

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	GAMBLING ACT 2005 – LARGE CASINO LICENCE: DETERMINATION OF DATE OF CLOSURE OF STAGE 2		
DATE OF DECISION:	30 APRIL 2015		
REPORT OF:	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY
None

BRIEF SUMMARY

The Licensing Committee is requested to consider and resolve whether to alter its decision to extend the closing date of Stage 2 of the casino licensing competition to 10th July 2015.

The report details the issue that has arisen following the previous Licensing Committee meeting whereby a comprehensive decision notice with reasons was issued. Having heard those parties and members of the public attending, Members ruled that Stage 1 of the process would not be reopened, that the process would not be halted but that a new revised closing date for Stage 2 of the process would be implemented. The effect of this was to move the closing date from 16th April 2015 to midday 10th July 2015. One of the Applicants, GGV, have submitted an objection to that decision.

RECOMMENDATIONS:

- 1
 - (i) That the Committee consider this report and the supporting information and evidence provided by the Applicants;
 - (ii) That the Committee determine whether the decision to move the closing date for the process should remain at the revised date of 10th July 2015; or
 - (iii) That another revised date of 14th May 2015 as per the suggestion by Global Gaming Ventures Ltd be introduced; or
 - (iv) That in the light of the information placed before the Committee, a different date for the closure of the competition be determined.

REASONS FOR REPORT RECOMMENDATIONS

- 2 Members will recall that a revised timetable for Stage 2 of the Casino Licence process was agreed at an earlier meeting in December 2014 where it was determined that Stage 2 would commence on 1st January 2015 and conclude on 16th April 2015. Since that meeting Members heard full and competing arguments relating to proposals for different locations for the site that were not reflected in the Applicants Stage 1 submissions for the Royal

Pier Waterfront development. During the meeting it became apparent that certain applicants would be unable to meet the closing date for Stage 2 of 16th April 2015. Having heard argument on the matter, the Committee determined to extend the date to 10th July 2015. One applicant, GGV, argues that the process and / or the decision was unfair. The purpose of this meeting is to consider the arguments of GGV and any other parties making submissions, and consider whether the closing date should be changed again, and if so to what date.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3 This report focusses on the single issue of the Stage 2 closing date and details the range of options open to Members and detailed submissions will be heard in the course of the meeting.

DETAIL (Including consultation carried out)

- 4 Following the 9th April 2015 Licensing Committee meeting, the detailed decision with reasons document was sent to all Applicants on 10th April 2015. The document is attached as Appendix 1.
- 5 Within the document Members approved a new closure date of Stage 2 as being three months from the issue of the decision notice, ie 12 noon on Friday 10th July 2015 (Paragraphs 28 – 31).
- 6 This drew a prompt response from GGV who objected to the new closing date. Their letter dated 10th April 2015 is attached as Appendix 2. They claim that the Committee did not have a mandate to revise the closing date other than was mentioned in the original report that would allow for a short delay to 14th May that would take account of the delay incurred. GGV see this as a pragmatic solution given the proximity of the 9th April meeting to the then closure date of 16th April.
- 7 The Council replied by way of a letter dated 15th April and a copy of that is attached as Appendix 3.
- 8 GGV responded on 16th April 2015 and their reply is attached as Appendix 4.
- 9 On 16th April 2015, each applicant was sent a letter via e mail only, setting out GGV's objection to the revised July closure date together with all the correspondence mentioned above. They were asked to provide written comments no later than Wednesday 22nd April and GGV were asked to provide their written comments by the following Monday, 27th April.
- 10 This issue is fundamental to the process and the Council needs to be in a position to arrange the timetable for the Casino Advisory panel to assess the applications. The lack of certainty over a closure date means that this part of the process may, in itself, be subject to delays.
- 11 At the 9th April meeting the subject of the closure date was discussed and Members may recall Mr Heslop QC on behalf of Aspers, suggested after prompting, that a three month delay would be acceptable to his clients. The general consensus among the other applicants appeared to be that RPW Ltd had not been able to provide the very specific and detailed information that applicants must have in order to submit their Stage 2 application. Members gave consideration to the opposing arguments for further delay and delivered a decision accordingly. However, GGV argue that the process adopted was unfair and / or the decision itself was unfair. Any complaint of procedural unfairness is cured by holding this hearing. Members will wish principally to consider whether there is substance in the substantive complaint.

RESOURCE IMPLICATIONS

Capital/Revenue

- 12 There are no direct financial implications from this report save that if applicants withdraw from being able to submit detailed Stage 2 applications in respect of the RPW site, this may materially impact on the competition and the ability to achieve the “greatest benefit” [to the City] test as envisaged under the Gambling Act 2005.

Property/Other

- 13 None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 14 Gambling Act 2005.

Other Legal Implications:

- 15 The question of the closing date of Stage 2 is a matter of discretion for the Council. It must be exercised on rational grounds, taking account of all material considerations and omitting all irrelevant considerations. In making its decision, the Council must seek to be fair to all parties, and take into account the objective of the competition to achieve benefit to the area of Southampton.
- 16 Any challenge to the Council’s decision would be by way of judicial review at the suit of a party whose submission that the closing date should be extended or reduced, as the case may be, was not accepted. The challenge would need to be brought on the basis that the Council has misunderstood its own legal powers or has exercised its discretion irrationally, or by taking account of immaterial considerations or failing to take account of material considerations.

POLICY FRAMEWORK IMPLICATIONS

- 17 None

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED: Bargate

SUPPORTING DOCUMENTATION

Appendices

1. Decision document from Licensing Committee meeting 9th April 2015
2. Letter from GGV dated 10th April 2015
3. Letter SCC Licensing Service to GGV dated 15/4/2015
4. Letter from GGV dated 16th April 2015.
5. Written submission from Grosvenor
6. Written submission from RPW Ltd

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

Equality Impact Assessment and Other Background documents available for inspection at:

- | Title of Background Paper(s) | Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable) |
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| 1. Southampton City Council's Gambling Statement of Licensing Principles
(1 January 2013) | |