

Licensing Committee

Tuesday, 29th November,
2022

at 10.00 am

PLEASE NOTE TIME OF MEETING
Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Bunday (Chair)
Councillor Blatchford
Councillor Cooper
Councillor Furnell
Councillor G Galton
Councillor Noon
Councillor Goodfellow
Councillor Vassiliou
Councillor Vaughan
Councillor Fitzhenry

Contacts

Democratic Support Officer
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PUBLIC INFORMATION

Role of this Committee

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

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Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2021/22

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in membership of the Committee made in accordance with Council Procedure Rule 4.3.

2 **ELECTION OF VICE-CHAIR**

To elect the Vice Chair for the Municipal Year 2022-2023.

3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

4 **STATEMENT FROM THE CHAIR**

5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

(Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 3 November 2021 and to deal with any matters arising, attached.

6 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Committee will move into private session in order to receive legal advice and determine the issue and the decision of the Committee will be circulated to interested parties in writing.

7 **APPLICATION FOR A FURTHER EXTENSION TO THE PERIOD OF A PROVISIONAL STATEMENT FOR A LARGE CASINO AT ROYAL PIER, SOUTHAMPTON** (Pages 3 - 94)

Report of Executive Director Communities, Culture and Home detailing a request from Aspers Universal Ltd to extend the period of a Provisional Statement granted to develop a Large Casino at Royal Pier, Southampton

Monday, 21 November 2022

Executive Director Communities, Culture & Homes

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SOUTHAMPTON CITY COUNCIL
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 3 NOVEMBER 2021

Present: Councillors Laurent, Leggett, McEwing, Noon, J Payne and Streets

Apologies: Councillors B Harris, Spicer and Stead

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

The apologies of Councillor B Harris, Councillor Spicer and Councillor Stead were noted.

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

RESOLVED that the minutes of the meeting held on 8 September 2021 be approved and signed as a correct record.

10. **GAMBLING ACT STATEMENT OF LICENSING PRINCIPLES**

The Committee considered the report of the Executive Director for Communities, Culture and Homes proposing the adoption of the Gambling Act 2005 Statement of Licensing Policy after its triennial review.

Southampton City Council Officer Phil Bates, Licensing Manager was present and with the consent of the Chair addressed the meeting.

RESOLVED that the draft Statement of Licensing Policy and the revisions made to it in Appendix 2 of the report be recommended for adoption to full Council.

11. **EURO 5 WHEELCHAIR ACCESSIBLE DIESEL HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

The Committee considered the report of the Executive Director for Communities, Culture and Homes proposing an amendment to both the hackney carriage and private hire vehicle policy and conditions to delay by two years the requirement for diesel powered wheelchair accessible vehicles, licensed by Southampton City Council, to be replaced with less polluting vehicles.

Southampton City Council Officer Phil Bates, Licensing Manager was present and with the consent of the Chair addressed the meeting.

RESOLVED that approval be given to amend both hackney carriage and private hire policy and conditions to delay by two years the requirement for diesel powered wheelchair accessible vehicles, licensed by Southampton City Council, to be replaced with less polluting vehicles.

12. **HACKNEY CARRIAGE LICENCE ALLOCATION**

The Committee considered the report of the Executive Director for Communities, Culture and Homes proposing a policy for the allocation of hackney carriage licences.

Southampton City Council Officer Phil Bates, Licensing Manager was present and with the consent of the Chair addressed the meeting.

RESOLVED that approval be given to the new policy, as set out in the report, for the allocation of hackney carriage licences, with immediate effect.

13. **PRIVATE HIRE VEHICLE SIGNAGE**

The Committee considered the report of the Executive Director for Communities, Culture and Homes seeking amendment to the private hire vehicle condition in relation to door signage.

Southampton City Council Officers Phil Bates, Licensing Manager and Russell Hawkins, Senior Licensing Officer; Mr Desmond Broster, NALEO and VEEZU, Mr Clive Johnson, Radio Taxis, Mr Joseph Jones, Door 2 Door Cars Limited, Mr Ian Hall, Southampton Hackney and Private Hire Association, Mr Richard Boyland, Ms Emma Campbell, Mr Ali Haydor, Mr Martin Hayward, Mr Jamilur Rahman, Mr Syed Rahman and Mr Arjan Sahota, Cabmyride, were present and with the consent of the Chair addressed the meeting.

The current policy stated that private hire vehicles are obliged to have permanent door signage which included the operator name and contact information. The Committee heard that this was introduced for public safety reasons but had the effect of limiting a driver to be able to work for one operator at a time. The alternative view was to seek amendment to the conditions removing the display of the operator details which would facilitate drivers to work for more than one operator at the same time. This promoted much discussion around customer safety, driver well being and safety, vehicle security, drivers rushing between jobs, the potential for drivers to cancel jobs leaving passengers at the roadside, the potential for drivers to work too many hours to be considered safe, protection of vulnerable adults and children and the keeping of paper records.

The Panel then considered the recommendation to retain the current policy, as in Appendix 1 to the report. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors Laurent, Noon, McEwing and Streets

AGAINST: Councillors Galton and J Payne

RESOLVED that the current policy, as set out in Appendix 1 to the report, be adopted.

Agenda Item 7

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	APPLICATION FOR A FURTHER EXTENSION TO THE PERIOD OF A PROVISIONAL STATEMENT FOR A LARGE CASINO AT ROYAL PIER, SOUTHAMPTON
DATE OF DECISION:	29 TH NOVEMBER 2022
REPORT OF:	EXECUTIVE DIRECTOR COMMUNITIES, CULTURE AND HOMES – MARY D'ARCY

<u>CONTACT DETAILS</u>			
Executive Director	Title	Communities, Culture and Homes	
	Name:	Mary D'Arcy	Tel: 023 8083 4611
	E-mail	mary.d'arcy@southampton.gov.uk	
Author:	Title	Licensing Manager	
	Name:	Phil Bates	Tel: 023 8083 3523
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STATEMENT OF CONFIDENTIALITY	
N/A	
BRIEF SUMMARY	
The Licensing Committee is requested to consider and determine a request to further 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 a request by Aspers Universal Limited 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 22nd 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 24th 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 24th March 2019 (Appendix 2).
5.	For various reasons there was no progress on the Waterfront development in the three years that followed. Aspers sought an extension to the Provisional Statement shortly after it had expired in March 2019. After a period of consultation, the matter was determined by the Licensing Committee on 25 th October 2019 who allowed the application. The provisional statement's new expiry date was then 24 th March 2022. The decision of the Licensing Committee is attached as Appendix 3 and the Notice of Provisional Statement is attached as Appendix 4 .
6.	On 16 th March 2022 Aspers wrote a letter seeking a further extension to the Provisional Statement (Appendix 5). This explained the construction of the large casino had not yet commenced, namely due to circumstances beyond the control of Aspers Universal Ltd, mainly that the reclamation of the land upon which to build had not commenced.
7.	There has been no development on the Waterfront site and all development agreements that were in place have now been terminated. The proposed development included land reclamation at Mayflower Park, repositioning of the park and the Red Funnell ferry terminal. Since the last application in 2019 the UK economy has faced the challenges created by the Coronavirus pandemic and the war in Ukraine, resulting in supply chain issues forcing up prices of raw materials and components. These and other factors leave the UK economy in a very challenging position. The additional evidence provided by Aspers to support their extension request in 2019 cited difficulties funding the project. This has not been mentioned in the latest letter requesting an extension. The letter providing the additional evidence is attached as Appendix 6 . When considering development schemes which have not yet broken ground, the Committee has to consider with some care whether the scheme is likely to materialise, since not all development proposals come to fruition.
8.	When considering the initial applications, the committee was directed towards Schedule 9 para 5(3)(a) Gambling Act 2005, this sets as a key criterion 'which of the competing applications would, in the authority's opinion, be likely if granted to result in the greatest benefit to the authority's area'. In considering this extension request, the question of benefit to the authority's area and therefore deliverability, should again be considered by the committee.
9	The provisional statement being considered for extension restricts the site of the large casino to that which was contained in the original application and cannot be moved. For the site of the casino to be moved either within the confines of the original development plan or elsewhere within the city, a new provisional statement will need to be awarded, effectively restarting the whole process.
10	The Gambling Act 2005 does not set out criteria for the granting or refusal of

	extensions of provisional statements. As such, the Committee has a discretion which it should exercise, and in doing so ensure that the outcomes of the decision are in line with the purposes of the Act. These are both the promotion of the licensing objectives, which are the principal concern at Stage 1 of the casino competition process, and the benefit to the area of the authority, which is the principal concern at Stage 2.
11.	Schedule 9 paragraph 10(4) of the Gambling Act 2005 provides that a Licensing Authority may extend the period of a provisional statement. However, the Gambling Act 2005 contains no procedure for a provisional statement extension application. 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. This process was followed in 2019 and was repeated again following the application for an extension earlier this year.
12	On 13 th May 2022 the responsible authorities, those who competed in the original competition for the grant of a large casino provisional statement and those who made representations to the 2019 consultation were advised of the further extension request and public notices were placed around the site at Mayflower Park. A copy of the public notice was also placed in the Southern Evening Daily Echo, a local newspaper on 17 th May 2022 (Appendix 7).
13.	On 8 th June 2022 a representation from Mr. Graham Linecar on behalf of Southampton Common and Parks Protection Society was received (Appendix 8).
14.	On 9 th June 2022 a representation from Ms. Ros Cassy on behalf of Old Town Community Forum and Friends of Town Quay Park (Appendix 9).
15.	On 10 th June 2022 a representation from the Council's Planning team was received stating they had no objections to the extension application (Appendix 10).
16.	On 10 th June 2022 a representation from Mr. Andrew Gravell, local resident, was received (Appendix 11).
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
17.	N/A
<u>Property/Other</u>	
18.	N/A
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
19.	Schedule 9 of The Gambling Act 2005 - Allows for the Secretary of State to provide regulations for the procedure to be followed in relation to such an extension application. These regulations have not been made. In the absence of such regulations the authority should act reasonably and in accordance with the common law rules of natural justice.
<u>Other Legal Implications:</u>	
20.	<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.
21.	<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.
22.	<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	
23.	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.
POLICY FRAMEWORK IMPLICATIONS	
24.	The proposed policy is not contrary to the Council's policy framework

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	Bargate
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Minutes of Licensing Committee meeting from 22 nd March 2016
2.	Provisional Statement (2016)
3.	Licensing Committee decision from 25 th October 2019 granting extension
4.	Provisional Statement (2019)

5.	Letter requesting further extension dated 16 th March 2022
6.	Additional evidence from Aspers dated 7 th May 2019
7.	Copy of notice of application
8.	Representation from Graham Linecar on behalf of SCAPPS dated 8 th June 2022
9.	Representation from Ros Cassy on behalf of OTCF and FoTQP dated 9 th June 2022
10.	Representation from SCC Planning dated 10 th June 2022
11.	Representation from Andrew Gravell dated 10 th June 2022

Documents In Members' Rooms

1.	
2.	
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) 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.	

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SOUTHAMPTON CITY COUNCIL
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 22 MARCH 2016

Present: Councillors Tucker (Chair), Furnell (Vice-Chair), Galton, Jordan, McEwing, Painton, Parnell and Vassiliou

Apologies: Councillors Spicer

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

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

11. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

Members stated that the interests declared at the 16 December 2014 and 9th and 30th April 2015 remained unchanged and thus reaffirmed the following and remained in the meeting during the consideration of the matter:

Councillors Galton, Vassiliou and Painton declared personal interests, in view of Councillor Galton's respective status as being a member of Mint Casino (now Genting) and having previously visited the Genting Casino and being a member of Grosvenor Leisureworld, Councillor Vassiliou's respective status as being a member of Grosvenor Leisureworld and Genting Casino and Councillor Painton's respective status as holding membership of Genting Casino.

Councillor Furnell, Jordan, McEwing and Parnell confirmed they had not visited any casinos.

In addition Councillor Tucker declared a personal interest as having previously attended a launch of Watermark Westquay event held by Hammerson.

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

RESOLVED that the minutes of the meeting held on 11th November 2015 be approved and signed as a correct record.

13. **EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM**

RESOLVED that in accordance with the Council's Constitution, the press and public be excluded from the meeting in respect of the following item based on Categories based on categories 3, 5 and 7a of paragraph 10.4 of the Access to Information Procedure Rules. It is not in the public interest to disclose this because doing so would reveal information which is both commercially sensitive and detrimental to the business affairs of the Council.

14. **GAMBLING ACT 2015 AWARD OF LARGE CASINO LICENCE**

The Committee considered the confidential report of the Service Director, Legal and Governance, in accordance with the Local Government Act 1972 Section 100A(4), requesting that the Licensing Committee determine which of the four applications for the Large Casino Licence provides the 'greatest benefit' to Southampton and which Applicant should be awarded the 'Provisional Statement'.

RESOLVED:

- (i) that the following decisions be approved and notified, as agreed at the meeting, to all applicants in writing after the meeting;
- (ii) the Committee has decided to grant the provisional statement to Aspers, whose quantitative score under the Evaluation Criteria and Scoring Matrix was very significantly above the second placed applicant, and whose bid the Committee qualitatively considered to be head and shoulders above the others; and
- (iii) accordingly, the applications by Global Gaming Ventures (Southampton) Limited, Grosvenor Casinos Limited and Kymeira Casinos Limited are rejected.

DECISION

Introduction

1. This is the decision of the Licensing Committee in relation to the application for a provisional statement for a large casino at Watermark West Quay.
2. The provisional decision to grant the application for a provisional statement, colloquially known as the "Stage 1 grant", was made on 4th September 2014. This decision, known as the "Stage 2 decision", is the final decision to grant a provisional statement, following a competition between the Stage 2 entrants, Aspers Universal Limited ("Aspers"), Kymeira Casino Limited ("Kymeira") which applied on the same site at the Royal Pier Waterfront Development), Grosvenor Casinos Limited ("Grosvenor") whose site is at Leisureworld, West Quay, and Global Gaming Ventures (Southampton) Limited ("GGV") which has applied at Watermark West Quay, Southampton.
3. The Committee wishes to thank all participants for the quality of their bids and their responsiveness and co-operation during what has been a long and exhaustive process.
4. Within the bounds of confidentiality, this decision sets out the reasons for the result just stated.

