

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	EXTENSION TO THE PERIOD OF A PROVISIONAL STATEMENT FOR A LARGE CASINO		
DATE OF DECISION:	25 OCTOBER 2019		
REPORT OF:	SERVICE DIRECTOR - TRANSACTIONS AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
The Licensing Committee is requested to consider and determine a request to extend the period of a provisional statement for a Large Casino granted to Aspers Universal Limited in respect of Royal Pier Waterfront Development, Mayflower Park, Southampton.	
RECOMMENDATIONS:	
	(i) That the Committee consider Aspers Universal Ltd.'s request for an extension to the period of the provisional statement, the contents of this report, as well as any relevant representations.
	(ii) That the Committee determine whether to grant or refuse the extension request.
REASONS FOR REPORT RECOMMENDATIONS	
1.	The determination of requests to extend provisional statements is not delegated to Officers, therefore it is for the Committee to consider and determine the request.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	None
DETAIL (Including consultation carried out)	
3.	The Gambling Act 2005 provided the Council with the opportunity to grant a Large Casino Premises Licence. In accordance with the Act the process for determining the large casino licence was followed and on 22 nd March 2016 the Licensing Committee granted a provisional statement for a Large Casino to Aspers Universal Limited which was to be developed at the site of Royal Pier Waterfront Development, Mayflower Park, Southampton, SO14 2AQ

	(Minutes of this meeting can be found in Appendix 1).
4.	The provisional statement was granted on 24 th March 2016 and in accordance with Schedule 9 paragraph 10(3) of the Gambling Act 2005, the period of the provisional statement was for three years, with the statement ceasing to have effect on 24 th March 2019 (Appendix 2).
5.	A letter requesting an extension to the three year duration of the provisional statement was received on 27 th March 2019 (Appendix 3). This detailed that construction of the large casino had not yet commenced due to circumstances beyond Aspers' control, mainly that the reclamation of the land upon which to build had not commenced.
6.	Schedule 9 paragraph 10(4) of the Gambling Act 2005 provides that a Licensing Authority may extend the period of a provisional statement and after seeking legal advice, a letter was sent by Phil Bates, Licensing Manager to Aspers on 17 th April 2019. This letter requested further information on what had occurred since the grant of the provisional statement, any current activities, the intended position of the project at the end of any extension period, the period of extension and a time line of project landmarks to the conclusion of the project (Appendix 4).
7.	On 7 th May 2019 a letter was received from Aspers (Appendix 5). This gave additional information for the reasons for the extension request and emphasising their commitment to the venture. The letter outlined difficulties with the funding of the project to develop the Royal Pier Waterfront and the recent communications with all parties involved in the development project.
8.	The Gambling Act 2005 contains no procedure for a provisional statement extension application, however given that the grant of the provisional statement for a large casino was a competitive process and a matter of public interest, it was deemed appropriate for there to be a 28 day consultation period. On 16 th August 2019 the responsible authorities and those who competed in the previous competition for the grant of a large casino provisional statement were advised of the extension request and public notices were placed around the site at Mayflower Park. A copy of the public notice was also placed in a local newspaper on 19 th August 2019 (Appendix 6).
9.	On 13 th September 2019 correspondence was received on behalf of Genting Casinos UK Limited, a party to the previous competitive process for the grant of the provisional statement. Although they did not raise any objection to the extension request, they did state that if Aspers' application was not granted, they wished for the competitive process to grant a new Provisional Statement or Premises Licence for a Large Casino to re-start (Appendix 7).
10.	The consultation period was extended until 27 th September 2019 to give sufficient time to local neighbourhood groups to consider Aspers' further information relating to their extension request.
11.	On 13 th September 2019 a representation from Ms. Ros Cassy on behalf of Old Town Community Forum was received. Additional information was received on behalf of Old Town Community Forum on 19 th September 2019 (Appendix 8).

12.	On 20 th September 2019 a representation from Mr. Graham Linecar on behalf of Southampton Common and Parks Protection Society was received (Appendix 9).
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
13.	N/A
<u>Property/Other</u>	
14.	N/A
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
15.	Schedule 9 of The Gambling Act 2005
<u>Other Legal Implications:</u>	
16.	<i>Crime and Disorder Act 1998</i> Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
17.	<i>Human Rights Act 1998</i> The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.
18.	<i>Equality Act 2010</i> Section 149 of the Equality Act 2010 requires the Council to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. It also requires the Council to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard to the need to removing or minimising disadvantages suffered, taking steps to meet the needs of persons, encouraging persons to participate in public life, tackling prejudice and promoting understanding. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
RISK MANAGEMENT IMPLICATIONS	

19.	In making decisions Committees should act in accordance with relevant legislation, reasonably and in good faith. The decision could be the subject of judicial review proceedings or statutory appeal.
20.	The original application was linked to development agreements for the Royal Pier Waterfront. These have since been terminated. Any determination is likely to influence future development within the city and as such may have a financial impact for the city.
21.	There is no service delivery risk.
22.	Reputational risk is medium. This is one of 8 large licences created by the Gambling Act 2005. Interest in the decision is likely to attract attention from a wide area outside of Southampton. There are no regulations to govern this process so there is a risk of challenge, however we have taken advice on the process and taken reasonable steps to ensure a fair process following the principles of the Gambling Act 2005.
23.	Overall I consider this to be a low risk.
POLICY FRAMEWORK IMPLICATIONS	
24.	The decision to determine the application in the manner set out in this report is not contrary to the Council's policy framework.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	Bargate
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Southampton City Council Licensing Committee – Minutes of the Meeting held on 22nd March 2016.
2.	Provisional Statement granted 24th March 2016.
3.	Extension request letter received 27th March 2019.
4.	Letter to Aspers from Southampton City Council on 17th April 2019.
5.	Further information from Aspers received 7th May 2019.
6.	Public Notices advertising the extension request.
7.	Genting Correspondence received 13th September 2019.
8.	Old Town Community Forum Representations.
9.	Southampton Common and Parks Protection Society Representation

Documents In Members' Rooms

1.	None.
2.	

Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		No
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
Other Background Documents		
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)	
1.		
2.		