GROSVENOR CASINOS LTD TO BE DEVELOPED AT LEISUREWORLD WEST QUAY ROAD**

The Committee considered an application for a large casino provisional statement by Grosvenor Casinos Ltd to be developed at Leisureworld West Quay Road.

Mr Wade and Mr Bishop (Rank) were present and with the consent of the Chair, addressed the meeting.

All applications were heard before any decision was taken on the applications.

The Committee considered the decision in confidential session in accordance with the Local Government Act, 1972 Section 100A(4).

**RESOLVED**

- (i) that a provisional decision be made to grant an application for a provisional statement to Grosvenor Casinos Ltd to be developed at Leisureworld West Quay Road, subject to two conditions agreed with the applicant, set out below;

**Conditions**

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

(ii) to exclude the default condition as to hours of operation

After private deliberation the Committee reconvened and the Chair read the decision which included any conditions, however the full decision and reasons for the decision would follow. All parties would receive written confirmation of the decision with reasons.

### Reasons

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.

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.

10. **GAMBLING ACT 2005 - APPLICATION FOR A LARGE CASINO PROVISIONAL STATEMENT BY GROSVENOR CASINOS LTD AT THE PROPOSED ROYAL PIER WATERFRONT DEVELOPMENT**

The Committee considered an application for a large casino provisional statement by Grosvenor Casinos Ltd at the proposed Royal Pier Waterfront development.

Mr Wade and Mr Bishop (Rank) were present and with the consent of the Chair, addressed the meeting.

The Committee heard a representation from Mr Linecar (Southampton Commons and Parks Protection Society) in relation to the Kymeira application. The issues raised were carried forward and considered in relation to the application.

All applications were heard before any decision was taken on the applications.

The Committee considered the decision in confidential session in accordance with the Local Government Act, 1972 Section 100A(4).

**RESOLVED**

- (i) that a provisional decision be made to grant an application for a provisional statement to Grosvenor Casinos Ltd at the proposed Royal Pier Waterfront development, subject to two conditions agreed with the applicant set out below;

Conditions

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

- (ii) to exclude the default condition as to hours of operation.

After private deliberation the Committee reconvened and the Chair read the decision which included any conditions, however the full decision and reasons for the decision would follow. All parties would receive written confirmation of the decision with reasons.

Reasons

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.

The Committee is satisfied that Grosvenor will be able to operate a casino which is regulatorily compliant, and that any casino would need to have an operating licence from the Gambling Commission which is subject to compliance with the Licence Conditions and Codes of Practice. This includes control of entry to prevent the admission of children.

The Committee has not considered the question of whether there may be crime and disorder in the vicinity arising from the operation of the casino. This is because there is no detailed design for the casino, nor detailed designs for the wider development. These are matters which may be considered in any future gambling premises licence application, the planning process and any application for a Licensing Act 2003 licence.

In the circumstances, 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.

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.

The Committee notes that the plans are at an early stage of evolution and expresses at least some concern about secondary entrances directly adjacent to parkland. No doubt this is something to which the applicant would wish to give close attention as its plans develop.

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

11. **GAMBLING ACT 2005 - APPLICATION FOR A LARGE CASINO PROVISIONAL STATEMENT BY KYMEIRA CASINO LTD AT THE PROPOSED ROYAL PIER WATERFRONT DEVELOPMENT**

The Committee considered an application for a large casino provisional statement by Kymeira Casino Ltd at the proposed Royal Pier Waterfront development.

Mr Walsh QC and Mr Nayek (Kymeira) and Mr Linecar (Southampton Commons and Parks Protection Society) were present and with the consent of the Chair, addressed the meeting.

The Committee noted that the representations from Hampshire Constabulary and Southampton City Council, as licensing authority had been withdrawn.

All applications were heard before any decision was taken on the applications.

The Committee considered the decision in confidential session in accordance with the Local Government Act, 1972 Section 100A(4).

**RESOLVED**

- (i) that a provisional decision be made to grant an application for a provisional statement to Kymeira Casino Ltd at the proposed Royal Pier Waterfront development, subject to four conditions agreed with the applicant, set out below;

**Conditions**

- Prohibiting visibility of gambling facilities from the exterior of the premises;
- Preventing access directly from the restaurant into the casino via the doors marked “controlled doors”;
- Requiring the operation of Challenge 25;
- Requiring the entry to the restaurant and any other secondary entrances to the casino to be supervised by staff who shall be SIA-qualified unless the need for such qualification is exempted under legislation, the controls at such entrances to be the same as those operated at the principal entrance.

- (ii) to exclude the default condition as to hours of operation.

After private deliberation the Committee reconvened and the Chair read the decision which included any conditions, however the full decision and reasons for the decision would follow. All parties would receive written confirmation of the decision with reasons.

### Reasons

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.

The Committee is satisfied that Kymeira will be able to operate a casino which is regulatorily compliant, and that any casino would need to have an operating licence from the Gambling Commission which is subject to compliance with the Licence Conditions and Codes of Practice. This includes control of entry to prevent the admission of children.

The Committee has not considered the question of whether there may be crime and disorder in the vicinity arising from the operation of the casino. This is because there is no detailed design for the casino, nor detailed designs for the wider development. These are matters which may be considered in any future gambling premises licence application, the planning process and any application for a Licensing Act 2003 licence.

In the circumstances, 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.

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 been successful at Stage 1, then those applications will join this one at Stage 2 of the competition.