The legal test

5. The overriding legal test set out in Schedule 9 paragraph 5(3)(a) of the Gambling Act 2005 ("the Act") which requires the Committee *"to determine which of the competing applications would, in the authority's opinion, be likely if granted to result in the greatest benefit to the authority's area."*
6. In accordance with the Secretary of State's *Code of Practice for Determinations under Paragraphs 4 and 5 of the Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos* the Council as licensing authority published the principles they proposed to apply in making the Stage 2 determination, which were embodied in the Evaluation Criteria and Scoring Matrix.

7. As well as scoring the proposals according to the scoring mechanism set out in that document, the Committee has also asked itself which of the competing applications would be likely if granted to result in the greatest benefit to the authority's area. This produced the same conclusion. In both cases, the conclusion was unanimous.

Disregards

8. Section 210 of the Act requires the Committee to disregard whether or not a proposal is likely to be permitted in accordance with the law relating to planning or building. The Committee confirms it has disregarded this consideration.
9. Section 153 of the Act states that the authority may not have regard to the expected demand for the facilities provided under the licence. The Committee is advised that the purpose of this provision was explicitly to reverse the position under previous betting and gaming legislation, under which absence of demand was a statutory criterion or indicator for refusal. Absence of demand is no longer a criterion for refusal, any more than presence of demand is a criterion for grant. The Committee has observed this requirement.
10. Nevertheless, in evaluating the likely benefit of a casino to the area the Committee is not obliged to pretend that there would be no demand. A casino with no visits would produce no benefit, whether in terms of employment, regeneration or direct financial contributions, which are all potentially material considerations mentioned in the Code of Practice nationally and the Evaluation Criteria and Scoring Matrix, which has long since been adopted as the scoring mechanism for this competition. Indeed, each applicant has rightly made reference to such matters in their applications. Each applicant has also made projections of visitation and spend and most have made financial offers related to spend. In most cases, their own projections have been accepted by the Advisory Panel.
11. In accordance with the Terms of Reference for this Competition for this Committee, the Committee has disregarded any pre-existing contract, arrangement or other relationship between the Council and any other person, including any contract for the sale or lease of land or any section 106 agreement.
12. To be explicit, the Committee has disregarded whether Southampton City Council has any interest in the sites involved. It has also disregarded whether Southampton City Council has or may have a corporate view or preference as to the sites the subject of this competition. Amongst the obvious reasons why it has adopted this position is that the Committee would expect the Council corporately to work to bring any site the subject of a grant in this competition to fruition. Specifically, as section 7 of the Procedure Note and also paragraph 15.12 of the Council's Statement of Principles under section 349 of the Act made clear, the Council has an interest in the Royal Pier Development. However, the Committee has not allowed that to influence its thinking as to the outcome of the competition. It has considered each application on its own individual merits. This is in any event made clear by paragraph 15.28 of the Council's Statement of Principles.
13. The Committee has noted some suggestion that the result of this competition has been predetermined or biased towards particular applicants or sites. The suggestion is untrue. The Committee emphasises that it has come to this judging process with an entirely open and neutral mind. It has also appointed an independent and expert advisory Panel to ensure that there is a free-standing, objective evaluation of the merits of the respective schemes.

14. In each case, draft Schedule 9 agreements were placed before the Committee at an advanced stage of drafting. In no case had the agreements been signed. However, in every case, the substantive offer made in the Schedule 9 agreement had long since been finalised. The Committee makes it clear that, while it has taken into account the substantive offer, in no case has the specific state of drafting of the Schedule 9 agreement influenced its decision in any way. Following the Committee's consideration of the applications and the identification of the winner, the Schedule 9 agreement with the winner has been executed prior to this decision being issued.

The Advisory Panel

15. The casino licensing competition is a unique experience for this Council, indeed for every Council granted the right by Parliament to issue large and small casino licences under the Act. Many of the issues to be considered under the Evaluation Criteria and Scoring Matrix lie well beyond the ordinary day to day work of the Licensing Committee. Accordingly, the Council appointed an expert Advisory Panel to ensure that the issues received independent, objective evaluation.

16. The Panel comprised experts in the fields of regeneration and planning, economic development, finance, problem gambling, public health, the gambling industry, the voluntary sector, public protection and community safety, leisure and legal. The Committee wishes to express its deep appreciation to the Panel for its advice and assistance.

17. The process undertaken by the Panel has included, but has not been limited, to the following:

- July 2015: oral presentation by each application followed by questions and answers.
- August 2015: identical request to each applicants for further information regarding any wider development going beyond the casino itself, the deliverability of the casino and the wider scheme and the mutual influence of the casino and the wider scheme.
- October 2015: requests to applicants for further information on topic of problems gambling.
- November 2015: invitations to provide "best and final offers".
- January 2016: publication of first draft report for comment by applicants.
- March 2016: publication of second draft reports for comment by applicants on scoring mechanisms.
- March 2016: publication of final report together with a supplemental report providing further explanation about the process.

18. It appears to the Committee that this has been a thorough process, conscientiously undertaken by a body with relevant expertise.

19. The Committee has noted some criticism of the Panel's work. As to that, it has found as follows.

20. First, while it is clear that there was some error in presentation of the Panel's work in the first draft report, this error has been rectified and explained. The substantive consideration by the Panel is conspicuously clear. The Committee has not treated the Panel's reports like an examination paper but as a professional evaluation of the bids intended to assist the Committee. The Committee considers that the reports amply fulfil that requirement.

21. Second, while not every comment of every applicant on the first and second draft reports has been incorporated into the final report, the Committee has all of the correspondence and a clear picture of what is being said by each applicant.

- The inclusion or omission of comments by the Panel has made no difference to the consideration of the applications or the outcome of this competition.
22. Third, there has been some complaint of an absence of opportunity to comment on the final report. However, the scoring mechanism adopted by the Panel for Criterion 1 was clearly set out in the second draft report and all applicants were given an opportunity to comment upon the mechanism itself and its application in this case. Most took that opportunity. The published procedures have never included opportunity for a further round of comments following publication of the final report. Furthermore, the publication of the supplemental report appears chiefly to have been for the purpose of explaining the process which was followed, rather than to alter or qualify the substantive evaluations.
 23. Fourth, the Committee has no doubt whatsoever that applicants have been given a full opportunity to make their case as to why they should be considered the party whose scheme is likely to result in the greatest benefit to Southampton and to receive their appropriate score upon application of the Evaluation Criteria and Scoring Matrix. Further, the Committee is fully satisfied that it has sufficient information before it now to make a decision.
 24. It is necessary to say a word about the role of the Advisory Panel.
 25. Paragraph 5.13 of the Procedure Note for this competition states: *“The function of the Advisory Panel is to evaluate the applications for the benefit of the Licensing Committee. The Advisory Panel is not a decision-making body and while the Licensing Committee will take the Panel’s evaluations into account, it is not bound to follow them.”*
 26. The Committee emphasises that the decision it has reached in this case is the Committee’s and the Committee’s alone. While it has taken the Panel’s evaluations into account, it has not considered itself bound to follow them. In order to reach its own conclusions, it has read the applications and other material placed before it, including the applicants’ own critique of the Panel’s draft reports.
 27. In the event, the Committee has agreed with the Panel’s evaluation, its approach to scoring and to the scores accorded. However, the Committee has decided to do this following its own evaluation of the merits of the applications.
- Consideration of individual criteria**
28. The Committee makes some general observations in relation to the three criteria in the Evaluation Criteria and Scoring Matrix, as follows.
 29. *Criterion 1.* The context for Criterion 1 is the legal test under Schedule 9 paragraph 5(3)(a) which requires consideration of what would be likely to result from the grant. In other words, the Committee has to consider the likely causal effects of the grant.
 30. Necessarily, when considering development schemes which have not yet broken ground, the Committee has to consider with some care whether the scheme is likely to materialise, since not all development proposals come to fruition. It must also consider the causal influence of the grant of the casino licence on the wider scheme, since if there is none then the scheme and its benefits will not result from grant of the casino licence.
 31. Of the 1000 points available to be awarded in this process, a full 750 falls under Criterion 1, which is entitled “Regenerative Impact.” This reflects the emphasis placed by the Council on the potential of the casino in terms of regeneration, including physical regeneration and tourism and employment opportunities. This emphasis is also reflected in paragraph 15.28 of the Statement of Principles,

- which refers to the importance placed on the ability of the proposal to deliver large scale physical regeneration and tourism potential.
32. As important as the scope of the aspiration is its deliverability. The Committee has been careful to consider whether the scheme proffered is likely to be delivered, and has specifically considered the range of factors referred to in Criterion 1, including practicability, the applicant's standing and track record of delivery, the contents of the legal agreement and any guarantor offered.
 33. The Committee considers that the scoring mechanism adopted by the Panel to achieve a neutral and objective evaluation of the rival proposals under Criterion 1 is robust, sensible and defensible, as is the method of weighting between the casino itself and the wider schemes of which they form part. The Committee notes that no applicant has made a reasoned criticism of the mechanism and the Committee is content to adopt it.
 34. *Criterion 2.* The Committee notes that this criterion requires applicants to demonstrate their proposals. A mere commitment to excellence, for example, would be likely to score lower than a detailed set of policies and procedures which demonstrate how excellence is to be attained.
 35. *Criterion 3.* This has been evaluated in exactly the same way for each applicant. Applicants who can demonstrate that their proposal will come forward earlier than others' or who have offered sums from an earlier date have received full credit since their payments will be made over a longer period.

EVALUATION OF GLOBAL GAMING VENTURES (SOUTHAMPTON) LIMITED'S PROPOSALS

Criterion 1

The Committee accepts and adopts the description of GGV's proposal, as well as the scoring, in section 9 of the report. The Committee accepts that there is a very high likelihood of what would be a high quality casino being delivered. On the scoring approach adopted by the Panel and now this Committee, that element of the calculation carries one third of the marks under Criterion 1.

The larger part of the marks is awarded against the second part of the calculation, which is concerned with the wider scheme. The wider scheme is, in the Committee's view, bound to be delivered. Indeed Phase 1 of the scheme is in progress already. Phase 2 is a modest proposal, certainly relative to the other schemes in this competition. Further, even on GGV's own case, Phase 2 will be delivered with or without a casino. The only difference is some element of delay in the no-casino world.

The Committee understands that regeneration does not just mean buildings, and that there may be real benefit in a casino going on the Watermark West Quay site. But in what is a competitive exercise, those schemes which offer very large regenerative proposals, bringing into development sites which are previously unused or which amount to redevelopment of large sites, are likely to achieve preference, all other things being equal, over proposals which involve little more than the development of a casino and the benefits attendant upon such a development. Indeed, in the case of GGV the position is still weaker, for if the casino does not occupy the site it seems to be acknowledged that some other use will. Therefore, the amount of benefit likely to result from the grant of a casino licence rather than a refusal appears marginal, and certainly well short of the ambition which underpins the casino licensing process in

Southampton. This was really emphasised at a very early stage in paragraph 15.28 of the Statement of Principles, which the Panel has cited.

For that reason, while GGV would have been well-placed had this been a competition which rode simply on the likelihood of delivery of a casino without more, the dearth of causative influence on the realisation of a wider regeneration scheme leaves GGV a very distant last in the evaluation of Criterion 1.

Criterion 2

The Committee accepts the scoring and reasons of the Advisory Panel under this head. The score of 85 reflects proposals which are creditable without being outstanding or particularly innovative.

Criterion 3

The score has been objectively judged by a mathematical model which has resulted in a score of 70.

Conclusion

GGV's final score of 525 left it last in the competition by a margin of over 400 points.

While it has, in its words, an "oven ready" proposal, that is both its virtue and its downfall. It is a proposal which comes in at the tail end of a scheme which will be delivered with or without a casino. The proposal is uniquely poor in terms of its regenerative potential, which was clearly the main point of the competition under the Evaluation Criteria and Scoring Matrix. A higher financial offer may have closed the gap on the other runners, but even despite GGV's near certainty of delivery in the relatively near future, its financial offer was very significantly less than the best offer.

The Committee takes the clear, unanimous view that the GGV proposal is not likely to result in the greatest benefit to the area of Southampton and must be rejected.

EVALUATION OF GROSVENOR CASINOS LIMITED'S PROPOSALS

Criterion 1

The Committee has noted that there was discussion as to whether the location of the casino could move as between Stages 1 and 2 and agrees that it cannot. It is aware that it is dealing with a proposal under which the casino will be located in its Stage 1 position.

The Committee accepts and adopts the description of Grosvenor's proposal, as well as the scoring, in section 9 of the report. The Committee accepts that there is a very high likelihood of what would be a high quality casino being delivered. On the scoring approach adopted by the Panel and now this Committee, that element of the calculation carries one third of the marks under Criterion 1.

However, Grosvenor has fallen a little short on each of the component elements under the second part of the calculation, which considers the regeneration potential of the wider scheme, the deliverability of the wider scheme and the causative significance of

the casino to the wider scheme. As to the first of these, the regeneration potential of the proposal was scored at 9, being excellent.

However, when it comes to the deliverability of the wider scheme, there are a number of hurdles confronting the proposal. Even if the Council were supportive of the proposal (which for reasons given above the Committee accepts would be the case) there would still be a question of agreeing terms with the Council as landowner, which is a matter of property and not political support and, more importantly, agreement with JLP, about which the Committee is in no position to speculate since it lies entirely outwith Grosvenor's control. There are also a number of other leasehold interests involved as detailed in the Panel's report, as well as needing the appointment of a specialist operator for the extreme sport proposal.

In summary, the Committee agrees with the Panel that delivery of the wider scheme is contingent on a number of events which are outside the control of Grosvenor and its development partners, and there is an absence of evidence that these hurdles will all be surmounted. In the circumstances, the Committee regards the award of 5 marks for deliverability of the wider scheme, representing an assessment that it is "likely, i.e. more than 50%", as rather generous. However, on the basis that the assessment only means "marginally more than 50%" the Committee adopts it.

The Committee also understands that the casino may provide some anchoring, both financial and otherwise, for the wider scheme, the Committee does not consider that there is a demonstrably high degree of dependence of the larger scheme on the casino. It considers that the score of 6 for causative significance is correct.

Standing back from the proposal, while undoubtedly the wider scheme would be an asset to Southampton, it falls short of the scale and import of the Royal Pier scheme, perhaps lacking in some ambition and vision, and perhaps constrained by the site itself. Further, in contradistinction to the Royal Pier scheme, the Grosvenor scheme is to some extent creating replacement capacity rather than new capacity.

But more importantly, the wider scheme at this stage appears to be, at root, a paper scheme, with a very long way to go and a number of obstacles in its way, which may in time be overcome but which are not the subject of present solutions. In reaching that conclusion, the Committee has specifically considered the answers given on these points in its Grosvenor's letter of 22nd September 2015.

Further, the casino, while no doubt providing some impetus for the scheme, is not integral to the scheme in the sense that it is demonstrable that without the casino the scheme will not happen. On this point, Grosvenor stated in their letter that "in their view" the wider scheme would not happen without the casino, but provided no or insufficient justification for the assertion. Indeed, Grosvenor concede that, absent the casino, a "more conservative" scheme would be brought forward, albeit after some further delay. Such a scheme would presumably include the existing casino being remodelled or perhaps even relocated within the site, as is permitted under the Gambling Act 2005. Therefore, the outcome of a refusal would, even on Grosvenor's case, not be "no scheme" or even "no casino."

Accordingly, the Committee endorses the raw score of 292 for Grosvenor under Criterion 1, which scales up to 577 for the reasons which have been explained. As will be appreciated, this is a long way shy of the winning bid's 750 marks.

Criterion 2

The Committee accepts the scoring and reasons of the Advisory Panel under this head. The score of 100 is a highly creditable total awarded to a highly competent and experienced operator. It appears that a few marks may have been lost through the non-submission of a procedure manual, although this is immaterial to the outcome of the competition.

Criterion 3

The score has been objectively judged by a mathematical model which has resulted in a score of 125, the maximum possible.

Conclusion

Grosvenor's score of 577 under Criterion 1, which was the third placed score, left it with far too much ground to make up on the remaining criteria. It did make up some ground on the other competitors on Criteria 2 and 3, so that its composite score of 802 placed it second overall. However, this was a very distant second indeed, being 132 points short of the winner. Even giving Grosvenor the benefit of any doubt could not have brought it within touching distance of the winning bid. In fact, the Committee has reached its conclusion without doubt. It has unanimously decided that Grosvenor's bid is not likely to result in the greatest benefit to the area.

The Committee adds by way of parenthesis that it does appear that some scheme will eventuate on this site, regardless of this decision, and hopes that Grosvenor will be a successful part of it, utilising its existing licence.

However, for the reasons it has given, the application of Grosvenor must be rejected.

EVALUATION OF KYMEIRA CASINO LIMITED'S PROPOSAL

Application for adjournment

The Committee considered the application for adjournment made by Kymeira in a letter dated 21st March 2016. The application is rejected.

There is a criticism in the letter that the final report by the Advisory Panel appears to have been redrafted in a hurry as in some respects both the wording and presentation are very poor, to the extent that in some cases sentences don't finish or make proper sense. The Committee has noted that the formatting of the report has meant that there are unnecessary line breaks in some places, and that there has been some transposition of text in certain places. However, the Committee does not consider itself or anyone else disadvantaged by that. The error seems to be one of formatting rather than thought. For example, the passage commencing "2016" on page 19 belongs following the date "11th February" further down the page, while the widowed words "level of" on page 25 belong with the orphaned words "risk associated" on page 26.

Kymeira is also concerned that new information has been provided in the final report. However, the actual scoring of Kymeira's bid under Criterion 1 was shown in the second draft report, upon which Kymeira has had the opportunity to comment, and upon which it has in fact commented. The third report contained an upwards revision of its scoring under Criterion 3. The supplemental report chiefly set out some more details

as to the process. The Committee notes that the competition rules do not provide for comments on the final report, and in any case cannot see that Kymeira has been materially disadvantaged by its inability to do so. Kymeira has had the same opportunity to shape its bid and respond to questions as every other party, and the Committee is fully confident that the process has been not only full and fair but equally fair to all participants.

Kymeira has also complained at the inchoate nature of the Schedule 9 agreements. In this respect, all the applicants are in the same boat.

Evaluation of Kymeira's proposal

Criterion 1

The Committee agrees with the way the Panel has scored Kymeira's proposal under this criterion, both as to the total score and the constituent elements in the calculation.

The Committee accepts and adopts the description of Kymeira's proposal in section 9.2 of the Panel's report. It considers that the wider scheme is an ambitious and exciting one for Southampton. It is impressed, as was the Panel, with the track record of delivery of the main players in the wider scheme as set out in section 9.3. It endorses the Panel's decision to take account of the state of progression of the scheme, the level of investment which has already been made to date, the existence of the CLDA and the heads of terms. It also accepts, for the reasons given by the Panel, that the casino licence will in and of itself catalyse the wider development.

The fact that the City Council itself has an interest in the site and the likelihood of planning permission being obtained for the scheme are matters which the Committee disregards for the reasons given above.

The Committee has given close consideration to the likelihood of delivery of the wider scheme. It would be a pointless exercise, a waste of the years spent and funds expended in running the competition and a huge disservice to the people of Southampton to grant the licence for a casino which will not be built and a wider scheme which will never be delivered. It is quite obviously a huge responsibility which the Committee has taken extremely seriously.

A scheme which is merely nascent may appear attractive but lack the sense of planning and progression to enable a finding that it is "likely". A scheme which is practically built out may be certain to be completed but the casino could not claim to be the cause of the wider scheme. In this case, the Committee considers the wider scheme to be apt for the site, backed by credible participants and supported by a sufficient record of progression to enable the Committee to make a judgment about its likelihood of fruition. The Committee is also influenced by the judgment of the Advisory Panel itself which includes experts on the casino industry specifically and wider regeneration initiatives more generally.

A score of 6 for the deliverability of the wider scheme implies that deliverability is "more than likely, i.e. significantly more than 50%". This is more than 5 ("likely, i.e. more than 50") but less than 7 ("very likely"). The Committee considers that this is a fair evaluation of the deliverability of the wider scheme.

The Committee also specifically endorses a score of 10 for the regeneration potential of the scheme and 8 for the causative significance of the casino to the scheme.

In summary, the Committee considered this to be a very impressive scheme, and was particularly impressed with the regeneration aspects of the proposal. It was glad to see the proposal for 730 residential apartments.

Where Kymeira has performed less well is in the specific casino proposal itself. The Committee accepts the Panel's concerns regarding splitting the proposal over two floors, whatever regional precedent may be found, both on a practical and logistical level, and in relation to the trading assumptions on which the proposal is based, which appear not only significantly out of kilter with reasonable expectations for both table gaming and machine gaming (in one case too low and in one far too high), but which give the Committee concern as to the overall viability of the operation. The Committee is seriously concerned at the Panel's finding that the proposition was strategically inconsistent, significantly at variance with industry norms, and lacking a sufficiently cohesive and evidenced rationale.

Linked with this, and in the Committee's view probably the cause of it, is that Kymeira do not have an operator for the casino. That Kymeira do not have a track record of delivering large casinos is perfectly understandable – only two operators nationally do. But Kymeira as a company has no track record of delivering any casino, and cannot present any entity as the operator of their proposed casino. The track record of the operator is of course specifically mentioned in Criterion 1.

The Committee also echoes the Panel's concern that not only is there not an operator on board, but that the contractual model under which an operator would be appointed and the identity of that operator, is not specified. As the Panel also states, this appears to have affected the ability of Kymeira to demonstrate some of the policies and procedures that would normally be expected from an established operator.

The Committee have struggled to understand Kymeira's response to these criticisms, which is essentially that not having an operator is a strength and not a weakness. Even accepting that it has an experienced operational and legal team able to select an operator at the relevant time, it is inherent in the nature of the competition that the Panel and now the Committee will evaluate that which is proposed now. Where, as here, what is proposed lacks credibility in some key respects, it cannot provide an answer to say that credibility will be achieved later.

The Committee is fully in agreement with the Panel, when it states, by way of justification for the score of 4 for the regeneration potential of the casino itself, that the lack of an operator justified the low mark, since it resulted in evidential shortfalls and inaccuracies, and diminution in the Panel's confidence in the proposal.

The Committee gave serious consideration to reducing from 7 the score for deliverability of the casino itself, since the credibility gap in the proposal also affects that score. However, it decided that a sufficient overall deduction had been made under the regeneration score. However, the Committee considers that the two scores combined, 4 and 7, are at the top end of reasonable in the first part of the Criterion 1 calculation. Any variation would necessarily be downwards.

Accordingly, the Committee endorses the raw score of 310 for Kymeira under Criterion 1, which scales up to 612 for the reasons which have been explained. As will be appreciated, this is a long way shy of the winning bid which, Kymeira will appreciate, is by an operator with a genuine track record of delivery of large casinos.

Criterion 2

The Committee accepts the scoring and reasons of the Advisory Panel under this head. The Committee specifically rejects Kymeira's critique of the scoring. It regards as unrealistic Kymeira's case that it would be otiose to provide detailed policies and procedures at this stage. The Statement of Principles itself expects policies and procedures in place. The Evaluation Criteria and Scoring Matrix expressly requires demonstration of what is proposed. A simple commitment to excellence cannot possibly receive the same score as particularised proposals which are demonstrably excellent. Again, this is no doubt a function of Kymeira not actually being a casino operator. It cannot be criticised for that. However, it is not a commendation either. Its proposals must be judged on the evidence, in the same way as any other applicant. If the proposals lack specificity, they may be marked down, as they have been here, in the Committee's view correctly.

Criterion 3

The score has been objectively judged by a mathematical model which has resulted in a score of 65.

Conclusion

Kymeira's score of 612 on Criterion 1 left it with too much ground to make up on the remaining criteria. In fact, however, it came last in the competition on Criteria 2 and 3. Its composite total of 732 was over 200 points shy of the winning total. Therefore, while it came third overall it was a very distant third, and even giving Kymeira the benefit of any doubt could not have brought it within touching distance of the winning bid. In fact, the Committee has reached its conclusion without doubt. It has unanimously decided that Kymeira's bid is not likely to result in the greatest benefit to the area.

By way of parenthesis, the Committee adds that where there are two applicants both chasing the same site on the same footprint in the same wider development, it is not impossible but it is nevertheless counter-intuitive to award the licence to an entity which has not run a casino before over an entity which has experience of developing and opening the very type of casino the subject of the competition. It is noted that Kymeira has provided no guarantor and has offered no liquidated and ascertained damages in relation to the provision of jobs. In the view of the Committee, Kymeira suffers from a credibility gap relative to the eventual winner, which its bid has not managed to close. In short, there is a much greater risk in granting to an applicant which does not have any operator even identified, let alone contracted in, than to an applicant which is itself an experienced operator.

Accordingly, the application of Kymeira must be rejected.

EVALUATION OF ASPERS' PROPOSAL

Criterion 1

The Committee agrees with the way the Panel has scored Aspers' proposal under this criterion, both as to the total score and the constituent elements in the calculation.

The Committee accepts and adopts the description of the Aspers' proposal in section 9.2 of the Panel's report. It considers that the wider scheme is an ambitious and exciting one for Southampton. It also considers that the casino proposal itself is professionally presented, detailed and credible.

So far as deliverability is concerned, it is impressed at Aspers' track record of delivery of large casinos. Of course, it is the only applicant which has delivered a large casino under the Act.

It is also impressed, as was the Panel, with the track record of delivery of the main players in the wider scheme as set out in section 9.3. It endorses the Panel's decision to take account of the state of progression of the scheme, the level of investment which has already been made to date, the existence of the CLDA and the heads of terms. It also accepts, for the reasons given by the Panel, that the casino licence will in and of itself catalyse the wider development.

The fact that the City Council itself has an interest in the site and the likelihood of planning permission being obtained for the scheme are matters which the Committee disregards for the reasons given above.

The Committee has given close consideration to the likelihood of delivery of the wider scheme. It would be a pointless exercise, a waste of the years spent and funds expended in running the competition and a huge disservice to the people of Southampton to grant the licence for a casino which will not be built and a wider scheme which will never be delivered. It is quite obviously a huge responsibility which the Committee has taken extremely seriously.

A scheme which is merely nascent may appear attractive but lack the sense of planning and progression to enable a finding that it is "likely". A scheme which is practically built out may be certain to be completed but the casino could not claim to be the cause of the wider scheme. In this case, the Committee considers the casino and the wider scheme to be apt for the site, attractive, thoroughly presented and justified, backed by credible participants and supported by a sufficient record of progression to enable the Committee to make a judgment about its likelihood of fruition. The Committee is also influenced by the judgment of the Advisory Panel itself which includes experts on the casino industry specifically and wider regeneration initiatives more generally.

A score of 6 for the deliverability of the wider scheme implies that deliverability is "more than likely, i.e. significantly more than 50%". This is more than 5 ("likely, i.e. more than 50") but less than 7 ("very likely"). The Committee considers that this is a fair evaluation of the deliverability of the wider scheme. It also considers that a score of 7 for the deliverability of the casino itself is correct.

The Committee has noted the comment by one rival applicant that there is no realistic prospect of a casino ever being developed at Royal Pier, that the scheme is unbuilt and unfinanced, and the applicant has no lease or other land interest and has apparently made no financial commitment. Of course, were the scheme already built, then the casino could not take credit for its delivery. Were it fully financed and with all relevant land interests disposed of or subject to legal agreements, a greater score than 6 might

have been appropriate. As it is, the Committee is confident that it has judged the questions of deliverability and causative significance of the casino to the wider scheme fairly and accurately.

In summary, the Committee considered this to be a very impressive scheme, and was particularly impressed with the regeneration aspects of the proposal. It was glad to see the proposal for up to 730 residential apartments. It strongly endorses Aspers' proposal in respect of the employment of disadvantaged people. It considered that Aspers' engagement already with Southampton institutions demonstrates not only a real commitment to weave itself into the business, welfare and protective network in Southampton, but a commitment to deliver the scheme itself.

As a minor matter, the Committee considered that the proposed quiet room in the casino is too small for a casino of this size and commitment to achieve excellence in relation to problem gambling. It hopes to see this rectified at a later stage in the process. It has not, however, affected the scoring of the application.

As stated above, the Committee has considered each of the five scores suggested by the Panel in its scoring mechanism under Criterion 1, which result in a raw score of 380 marks. This is the leading mark amongst the four applicants, resulting in a final score under Criterion 1 of 750.

Criterion 2

The Committee accepts the scoring and reasons of the Advisory Panel under this head.

Criterion 3

The Committee accepts the scoring and reasons of the Advisory Panel under this head. It is not understood that Aspers has challenged the score in any event.

Conclusion

In conclusion, Aspers is an experienced operator with a track record of delivering large casinos. It is clear that a great deal of thought and commitment has gone into the proposal itself, as well as how it would be delivered. The Committee believes that the energy and commitment that has carried Aspers this far will continue and will help to drive forward the Royal Pier scheme as a whole. The Committee has unanimously reached the view that the Aspers proposal is likely to result in the greatest benefit to Southampton. In the opinion of the Committee it is, as stated above, head and shoulders above the other competitors.

Condition of grant

In accordance with Schedule 9 paragraph 5(3)(a) of the Act, the Committee has determined to add a condition to any licence requiring compliance with the executed Schedule 9 agreement. It directs that the provisional statement shall not be issued until the agreement has been signed and Aspers has signalled assent to such a condition.

In addition, of course, any eventual licence will be subject to the individual conditions added at Stage 1, the statutory conditions and the mandatory conditions. The default conditions were excluded in the Stage 1 decision.

Period of grant

In accordance with Schedule 9 paragraph 10(3) of the Act, the period of the provisional statement shall be three years from the date of this decision. Within that period, the Committee expects Asperts to have applied for a premises licence for the proposal. However, there is provision in Schedule 9 paragraph 10(4) for Asperts to apply for an extension of that period, which would enable it to explain the progress of the scheme. This enables the licensing authority to retain some control over the pace and timing of delivery.

For the reasons given above, and subject to the condition specified, Asperts' application for a provisional statement is granted.

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NOTICE OF GRANT OF AN APPLICATION FOR A PROVISIONAL STATEMENT

**This Notice is issued in accordance with regulations made under
Section 164(2) of the Gambling Act 2005**

Southampton City Council,
Civic Centre, Southampton,
SO14 7LY

An application for a provisional statement in relation to the following type of premises:

Large Casino

Is granted to:

Aspers Universal Limited

of the following address:

1 Hans Street, London, SW1X 0JD

the number of whose operating licence is: N/A

The premises or proposed premises to which the application relates are:

To be developed at the site of the
CASINO LOCATION ZONE
ROYAL PIER WATERFRONT DEVELOPMENT
MAYFLOWER PARK
SOUTHAMPTON
SO14 2AQ

The provisional statement number is 2014/02548/70SLCP

This Provisional statement ceases to have effect on 24th MARCH 2019.

If a premises licence for the type of premises in the provisional statement were to be issued, the licensing authority would attach the conditions set out in **Annex A** to this notice, in exercise of their powers under section 169(1)(a) of the Gambling Act 2005.

If a premises licence for the type of premises specified in the provisional statement were to be issued, the licensing authority would exclude the default conditions set out in **Annex B** to this Notice, in exercise of their powers under Section 169(1)(b) of the Gambling Act 2005.

The licensing authority did receive representations in relation to the application.



The representations received in relation to the application, together with the licensing authority's response, are set out in Annex C to this Notice.

Any correspondence regarding the content of this notice should be directed to the Licensing Manager, Southampton City Council; Civic Centre, Southampton, SO14 7LY

Richard Ivory
Service Director
Legal & Governance
Southampton City Council
Civic Centre
Southampton
SO14 7LY

Dated: 24th March 2016



ANNEX A – CONDITIONS TO BE ATTACHED

Condition to be attached	Reasons for attaching condition
That any provision of gambling activities shall not be visible from the exterior of the premises.	The promotion of the Licensing Objectives
A 'Challenge 25' scheme that ensures that any person attempting to enter the premises that is, or appears to be, under the age of 25 shall provide documented proof that he/she is over 18 years of age, shall be implemented at the premises. Proof of age identity documents shall only comprise a passport, a photo card driving licence or a proof of age standards scheme (PASS) proof of age identity card or Ministry of Defence identity card.	The promotion of the Licensing Objectives

ANNEX B – DEFAULT CONDITIONS TO BE EXCLUDED

Condition to be excluded	Reasons for excluding condition
No facilities for gambling shall be provided on the premises between the hours of 6.00am and noon on any day.	Removal of the default condition will not compromise the licensing objectives.

ANNEX C

Representation	Licensing Authority's response
SCAPPS submits that the society should be recognised as representing 'interested parties'. There is no planning permission for	The Licensing Committee considered that the each representation was made by someone

the 'premises' specified by the above applicants for large casino licenses at Royal Pier. The premises do not exist. To create the premises would require a planning permission destroying Mayflower Park, a heavily used & much appreciated public open space, the only green space close to the city centre giving public access to the waterfront. It is heavily used by families with small children. There is no provision within the Gaming Act for such persons, clearly affected by the applications, to make valid representations. SCAPPS asks the Licensing Committee to recognize SCAPPS as validly representing the interests of users of Mayflower Park who will, without doubt, be directly affected by the grant of a large casino license for 'premises' which the applicants are presuming will be granted planning permission. The Gaming Act restricts grounds on which an objection can be made. There is no layout & design for a comprehensive development at Royal Pier but from information available to the public it is understood that the development would include a replacement waterfront park intended to serve the same purpose & be used in a similar way as the existing park. That means it will be heavily used by a wide range of people, & especially by families & young children. SCAPPS objects to a large casino license being granted for premises within the undefined Royal Pier development on the grounds that in the absence of a layout & design there is a considerable & justifiable concern that the applicants cannot provide the necessary & sufficient guarantees that the proximity of gaming premises to a recreation area for children will not expose children using the park (& other users) to risk of harm & exploitation.

SCAPPS biggest objection is however one that the Gaming Act does not recognise. The Royal Pier Waterfront development is a waterfront site, probably the most prestigious & prominent waterfront site in the City. It does not seem to SCAPPS that a large gaming premises is an appropriate use for such a special location. Uses & activities in the Royal Pier development should be ones that take advantage of the waterfront location, of the spectacular views out to the Test & down Southampton Water. Gaming premises are essentially enclosed & 'inward looking', they do not need to occupy & certainly do not benefit from such a spectacular location as the site proposed in these 5 applications.

representing persons likely to be affected by the activities concerned.

The licensing authority considered that the issues raised in the representation were relevant to the matters to be considered by the committee.

The licensing authority considered that the representation was not made purely on moral grounds, having regard to paragraph 5.28 of the Gambling Commission Guidance to Local Authorities Fourth Edition (Issued September 2012).

The Committee takes the view that it cannot or should not take into account planning objections, since these are outside the legal or practical scope of the Gambling Act 2005 and the objectives which it seeks to promote. Furthermore, the Committee is conscious that, if this development is to proceed, it will require planning permission under a process which will consider whether in planning and policy terms the proposed uses are appropriate, together with the environmental impact on residents, visitors and park users. At that stage, it will obviously consider all representations in relation to the planning merits of the proposal.

Furthermore, matters such as nuisance and general amenity are not matters for this Committee, and in any event the Committee is content that such matters will be carefully looked at by its planning colleagues in due course. It does, however, take the view that crime and disorder associated with gambling – which are expressly referred to in the licensing objectives – are properly matters for its consideration and deals with these matters below.

The Committee is unable to consider the ratio of machines to gaming tables because the ratio is fixed by section 172 of the Gambling Act 2005 and section 172(10) precludes any interference on the matter.

Furthermore, the inclusion of a large gaming premises & associated car parking may preclude & deter other more appropriate uses which would have taken full advantage of the water views.

SCAPPS submits that applications for a large casino license at Royal Pier should be refused, & should certainly be refused until such time as a layout & design has been subject to public consultation establishing whether a casino could be incorporated into the development without prejudice to the overall scheme & without resulting in exclusion or deterrence of other more appropriate uses taking full advantage of this prestigious waterfront site & its extensive views.

Graham Linecar

Secretary, Southampton Commons & Parks
Protection Society

This representation comes from the Friends of Town Quay Park (FTQP), a membership organisation representing the community of people who use Town Quay Park, SO14 2AT and the adjoining Cuckoo Lane Park.

The Park is immediately opposite Town Quay, overlooking the Royal Pier and Mayflower Park. As such we are an interested party with a) the Park being so close to the potential development of a Casino in the area, and, b) we represent people living in the local community who would be affected by the Casino development.

We trust that the Licensing Committee will consider the following matters of concern to FTQP in considering the granting of a Large Casino Premises Licence.

We appreciate that there are limited grounds for comment at the competition phase for granting Large Casino Licence however we are concerned that the issues we list should be fully considered both by the Advisory Panel and the Councillors who make the decision about the "winner" of the competition.

FTQP has been actively involved in the discussions about the City Centre Action Plan (CCAP). There are some specific points in the CCAP which we believe are relevant to the potential development of a Large Casino in the city centre.

"4.69 The Gambling Act 2005 provides the Council with the opportunity to grant a Large Casino Premises Licence. Applicants will be able to apply for this license and the Licensing Committee will consider each application and determine which one, if granted, would bring the greatest benefit to the area.

Whilst the Council's preferred site is Royal Pier, applicants will be able to submit proposals for other sites in the city which will be determined against set criteria. The most important criterion set is the regenerative benefit of the proposal. This is a separate process to the planning process. The inclusion of reference to a possible casino at Royal Pier does not pre-empt the licensing process."

Key points of concern from FTQP:

1. Peace of TQP – a protected Open Space

We refer to definitions of Section 106 – Recreation and Open Spaces and specifically this extract from Annex of PPG17:

ii. urban quality: helping to support regeneration and improving quality of life for communities by providing visually attractive green spaces close to where people live;

iii. promoting health and well-being:

This is what the Friends of Town Quay Park strive to do in protecting and developing the amenities of the park as a quiet public space where people, particularly residents in an increasingly populous area, can relax away from the city bustle. We are part of the regeneration of the area and the provision of essential public space. We are very concerned about how the parks will be affected, particularly late at night, as they borders the QE2 mile – the main north south spine to the city centre and Town Quay which are likely to be widely use by those going to and coming from the waterfront and any casino located within the development.

Safety – crime, noise, disruption on dispersal and the impact on local policing and health services

The Council states on record that it "will deal with risk of increased crime and anti-social behaviour in the vicinity of the building (*the casino*) through the existing procedures of design out crimes, securely designated car parks and linkage to the Council CCTV systems. The casino operator would also have to invest heavily in its own private security measures within and in the vicinity of the building". FTQP have a real concern about drift into the Park as people leave premises in the early hours of the morning and how managing public safety will be achieved in a climate of public service austerity and reducing services.

2. Attitude of any operator granted a license to social responsibility versus commercial gain

FTQP urges the Licensing Committee to consider careful use of gaming machines which are causing so much distress due to high stakes – and to consider that Southampton require the

ratio to be well below the 1:5 limit set by the Gambling Commission.

We also urge the Licensing Committee to seek clear demonstration from applicants that they treat social responsibility on a par with responsibility to their shareholders (as advocated in a speech by Philip Graf, Chairman, Gambling Commission 4.2.14)

Applicants should also be asked to demonstrate (through minutes perhaps) "that owners, boards, audit committees and remuneration committees consider player protection on a par with commercial development or is it relegated to the compliance department or the regulatory affairs director" (Philip Graf, *ibid*)

In the same speech this theme is continued "We (the gambling regulator) are concentrating more and more on how the boards of operators themselves get assurance that their businesses, for example, have effective anti-money laundering and player protection systems in place. How do they know their policies and procedures are actually working? That commercial pressure is not trumping other concerns? How do their social responsibility principles translate into the culture and behaviour of their business? How can they in turn give us, the regulator, the assurance we need that they are ensuring whole-hearted compliance with the licensing objectives?" Will the Licensing Committee ensure that a successful candidate operates to the highest standards expected by the regulator and will they be diligent in monitoring the ongoing operation? We seek specific and detailed assurances on how this will be achieved.

FTQP also urge the Licensing Committee to consider and publicly state how the standards and guidelines reproduced below from the City Centre Action Plan will be fully met in granting any licence for a large casino.

From the CCAP Night Time Economy background paper

To provide further details on policy CLT 14, a briefing paper 'Night Time Economy Guidelines for opening hours relating to Policies CLT 14 & CLT 15' was produced. This sets out guidance to development control officers on recommended opening hours for food and drink uses (A3-A5), other leisure uses (D2) and nightclubs as follows to ensure a consistent approach to decisions:

Licensing decisions are based on four objectives as set out in the Licensing Act; the prevention of crime and disorder; public safety; prevention of public nuisance; and the protection of children from harm.

Large casino:

5.4.1 The Gambling Act provides the opportunity for the City Council to grant a licence for a large casino in Southampton, one of eight large casino licences available throughout the country. A large casino has a combined gaming floor area of between 1,500 sq m and 3,500 sq m (with table gaming covering at least 1,000 sq m). Further criteria are placed on gaming machines, other betting facilities and non-gambling areas.

5.4.2 There is reference to a large casino in two parts of the CCAP. The supporting text to policy 8 (The Night Time Economy) details the license process which precedes the granting of planning permission and considers which application (if there are more than one) brings greatest benefit to the area. As the council's preferred site is Royal Pier, policy AP 24 (Mayflower Park and Royal Pier) includes reference to a large casino as a possible appropriate use within the development site. The policy will be reconsidered as necessary to reflect the progress on the license process. An indicative timescale has been published and a license is expected to be awarded in June 2014.

5.4.3 Table 3 set out latest opening hours in zones and hubs. This applies to all night time uses with the exception of large casinos which are open 24 hours. The opening hours for the Hub at the southern end of Royal Pier includes a specific reference to any large casino licensed at Royal Pier which would be open 24 hours. Policy AP 8 The Night Time Economy (CCAP) The Council will use its planning and licensing functions to promote a night time economy with a range of activities that contribute to a vibrant city centre whilst minimising potential disturbance to nearby residential areas. New uses with extended opening hours (beyond 23.00 hours) will therefore be directed to designated evening zones and late night hubs as shown on the Policies Map.

Proposals for new development and extended opening hours will be subject to restricted opening times as set out in table 3. In evening zones and late night hubs, extended opening hours for food and drink uses (Use Classes A3, A4 and A5) will be supported subject to meeting other policies, particularly those to protect residential amenity and retail areas. Applications for extended opening hours in the Cultural Quarter will be judged on their own merits.

Elsewhere in the city centre proposals for extended opening hours outside the designated late night hubs and evening zones will only be permitted where they would not cause late night noise and disturbance to residents.

Contributions to community safety facilities will be sought from proposals for entertainment venues, including A3, A4, A5, nightclubs or D2 uses which relate to the night-time economy, leisure and tourism facilities.

4.67 There are however challenges in managing people using night clubs, bars and pubs at night in order to reduce the noise and disruption to people living in and close to the city centre (to address potentially negative impacts on health and increased crime raised in the Sustainability Appraisal SA/SEA).

The planning system has an important role in directing such uses to areas of the city centre which are easily accessible, attractive to the entertainment industry and which create minimum noise and nuisance to residents

4.68 The approach in this plan is to direct uses with extended opening hours to designated late night hubs and evening zones. Late night hubs are located away from residential areas and are appropriate for late night uses with opening hours up to 3am including new nightclubs, casinos and other entertainment (D2) uses. Also appropriate in these hubs are food and drink uses (use Classes A3, A4 and A5) with extended opening hours. The late night hubs may also include other uses as part of mixed use schemes, including residential. New residential development in late night hubs should incorporate measures to reduce noise and carefully consider the location of residential units in relation to the late night uses. Where residential development has already taken place, proposals for nightclubs should not be detrimental to those living nearby, for example by causing undue noise and disturbance.

FTQP is very concerned about the impact on the quality of life of local residents and visitors of the 24 hour operation of a large casino and seeks reassurance that the "policing" of the impact will be rigorously undertaken.

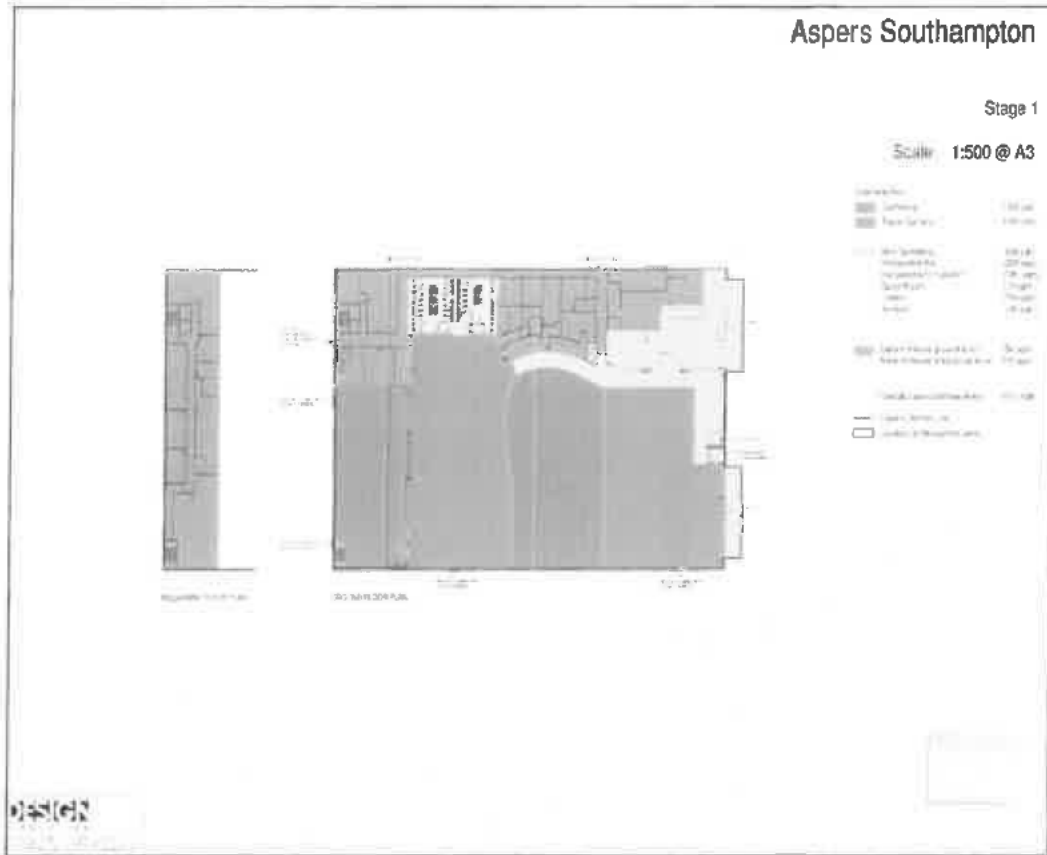
We Trust that the Licensing Committee will uphold the standards in the CCAP and consider the interests of Town Quay Park members and local residents in considering the granting of any licence for a large casino.

Ros Cassy, Chair of the Friends of Town Quay Park, www.friendsoftownquaypark.org.uk

The Planning and Environmental of the City of Southampton Society has considered the response made by SCAPPS and fully concurs with the contents of the letter written by Graham Linacre. We have nothing further to add.

Marian Hubble CoSS







DECISION NOTICE

SOUTHAMPTON LICENSING COMMITTEE IN THE MATTER OF THE GAMBLING ACT 2005 AND IN THE MATTER OF THE LARGE CASINO FOR SOUTHAMPTON PROVISIONAL STATEMENT DECISION ASPERS UNIVERSAL LIMITED

Introduction

1. This is the decision of the Licensing Committee in relation to the application for a provisional statement for a large casino at the Royal Pier Waterfront Development.
2. The provisional decision to grant the application for a provisional statement, colloquially known as the “Stage 1 grant”, was made on 4th September 2014. This decision, known as the “Stage 2 decision”, is the final decision to grant a provisional statement, following a competition between the Stage 2 entrants, Aspers Universal Limited (“Aspers”), Kymeira Casino Limited (“Kymeira”) which applied on the same site at the Royal Pier Waterfront Development), Grosvenor Casinos Limited (“Grosvenor”) whose site is at Leisureworld, West Quay, and Global Gaming Ventures (Southampton) Limited (“GGV”) which has applied at Watermark West Quay, Southampton.
3. The Committee wishes to thank all participants for the quality of their bids and their responsiveness and co-operation during what has been a long and exhaustive process.
4. The Committee has decided to grant the provisional statement to Aspers, whose quantitative score under the Evaluation Criteria and Scoring Matrix was very significantly above the second placed applicant, and whose bid the Committee qualitatively considered to be head and shoulders above the others.
5. Within the bounds of confidentiality, this decision sets out the reasons for the result just stated.



The legal test

6. The overriding legal test set out in Schedule 9 paragraph 5(3)(a) of the Gambling Act 2005 (“the Act”) which requires the Committee *“to determine which of the competing applications would, in the authority’s opinion, be likely if granted to result in the greatest benefit to the authority’s area.”*
7. In accordance with the Secretary of State’s *Code of Practice for Determinations under Paragraphs 4 and 5 of the Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos* the Council as licensing authority published the principles they proposed to apply in making the Stage 2 determination, which were embodied in the Evaluation Criteria and Scoring Matrix.
8. As well as scoring the proposals according to the scoring mechanism set out in that document, the Committee has also asked itself which of the competing applications would be likely if granted to result in the greatest benefit to the authority’s area. This produced the same conclusion. In both cases, the conclusion was unanimous.

Disregards

9. Section 210 of the Act requires the Committee to disregard whether or not a proposal is likely to be permitted in accordance with the law relating to planning or building. The Committee confirms it has disregarded this consideration.
10. Section 153 of the Act states that the authority may not have regard to the expected demand for the facilities provided under the licence. The Committee is advised that the purpose of this provision was explicitly to reverse the position under previous betting and gaming legislation, under which absence of demand was a statutory criterion or indicator for refusal. Absence of demand is no longer a criterion for refusal, any more than presence of demand is a criterion for grant. The Committee has observed this requirement.
11. Nevertheless, in evaluating the likely benefit of a casino to the area the Committee is not obliged to pretend that there would be no demand. A casino with no visits would produce no benefit, whether in terms of employment, regeneration or direct financial



contributions, which are all potentially material considerations mentioned in the Code of Practice nationally and the Evaluation Criteria and Scoring Matrix, which has long since been adopted as the scoring mechanism for this competition. Indeed, each applicant has rightly made reference to such matters in their applications. Each applicant has also made projections of visitation and spend and most have made financial offers related to spend. In most cases, their own projections have been accepted by the Advisory Panel.

12. In accordance with the Terms of Reference for this Competition for this Committee, the Committee has disregarded any pre-existing contract, arrangement or other relationship between the Council and any other person, including any contract for the sale or lease of land or any section 106 agreement.
13. To be explicit, the Committee has disregarded whether Southampton City Council has any interest in the sites involved. It has also disregarded whether Southampton City Council has or may have a corporate view or preference as to the sites the subject of this competition. Amongst the obvious reasons why it has adopted this position is that the Committee would expect the Council corporately to work to bring any site the subject of a grant in this competition to fruition. Specifically, as section 7 of the Procedure Note and also paragraph 15.12 of the Council's Statement of Principles under section 349 of the Act made clear, the Council has an interest in the Royal Pier Development. However, the Committee has not allowed that to influence its thinking as to the outcome of the competition. It has considered each application on its own individual merits. This is in any event made clear by paragraph 15.28 of the Council's Statement of Principles.
14. The Committee has noted some suggestion that the result of this competition has been predetermined or biased towards particular applicants or sites. The suggestion is untrue. The Committee emphasises that it has come to this judging process with an entirely open and neutral mind. It has also appointed an independent and expert advisory Panel to ensure that there is a free-standing, objective evaluation of the merits of the respective schemes.



15. In each case, draft Schedule 9 agreements were placed before the Committee at an advanced stage of drafting. In no case had the agreements been signed. However, in every case, the substantive offer made in the Schedule 9 agreement had long since been finalised. The Committee makes it clear that, while it has taken into account the substantive offer, in no case has the specific state of drafting of the Schedule 9 agreement influenced its decision in any way. Following the Committee's consideration of the applications and the identification of the winner, the Schedule 9 agreement with the winner has been executed prior to this decision being issued.

The Advisory Panel

16. The casino licensing competition is a unique experience for this Council, indeed for every Council granted the right by Parliament to issue large and small casino licences under the Act. Many of the issues to be considered under the Evaluation Criteria and Scoring Matrix lie well beyond the ordinary day to day work of the Licensing Committee. Accordingly, the Council appointed an expert Advisory Panel to ensure that the issues received independent, objective evaluation.

17. The Panel comprised experts in the fields of regeneration and planning, economic development, finance, problem gambling, public health, the gambling industry, the voluntary sector, public protection and community safety, leisure and legal. The Committee wishes to express its deep appreciation to the Panel for its advice and assistance.

18. The process undertaken by the Panel has included, but has not been limited, to the following:

- July 2015: oral presentation by each application followed by questions and answers.
- August 2015: identical request to each applicants for further information regarding any wider development going beyond the casino itself, the deliverability of the casino and the wider scheme and the mutual influence of the casino and the wider scheme.



- October 2015: requests to applicants for further information on topic of problems gambling.
 - November 2015: invitations to provide “best and final offers”.
 - January 2016: publication of first draft report for comment by applicants.
 - March 2016: publication of second draft reports for comment by applicants on scoring mechanisms.
 - March 2016: publication of final report together with a supplemental report providing further explanation about the process.
19. It appears to the Committee that this has been a thorough process, conscientiously undertaken by a body with relevant expertise.
20. The Committee has noted some criticism of the Panel’s work. As to that, it has found as follows.
21. First, while it is clear that there was some error in presentation of the Panel’s work in the first draft report, this error has been rectified and explained. The substantive consideration by the Panel is conspicuously clear. The Committee has not treated the Panel’s reports like an examination paper but as a professional evaluation of the bids intended to assist the Committee. The Committee considers that the reports amply fulfil that requirement.
22. Second, while not every comment of every applicant on the first and second draft reports has been incorporated into the final report, the Committee has all of the correspondence and a clear picture of what is being said by each applicant. The inclusion or omission of comments by the Panel has made no difference to the consideration of the applications or the outcome of this competition.
23. Third, there has been some complaint of an absence of opportunity to comment on the final report. However, the scoring mechanism adopted by the Panel for Criterion 1 was clearly set out in the second draft report and all applicants were given an opportunity to comment upon the mechanism itself and its application in this case. Most took that



opportunity. The published procedures have never included opportunity for a further round of comments following publication of the final report. Furthermore, the publication of the supplemental report appears chiefly to have been for the purpose of explaining the process which was followed, rather than to alter or qualify the substantive evaluations.

24. Fourth, the Committee has no doubt whatsoever that applicants have been given a full opportunity to make their case as to why they should be considered the party whose scheme is likely to result in the greatest benefit to Southampton and to receive their appropriate score upon application of the Evaluation Criteria and Scoring Matrix. Further, the Committee is fully satisfied that it has sufficient information before it now to make a decision.

25. It is necessary to say a word about the role of the Advisory Panel.

26. Paragraph 5.13 of the Procedure Note for this competition states: *"The function of the Advisory Panel is to evaluate the applications for the benefit of the Licensing Committee. The Advisory Panel is not a decision-making body and while the Licensing Committee will take the Panel's evaluations into account, it is not bound to follow them."*

27. The Committee emphasises that the decision it has reached in this case is the Committee's and the Committee's alone. While it has taken the Panel's evaluations into account, it has not considered itself bound to follow them. In order to reach its own conclusions, it has read the applications and other material placed before it, including the applicants' own critique of the Panel's draft reports.

28. In the event, the Committee has agreed with the Panel's evaluation, its approach to scoring and to the scores accorded. However, the Committee has decided to do this following its own evaluation of the merits of the applications.

Consideration of individual criteria

29. The Committee makes some general observations in relation to the three criteria in the Evaluation Criteria and Scoring Matrix, as follows.



30. *Criterion 1.* The context for Criterion 1 is the legal test under Schedule 9 paragraph 5(3)(a) which requires consideration of what would be likely to result from the grant. In other words, the Committee has to consider the likely causal effects of the grant.
31. Necessarily, when considering development schemes which have not yet broken ground, the Committee has to consider with some care whether the scheme is likely to materialise, since not all development proposals come to fruition. It must also consider the causal influence of the grant of the casino licence on the wider scheme, since if there is none then the scheme and its benefits will not result from grant of the casino licence.
32. Of the 1000 points available to be awarded in this process, a full 750 falls under Criterion 1, which is entitled "Regenerative Impact." This reflects the emphasis placed by the Council on the potential of the casino in terms of regeneration, including physical regeneration and tourism and employment opportunities. This emphasis is also reflected in paragraph 15.28 of the Statement of Principles, which refers to the importance placed on the ability of the proposal to deliver large scale physical regeneration and tourism potential.
33. As important as the scope of the aspiration is its deliverability. The Committee has been careful to consider whether the scheme proffered is likely to be delivered, and has specifically considered the range of factors referred to in Criterion 1, including practicability, the applicant's standing and track record of delivery, the contents of the legal agreement and any guarantor offered.
34. The Committee considers that the scoring mechanism adopted by the Panel to achieve a neutral and objective evaluation of the rival proposals under Criterion 1 is robust, sensible and defensible, as is the method of weighting between the casino itself and the wider schemes of which they form part. The Committee notes that no applicant has made a reasoned criticism of the mechanism and the Committee is content to adopt it.
35. *Criterion 2.* The Committee notes that this criterion requires applicants to demonstrate their proposals. A mere commitment to excellence, for example, would be likely to score lower than a detailed set of policies and procedures which demonstrate how excellence is to be attained.



36. *Criterion 3.* This has been evaluated in exactly the same way for each applicant. Applicants who can demonstrate that their proposal will come forward earlier than others' or who have offered sums from an earlier date have received full credit since their payments will be made over a longer period.

Evaluation of Aspers' proposal

Criterion 1

37. The Committee agrees with the way the Panel has scored Aspers' proposal under this criterion, both as to the total score and the constituent elements in the calculation.
38. The Committee accepts and adopts the description of the Aspers' proposal in section 9.2 of the Panel's report. It considers that the wider scheme is an ambitious and exciting one for Southampton. It also considers that the casino proposal itself is professionally presented, detailed and credible.
39. So far as deliverability is concerned, it is impressed at Aspers' track record of delivery of large casinos. Of course, it is the only applicant which has delivered a large casino under the Act.
40. It is also impressed, as was the Panel, with the track record of delivery of the main players in the wider scheme as set out in section 9.3. It endorses the Panel's decision to take account of the state of progression of the scheme, the level of investment which has already been made to date, the existence of the CLDA and the heads of terms. It also accepts, for the reasons given by the Panel, that the casino licence will in and of itself catalyse the wider development.
41. The fact that the City Council itself has an interest in the site and the likelihood of planning permission being obtained for the scheme are matters which the Committee disregards for the reasons given above.
42. The Committee has given close consideration to the likelihood of delivery of the wider scheme. It would be a pointless exercise, a waste of the years spent and funds expended



in running the competition and a huge disservice to the people of Southampton to grant the licence for a casino which will not be built and a wider scheme which will never be delivered. It is quite obviously a huge responsibility which the Committee has taken extremely seriously.

43. A scheme which is merely nascent may appear attractive but lack the sense of planning and progression to enable a finding that it is "likely". A scheme which is practically built out may be certain to be completed but the casino could not claim to be the cause of the wider scheme. In this case, the Committee considers the casino and the wider scheme to be apt for the site, attractive, thoroughly presented and justified, backed by credible participants and supported by a sufficient record of progression to enable the Committee to make a judgment about its likelihood of fruition. The Committee is also influenced by the judgment of the Advisory Panel itself which includes experts on the casino industry specifically and wider regeneration initiatives more generally.
44. A score of 6 for the deliverability of the wider scheme implies that deliverability is "more than likely, i.e. significantly more than 50%". This is more than 5 ("likely, i.e. more than 50") but less than 7 ("very likely"). The Committee considers that this is a fair evaluation of the deliverability of the wider scheme. It also considers that a score of 7 for the deliverability of the casino itself is correct.
45. The Committee has noted the comment by one rival applicant that there is no realistic prospect of a casino ever being developed at Royal Pier, that the scheme is unbuilt and unfinanced, and the applicant has no lease or other land interest and has apparently made no financial commitment. Of course, were the scheme already built, then the casino could not take credit for its delivery. Were it fully financed and with all relevant land interests disposed of or subject to legal agreements, a greater score than 6 might have been appropriate. As it is, the Committee is confident that it has judged the questions of deliverability and causative significance of the casino to the wider scheme fairly and accurately.
46. In summary, the Committee considered this to be a very impressive scheme, and was particularly impressed with the regeneration aspects of the proposal. It was glad to see the proposal for up to 730 residential apartments. It strongly endorses Aspers' proposal



in respect of the employment of disadvantaged people. It considered that Aspers' engagement already with Southampton institutions demonstrates not only a real commitment to weave itself into the business, welfare and protective network in Southampton, but a commitment to deliver the scheme itself.

47. As a minor matter, the Committee considered that the proposed quiet room in the casino is too small for a casino of this size and commitment to achieve excellence in relation to problem gambling. It hopes to see this rectified at a later stage in the process. It has not, however, affected the scoring of the application.

48. As stated above, the Committee has considered each of the five scores suggested by the Panel in its scoring mechanism under Criterion 1, which result in a raw score of 380 marks. This is the leading mark amongst the four applicants, resulting in a final score under Criterion 1 of 750.

Criterion 2

49. The Committee accepts the scoring and reasons of the Advisory Panel under this head.

Criterion 3

50. The Committee accepts the scoring and reasons of the Advisory Panel under this head. It is not understood that Aspers has challenged the score in any event.

Conclusion

51. In conclusion, Aspers is an experienced operator with a track record of delivering large casinos. It is clear that a great deal of thought and commitment has gone into the proposal itself, as well as how it would be delivered. The Committee believes that the energy and commitment that has carried Aspers this far will continue and will help to drive forward the Royal Pier scheme as a whole. The Committee has unanimously reached the view that the Aspers proposal is likely to result in the greatest benefit to Southampton. In the opinion of the Committee it is, as stated above, head and shoulders above the other competitors.

Condition of grant



52. In accordance with Schedule 9 paragraph 5(3)(a) of the Act, the Committee has determined to add a condition to any licence requiring compliance with the executed Schedule 9 agreement. It directs that the provisional statement shall not be issued until the agreement has been signed and Aspers has signalled assent to such a condition.
53. In addition, of course, any eventual licence will be subject to the individual conditions added at Stage 1, the statutory conditions and the mandatory conditions. The default conditions were excluded in the Stage 1 decision.

Period of grant

54. In accordance with Schedule 9 paragraph 10(3) of the Act, the period of the provisional statement shall be three years from the date of this decision. Within that period, the Committee expects Aspers to have applied for a premises licence for the proposal. However, there is provision in Schedule 9 paragraph 10(4) for Aspers to apply for an extension of that period, which would enable it to explain the progress of the scheme. This enables the licensing authority to retain some control over the pace and timing of delivery.
55. For the reasons given above, and subject to the condition specified, Aspers' application for a provisional statement is granted.

.....
Councillor Matt Tucker
Chairman, Licensing Committee
24th March 2016

The Committee has heard an application by Aspers Universal Limited to extend the period of a provisional statement granted in respect of Royal Pier Waterfront Development, Mayflower Park, Southampton. The provisional statement was granted for a period of three years on 22nd March 2016.

The Aspers proposal was one part of what the Committee in its decision described as an ambitious and exciting one for Southampton. It considered that the proposed casino and the scheme were apt for the site, attractive, thoroughly presented and justified, backed by credible participants and supported by a sufficient record of progression to enable the Committee to make a judgment about its likelihood of fruition. On that occasion, the Committee also had the benefit of an Advisory Panel which included experts on the casino industry specifically and wider regeneration initiatives more generally. It concluded that the Aspers proposal was likely to result in the greatest benefit to Southampton of all the schemes presented to it.

At the time of grant, the Committee determined that in accordance with Schedule 9 paragraph 10(3) of the Gambling Act 2005, the period of the provisional statement would be three years. It stated that it expected Aspers to have applied for a premises licence for the proposal within that period. It also noted that Aspers was entitled to apply for an extension of the period, which would enable it to explain the progress of the scheme. It noted that this would enable the licensing authority to retain some control over the pace and timing of delivery.

In the event, no significant progress has been made towards delivery of the scheme.

The application

In its application dated 27th March 2019 for an extension of the period for a provisional statement, Aspers explained that the lack of progress of the wider scheme, and therefore its casino within the scheme, was due to circumstances beyond its control. Specifically, the construction of the casino was wholly dependent upon the reclamation from the sea of the land upon which it would be built, and that work had not yet commenced. It has stressed that it is as committed as ever to the venture. It requested an extension of three years to the provisional statement.

Aspers provided further detail in its letter of 7th May 2019. It explained that the developer, RPW (Southampton) Limited undertook some limited activity in 2016, securing planning permission for the relocation of the Red Funnel terminal and agreeing a masterplan for the overall Royal Pier development scheme, which it believes had the support of the stakeholders. However, there was pressure on feasibility due to the infrastructure costs associated with land reclamation. Furthermore, in 2017 the financial backers of the developer ran into financial difficulties, which effectively meant that no further progress was made, despite abortive efforts by the backers to find alternative funders for the scheme.

Aspers refers to the “obvious commercial opportunity presented by the Royal Pier scheme”.

Aspers frankly accepts that it cannot say what the position will be at the end of a further period of extension. However, it hopes that either the existing developer or a new party can get to a position where the scheme has the credibility to succeed, with a planning consent capable of implementation.

Following advertisement of the application, the Council has received three representations.

Representations

Genting Casinos UK Limited, which was a rival applicant for the large casino licence, has stated that it has no objection to the application. It does, however, submit that if the Council wishes to award a new provisional statement or premises licence, it should restart the casino competition process and invite new competing applications to be made.

Ros Cassy, who is the convener of the Old Town Community Forum, objected to the extension by an email dated 13th September 2019. She states, first, that it would be wrong to extend the provisional statement since it is part of a scheme which is not proceeding. Second, she states that due to the increase in the density of the local population, there is a further premium on green space, which alters the balance between economic regeneration and preservation of green space. Third, she is concerned about the environmental impact of people leaving the casino late at night, particularly in an era of reduced public services including the police. In a supplemental email dated 19th September 2019, Ros Cassy states that Members of the Forum were also opposed to the development on the ground that there was now increased information regarding problem gambling and its harmful effects.

Graham Linecar, the Secretary of Southampton Commons & Parks Protection Society (“SCAPPS”) objected to the extension by an email dated 13th September 2019. SCAPP’s principal concern is the unsuitability of a gambling establishment next to a public park and children’s play area. He states that there is evidently no chance of the scheme proceeding in any event. He is concerned that a smaller scheme may be brought forward, both because of the uncertainty this would create as to the future of the park in the meantime and the likelihood that in any such scheme Aspers would bring their proposal further inland from its current position in the derelict pier, so further threatening the parkland and imposing an unwanted juxtaposition between the casino and children’s play space.

The hearing

The Committee has heard from Mr Martin Heslop QC on behalf of Aspers.

He stressed there were no objections from relevant authorities or the rival applicants for the large casino licence.

He stated it was entirely a matter for the discretion for the Committee whether the application was granted or refused.

He referred to the power to grant an extension in Schedule 9 paragraph 10(4) of the Gambling Act 2005, which gave a broad and unfettered discretion to grant, subject to the provisions of the Act, but should act fairly, openly and with regard to the licensing objectives and the legitimate representations made.

He emphasised that in granting the provisional statement the Committee had been impressed with the scheme and Aspers' track record of delivery. It had considered that the scheme was head and shoulders above those of the other competitors.

He stated that the failure to progress the scheme had been wholly outside the control of Aspers and was dependent on the reclamation of the land on which the casino would sit, which had not yet started. However, Aspers remained totally committed to the scheme, hence the necessity for this application.

He stated that it would not be true to say that Aspers had done nothing. Aspers remained anxious to proceed with the scheme and had done all it could. It had maintained regulator contact with the developer and the financiers of the development. It had made clear to them Aspers remained ready to start as soon as the land is ready. It had invested a great deal of time, finance and resources to achieve that aim. Representatives had been to Southampton and met with developers and financiers on a regular basis, making it clear it wished to see the scheme proceed as soon as possible. Not having any contractual relationship with the developers, it was in no position to require them to proceed. It had maintained close contact with the council and the stakeholders, as had its property consultants. There was little more that Aspers could do or could have done. It had not sat back. And, when given the opportunity, Aspers delivers.

Mr Heslop then addressed the benefit of granting the extension. He stated that it was understood that the Council was looking for an alternative developer. If so, the existence of the provisional statement would act as a catalyst for attracting a new developer. The Committee had accepted in 2016 that the presence of Aspers would help to drive the scheme. The same applied now.

He stated that the Committee had contemplated in 2016 that there may be an extension application, recognising that a situation such as this may arise and that Aspers may come before the Committee to explain the state of progress which it had done.

The situation was not of Aspers' making. It had done everything it could. It had a track record of delivery of schemes.

Further, refusing the application creates the spectre of a further application which he said was in no-one's interests.

In dealing with the representations, he said that the Committee was confined to the licensing objectives and could not be dealt with on moral or planning grounds.

Dealing with SCAPPS' objection, he pointed out that the site of the development could not be moved, since the provisional statement applied to this particular site. If there is no development, then there cannot be any harm as suggested by SCAPPS.

Addressing Ros Cassy's objection, he said that if the Council wishes to continue the scheme for the benefit of the city, which he understood it did, it would need to seek a new developer, and the existence of a provisional statement and a well-regarded anchor tenant would make the proposal more attractive to a prospective developer.

In summary, he asked what the Committee had to lose by granting the application, but a great deal to gain. If there is no new developer, the provisional statement would lapse. If the Council wishes to find an alternative developer, there is clear benefit in prolonging the provisional statement. To refuse the extension would be undesirable because it would involve restarting the whole process.

The Committee asked Aspers whether it had made investigations as to any changes in the area. Aspers stated that there had been a planning application on the site which had been withdrawn. It was too early for a new feasibility study, although there had been development around the site, including residential development.

The Committee asked who would pay for reclamation costs and who would deal with Crown Estates. Aspers stated the developer was supposed to reclaim the land. Aspers also accepted that the provisional statement was for this particular site. Aspers could not move the site. If a new site came forward Aspers would work to ensure the casino could be developed in its existing location.

The Committee asked whether if an extension was granted it may be faced with a further application later. Aspers stated that it had spent a lot of time and money winning the provisional statement and remains committed to the site. There had been an application to relocate the Red Funnel ferry and much work had been done on the ecological impacts of land reclamation. So it would not be necessary to start all over again.

The Committee asked whether the benefits would be the same given the changes in the area. Aspers said that the scheme brings in additional benefit, and simply added to the development in the area. It could not say exactly what an alternative scheme would be, but would likely comprise the same elements.

The Committee also asked whether the casino might deter some developers. It could not say, but it is important that there is an anchor tenant with the desire to enter a long lease.

The Committee asked whether Aspers had taken into account the changing nature of gambling as a whole, whether it would help to support other elements making the scheme as a whole more attractive, and child safeguarding. In answer, it was said that the Aspers operation had not changed. Aspers had a mixed offer, not just gaming and protection of the vulnerable was at the forefront of Aspers' business. It did better in locations where there was a broad offer, e.g. Stratford, London.

On behalf of the Old Town Community Forum it was asked what evidence there was that an extension would make it more likely that the development would proceed in the current economic climate. Aspers accepted that there was no evidence. Aspers was an operator not a developer. There is no current feasibility study. It was also asked whether a scheme would come forward in the next three years. Aspers said if the process moved forward, it was hoped that the scheme would be delivered. It accepted it was unlikely that the reclaiming would happen in the next 3 years.

The Old Town Community Forum further asked whether there would be public health impacts of the scheme in terms of air pollution and NHS costs. The reply was that the Committee had assessed the benefit in 2016 and had decided that it would be beneficial. It was also suggested that public health benefits were irrelevant and that the Committee had made an assessment in 2016. Legal advice was taken and advice was given that the Committee is entitled to take account and make a current day assessment of any benefits or disbenefits in deciding whether to extend the provisional statement. Aspers therefore added that it had established CARGs in all cities in which it operates, focussing on responsible gambling in partnership with the community. Aspers could not say whether it had supported the reduction in maximum stake for Category B2 machines from £100 to £2. It could not say what contributions made to national research, education and training, but through the Schedule 9 agreement it was to make financial contributions to the community. It also works with the Gambling Commission. It was asked whether casino workers suffered health problems, e.g. through smoking, and said that Aspers had good policies and procedures for employees. The Forum finally asked whether it was aware of any recent research into the impact of casinos on local communities. Aspers said it did not have an Aspers officer there and so could not answer.

Mr Linecar asked how feasible is it that an alternative scheme would leave the casino where it is. Aspers said that a new scheme would need significant reclamation in any case and that the casino could be left in its current proposed position. It was accepted that the provisional statement was for this particular site and that it could not be moved.

Old Town Community Forum

The Forum representatives said that the Old Town is a residential area but the demographic was changing and there were more young families, which raised questions of vulnerability. There is increasing use of the park. This is not a resort

area. It is a neighbourhood with the character of a village. There is no benefit to the local area from the casino. There might be benefit to the area as a whole but not locally. The area is already polluted due to the highway and the casino would bring more. The police are overstretched and this would attract further late night crime. It is wrong to extend the provisional statement when the underlying scheme has not progressed.

The Forum representatives added that access to green space had a positive effect on the health of the community. Recent research had reinforced this. The loss of green space is damaging to welfare and imposes costs on the NHS. Therefore, the preservation of green space is economically beneficial. The casino threatens these public health and economic benefits. It also increases the risk of problem gambling, and a significant proportion of casino players were problem gamblers. Research also shows that proximity to casinos increases problem gambling, and that the proximity of the residential population was therefore of concern. A resort casino should not therefore be placed next to a residential community, and that its location would impose a cost on local services. Further, Mayflower Park is used to a large extent by lower income, disadvantaged groups, including children. Further, the city centre population had doubled in the last 10 years. The scheme normalises gambling as a pastime, the costs of which are borne by the City. This is an opportunity for the Council to reconsider the matter in line with its green and health strategies and its aspirations to be a city of culture.

The Forum referred to Aspers' question what is there to lose by extending the provisional statement. It was said three years ago that the casino would remain a catalyst. It is still said that it would be a catalyst. In the meantime, the park remains in a poor unloved state. To grant the extension means that the park would remain unloved and uncertainty would continue.

Mr Linecar said that Mayflower is the only city centre green space on the waterfront. It is popular with city visitors. SCAPPS had and continues to have a concern that a gambling establishment should not be located next to a public park. In 2016, the casino was to be sited within a large development including a replacement park, on reclaimed land. When the RPW planning application was submitted, SCAPPS objected. The replacement park, it said, was a poor substitute, being above an underground car park, surrounded by bulky and high buildings. SCAPPS expresses concern regarding the uncertainty of what would come forward. Mr Linecar's understanding was that the planning application was still extant, but it is clear there is no permission, and the Council has announced its withdrawal from the partnership with the developer. Aspers has a hope but no evidence that a new scheme and developer will come forward. We can't know the content of the notional scheme, what mix of uses, whether it will be the same area, or what would happen with Mayflower Park. It is highly likely it would affect the park. SCAPPS could not foresee any condition which would safeguard against juxtaposition of major gaming establishment with play area used by children.

Closing submissions

The objectors did not wish to make closing submissions.

In closing Aspers said that the existence of the scheme as an anchor helps to catalyse the scheme. Many of the objections made had either been dealt with in 2016, or were planning matters and did not fall for consideration by this Committee.

Legal advice

The Committee received legal advice as follows:

(1) If the provisional statement is extended, the current site for the casino may not be moved under this provisional statement. If a new developer came forward with a different scheme, it would not be bound to build out the development as presented in 2016, but it would be bound to leave the casino in precisely the same place.

(2) If the provisional statement is not extended, the Council is entitled but not bound to run a new competition, at which point anybody could make a proposal anywhere in the city.

(3) The Gambling Act 2005 does not set out criteria for the grant or refusal of extensions of provisional statements. As such, the Committee has a discretion which it should exercise so as further the purposes of the Act. These are both the promotion of the licensing objectives, which are the principal concern at Stage 1 of the casino competition process, and the benefit to the area of the authority, which is the principal concern at Stage 2. In determining the question of benefit, the Council's evaluation criteria and scoring matrix scored proposals out of 1,000, with 750 points going to regenerative impact (including physical regeneration, tourism, employment opportunities and financial contributions towards regeneration), 125 points went to the quality of proposals to address problem gambling, and 125 points went to other financial contributions. The Committee is entitled to bear in mind the hoped for benefits in determining this application.

(4) The Committee's discretion therefore goes beyond the licensing objectives, although this does not extend as far as moral grounds. Further, the likelihood of planning permission is a statutorily irrelevant consideration.

(5) The Committee has been asked to take account of the potential benefits of extending the provisional statement in helping to attract a new developer to deliver the scheme. This is a relevant benefit, whose merits and weight fall for consideration.

(6) Aspers has suggested that refusing the extension would create a disbenefit, namely the potential for a further competition; so that extending the provisional statement creates a correlative benefit. Whether there is a further competition would

be a matter for the Council, and so whether the prospect of a further competition would be regarded as a potential benefit or a disbenefit is a matter for this Committee to weigh.

(7) The Committee should also note and take into account the disbenefits alleged by the objectors to the application in terms of environmental impact, harm to the licensing objectives, and uncertainty in relation to the park. The merits and weights of those points are all matters for the Committee. None of these is, on analysis, a moral ground.

(8) The Committee is entitled to take account of the merits of the scheme as a whole. It is not bound by the criteria before it in 2016, or indeed the findings made in 2016. It cannot take account of the likelihood of the scheme obtaining planning permission, but it can take account of matters which are also planning matters, as case law has conclusively established.

(9) The claimed impact on children is an impact on group with protected characteristics. Accordingly, section 149 of the Equality Act 2010 is in play. The substance of section 149 is set out in paragraph 18 of the report. The Committee should have specific regard to this claimed impact, and exercise its duties to have regard to the matters in section 149 with substance and rigour, albeit that the Public Sector Equality duty does not require any particular result.

(10) The site of the casino cannot legally be moved under this provisional statement, so that any concern that the period of extension would be used to resite the casino under this provisional statement is irrelevant.

(11) The Committee should also consider its duties under the Crime and Disorder Act 1998 and the Human Rights Act 1998 as set out in paragraphs 16 and 17 of the report.

(12) The Committee should consider the reasons given for delay in implementation of the scheme, the prospects of realisation of the scheme and the consequences of the grant or refusal of an extension.

(13) How the Committee weighs all of these factors, and any other relevant factors, is a matter of judgment for the Committee.

(14) Its options are to grant the extension for three years as asked, grant for a lesser period, or refuse the extension altogether.

All those present confirmed that they did not take issue with any of the legal advice.

Decision

In making this decision, the Committee has taken account of all that it has heard and read, and has applied the legal advice which it has been given.

The Committee is aware that the Aspers proposal, and the wider scheme of which it forms part, was considered to be an excellent application when it was made, for the reasons set out in its decision in 2016.

The Committee has not heard sufficient evidence to reverse its previous view. It accepts that the scheme would result in at least some benefit to the area for the reasons previously given. While it accepts that there has been surrounding development over the last three years, it does not consider that there are fundamental differences in the surrounding area now as against three years ago.

Therefore, while the Committee is not bound by its decision in 2016 to grant this extension, it gives significant weight to its previous decision.

It acknowledges that all gambling establishments may be associated with problem gambling, but the Gambling Act provides safeguards against such problems, the Schedule 9 agreement provides for further commitments in relation to problem gambling, and Aspers themselves are a reputable operator. So far as children are concerned, the provisional statement requires that gambling activities shall not be visible from the exterior of the premises. Further, the Committee has no evidence that casinos pose a significant risk to crime and disorder in the area, or any risk to children. While the casino may contribute to traffic pollution, this would be true of any development, whether it has a casino in it or not.

As to such negative impacts, the Committee is aware that there have been no objections to this application by any responsible authority or public health body.

Any proposed development, whether in the same or different form, would require planning permission, and at that stage a full assessment of impact will be made, including any impacts arising from the juxtaposition of the development with a park including a play space. On that point, the planning application would be determined on its own merits. The planning authority would not be bound by any determination made by this Committee.

Further, if a proposed developer no longer wished to have a casino, it would not be bound by this extension to incorporate the casino in the scheme.

The Committee notes that the development has not come forward and there is no current evidence of feasibility. However, as a matter of common sense it accepts that a consent for an anchor tenant which is ready and willing to proceed such as a casino may help to catalyse the development. On the other hand, if the development does not proceed, nothing is lost by the extension.

For those reasons, the Committee is, on this occasion, prepared to extend the provisional statement for a further period. It considers that the appropriate extension is three years, to maximise the possibility that this development now proceeds. If it does not proceed and a further extension application is made, the decision today should not be cited as a reason why the further application should be granted.



NOTICE OF GRANT OF AN APPLICATION FOR AN EXTENSION TO A PROVISIONAL STATEMENT

This notice is issued in accordance with regulations made under section 164(2) of the Gambling Act 2005

Southampton City Council
Civic Centre
Southampton
SO14 7LY

An application for a provisional statement in relation to the following type of premises:

Large Casino

Is granted to:

Aspers Universal Limited

Of the following address:

1 Hans Street,
London,
SW1X 0JD

The number of whose operating licence is: N/A

The premises or proposed premises to which the application related are:

To be developed at the site of the:

CASINO LOCATION ZONE
ROYAL PIER WATERFRONT DEVELOPMENT
MAYFLOWER PARK
SOUTHAMPTON
SO14 2AQ

The provisional statement number is: 2019/04474/70SLCP

The provisional statement ceases to have effect on 24^h March 2022.

If a premises licence for the type of premises specified in the provisional statement were to be issued, the licensing authority would attach the conditions set out in **Annex A** to this Notice, in exercise of their powers under section 169(1)(a) of the Gambling Act 2005.



If a premises licence for the type of premises specified in the provisional statement were to be issued, the licensing authority would exclude the default conditions set out in **Annex B** to this Notice, in exercise of their powers under section 169(1)(b) of the Gambling Act 2005.

The licensing authority did receive representations in relation to the application.

The representations received in relation to the application, together with the licensing authority's response, are set out in **Annex C** to this Notice.

An appeal may be brought against the grant of the application, or the imposition or exclusion of the conditions referred to above by either the applicant, or any person who made representations in relation to the application. An appeal must be instituted:

- in the magistrates' court for a local justice area in which the premises are wholly or partly situated;
- by notice of appeal given to the designated officer;
- within 21 days beginning with the date of receipt of this notice of grant.

Signed:

Dated: 25th October 2019

ANNEX A – CONDITIONS TO BE ATTACHED

Condition to be attached	Reasons for attaching condition
That any provision of gambling activities shall not be visible from the exterior of the premises.	The promotion of the Licensing Objectives
A 'Challenge 25' scheme that ensures that any person attempting to enter the premises that is, or appears to be, under the age of 25 shall provide documented proof that he/she is over 18 years of age, shall be implemented at the premises. Proof of age identity documents, shall only comprise a passport, a photo card driving licence or a proof of age standards scheme (PASS) proof of age identity card or Ministry of Defence identity card.	The promotion of the Licensing Objectives

ANNEX B – DEFAULT CONDITIONS TO BE EXCLUDED

Condition to be excluded	Reasons to excluding condition
No facilities for gambling shall be provided on the premises between the hours of 6:00am and noon on any day.	Removal of the default condition will not compromise the licensing objectives.

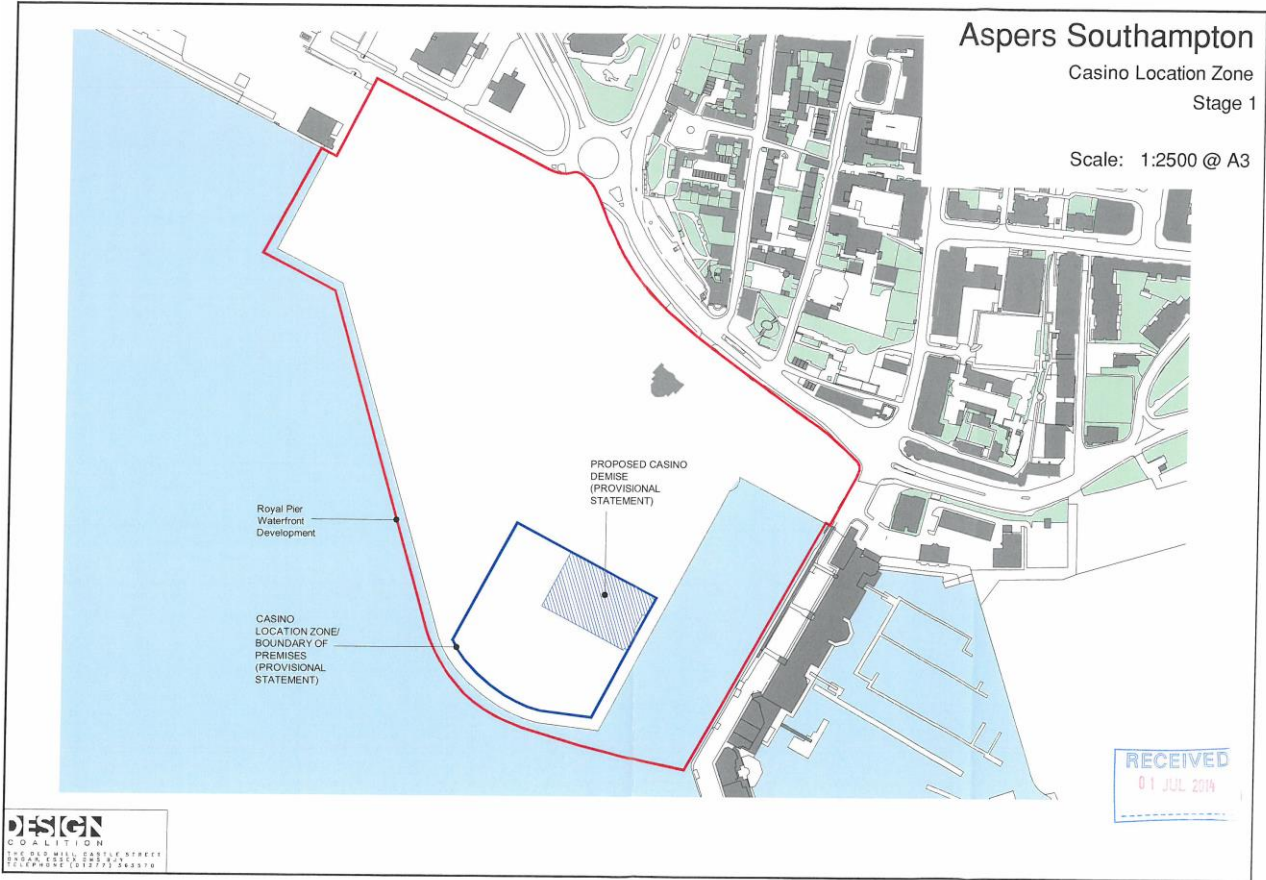
ANNEX C – REPRESENTATIONS RECEIVED

Representation	Licensing Authority's response
<p>Ros Cassy on behalf of Old Town Community Forum objected to the extension by an email dated 13th September 2019. She states, first, that it would be wrong to extend the provisional statement since it is part of a scheme which is not proceeding.</p> <p>Second, she states that due to the increase in the density of the local population, there is a further premium on green space, which alters the balance between economic regeneration and preservation of green space. Third, she is concerned about the environmental impact of people leaving the casino late at night.</p> <p>In a supplemental email dated 19th September 2019, the Forum were also opposed to the development on the ground that there was now</p>	<p>The Licensing Committee considered that each representation was made by someone representing persons likely to be affected by the activities concerned. The licensing authority considered that the issues raised in the representation were relevant to the matters to be considered by the Committee.</p> <p>The Committee is aware that the Aspers proposal, and the wider scheme of which it forms part, was considered to be an excellent application when it was made, for the reasons set out in its decision in 2016. The Committee has not heard sufficient evidence to reverse its previous view.</p> <p>The Committee notes that the development has not come forward and there is no current evidence of feasibility. However, as a matter of common sense</p>

<p>increased information regarding problem gambling and its harmful effects.</p>	<p>it accepts that a consent for an anchor tenant which is ready and willing to proceed such as a casino may help to catalyse the development.</p> <p>On the other hand, if the development does not proceed, nothing is lost by the extension. The Committee is, on this occasion, prepared to extend the provisional statement for a further period. It considers that the appropriate extension is three years, to maximise the possibility that this development now proceeds. If it does not proceed and a further extension application is made, the decision today should not be cited as a reason why the further application should be granted.</p> <p>It accepts that the scheme would result in at least some benefit to the area for the reasons previously given. While it accepts that there has been surrounding development over the last three years, it does not consider that there are fundamental differences in the surrounding areas now as against three years ago. Although the Committee is not bound by its decision in 2016 to grant this extension, it gives significant weight to its previous decision.</p> <p>It acknowledges that all gambling establishments may be associated with problem gambling, but the Gambling Act provides safeguards against such problems, the Schedule 9 agreement provides for further commitments in relation to problem gambling, and Aspers themselves are a reputable operator. As to such negative impacts, the Committee is aware that there have been no objections to this application by any responsible authority or public health body.</p>
<p>Graham Linecar on behalf of Southampton Common and Parks Protection Society objected to the extension by an email dated 13th September 2019. He states there is evidently no chance of the scheme proceeding in any event. He is concerned that a smaller scheme may be brought forward, both because of the uncertainty this would create as to the future of the park in the meantime and the likelihood that in any such scheme Aspers would bring their proposal further inland from its current position in the derelict pier, so further threatening the parkland and imposing an unwanted juxtaposition between the casino and children's play space.</p>	<p>The site of the casino cannot legally be moved under this provisional statement so that any concern that the period of extension would be used to re-site the casino under this provisional statement is irrelevant.</p> <p>Any proposed development, whether in the same or different form, would require planning permission, and at that stage a full assessment of impact will be made, including any impacts arising from the juxtaposition of the development with a park including a play space. On that point, the planning application would be determined on its own merits. The planning authority would not be bound by any determination made by this Committee. Further, if a proposed developer no longer wished to have a</p>

	casino, it would not be bound by this extension to incorporate the casino in the scheme.
Genting Casinos UK Ltd. stated that it has no objection to the application. It does, however, submit that if the Council wishes to award a new provisional statement or premises licence, it should restart the casino competition process and invite new competing applications to be made.	If the provisional statement was not extended, the Council is entitled, but not bound, to run a new competition, at which point anybody could make a proposal anywhere in the city.

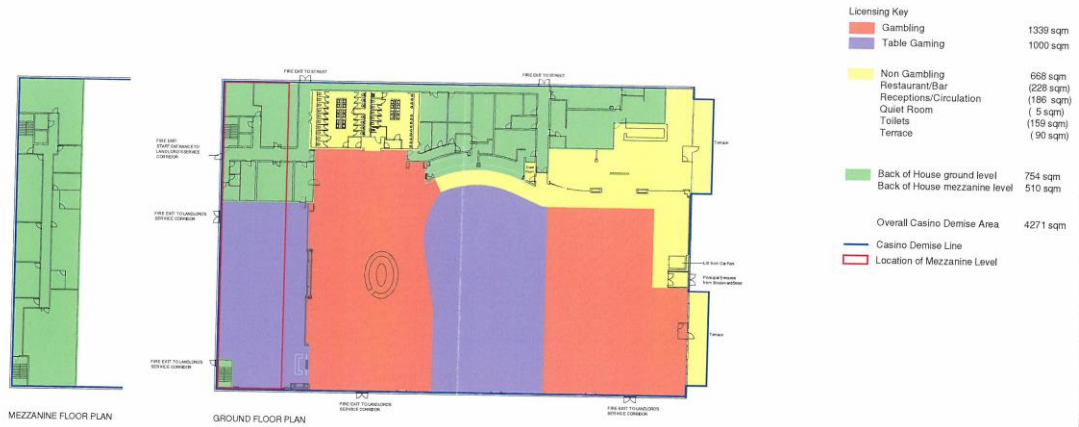
Plans



Aspers Southampton

Stage 1

Scale: 1:500 @ A3



RECEIVED
01 JUL 2014

DESIGN
COALITION
100 ROAD HILL GOSPORT STREET
GOSPORT, SOUTHAMPTON, HANTS
PO13 8AA

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Mr P Bates
Head of Licensing
Southampton City Council
Licensing Services
Civic Centre
Southampton
SO14 7LY

16 March 2022

Dear Mr Bates,

We refer to the Council's decision on 25 October 2019 to extend for three years our provisional statement for a large casino at the Royal Pier until 24 March 2022.

As the Council remains aware, we have unfortunately been unable to progress our large casino due to circumstances entirely beyond our control. Specifically, the construction of our large casino is wholly dependent upon the reclamation from the sea of the land upon which it will be built and that work still has not yet commenced.

Our frustration at this lack of progress remains vexing particularly after the substantial cost and resource invested in the original bid process, not least by the Council and ourselves.

We respectfully request that these efforts be given every opportunity to be successful and write pursuant to schedule 9 paragraph 4 of the Gambling Act 2005 to request a further extension to our provisional statement. As in 2019, we understand entirely that the Council will wish to retain some control over the pace and timing of delivery and that the Council has a wide discretion when determining the length of any such extension. We would again propose that a period of a further three years would be appropriate, given that through no fault of our own, we remain in a broadly similar position to when the provisional statement was granted to us.

As agreed with you, we are following the same process as in 2019, and this is our formal request for the extension. At the Council's request, it is proposed that the process will commence after 5 May 2022, with the consultation period due to start on 13 May 2022 and end on 10 June 2022. We will of course provide any further information or attend any meeting which the Council would find helpful before making a decision.

We wish to assure the Council that we remain as committed as ever to this ambitious venture and remain hopeful that we will still have the opportunity of delivering this large casino to Southampton and helping drive forward the Royal Pier scheme as a whole.

Yours sincerely

Derek Playford
Director
Aspers Universal Limited

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Phil Bates
Licensing Manager
Licensing - Southampton City Council
PO Box 1767
Southampton
SO18 9LA

7 May 2019

Dear Mr Bates,

Application to extend Provisional Statement for Large Casino, Southampton

Thank you for your letter of 17 April 2019.

We write as requested with additional information relating to our written request on 27 March 2019 for an extension to the three-year duration of our Provisional Statement. As the Council is only too well aware, we have unfortunately been unable to develop our large casino due to circumstances entirely beyond our control relating to the development of the Royal Pier scheme. We wish to emphasise that our commitment to this venture remains as strong as ever, notwithstanding the lack of progress so far.

We would also kindly ask the Council to take into consideration that the three-year period was (quite reasonably) set by the Council rather than us, with the pragmatic and sensible purpose of enabling the Council to retain some control over the pace and timing of the delivery of the casino. We are extremely disappointed by the lack of progress and we share the frustration of the Council. We would like nothing better than to start work on the development of our casino tomorrow. However, we do remain optimistic that the overall development will progress given the political will and obvious commercial opportunity and confident that we can deliver all that is within our control.

The extension mechanism in schedule 9 of the Gambling Act provides us with the opportunity to explain the (lack of) progress of the scheme to date and for the Council to grant such further extension as it thinks would be reasonable, again maintaining a degree of control over the pace and timing of delivery. As the Council well knows, this is an ambitious, challenging and exciting venture involving the reclamation from the sea of the very land upon which our casino will be built. However, we remain as committed as ever and very much believe that we will have the opportunity to deliver our casino and help drive forward the Royal Pier scheme as a whole, which we understand is a longstanding and important regenerative development for the City of Southampton.

The Stakeholders

By way of background explanation, our understanding is that the stakeholders in the Conditional Landowners Development Agreement ("CLDA") are (1) the Council (2) The Crown Estate (3) Associated British Ports; and (4) RPW (Southampton) Limited (the "Developer") (together the "Stakeholders"). We further understand that the Developer is controlled by Royal Pier Waterfront SARL ("RPW"), which is part of a Fund managed by KMG Capital Markets based in Cyprus (the "Fund"), and that the Fund finances the development activity of RPW. As one of the Stakeholders itself, we anticipate that the Council has a thorough understanding of this structure. As the Council well knows, the large casino premises lie within the RPW development, with the land itself formed by reclaimed seabed of the River Test.

In response to your specific requests for information:

What has occurred since the award of the Provisional Statement?

Throughout the three years since the Provisional Statement was awarded, we have maintained regular communication with the Developer and Lucent Group (the Fund's asset managers) and have demonstrated that we are ready to move forward with our casino development plans at the first opportunity.

We have invested considerable finance and resource in this venture and we have left the Developer in no doubt at all material times that we wished to see timely progress, but it would seem that the development of our casino has not been an overriding priority for them at this stage. We are not in a contractual position to compel the Developer to progress, but there is plainly a commercial imperative arising out of the value of our casino to the overall development scheme (to any developer of the Royal Pier scheme) and we consider strongly that this will yet prove to be a significant catalyst.

There was a certain amount of activity in the latter part of 2016, with the Developer securing planning consent for the relocation of the "Red Funnel" terminal and agreeing a masterplan for the overall Royal Pier development scheme, which we believe had the support of the stakeholders. We understood this was going to progress to a planning application that included our casino, albeit that there was pressure on the feasibility due to the considerable infrastructure costs associated with the land reclamation. In 2017, however, the Lucent Group and the Fund ran into financial difficulties, which has effectively meant that no further progress has been made.

During 2017, we were made aware that the Fund were seeking new development/investment partners, as they had limited remaining financial resources. In early June 2017, we met with representatives from the ASF Group ("ASF"). ASF are an Australian/ Chinese strategic investor specialising in large regeneration projects. ASF had signed an NDA with the Fund and were undertaking due diligence with a view to acquiring a controlling interest in the Fund. It was rumoured in July 2017 that a deal had been agreed. At the end of 2017, however, we learnt that the deal with ASF had been aborted and the Fund were continuing to seek alternative investors but had no financial resources to invest in the RPW development.

We understand that there was a further attempt by the Fund in the summer of 2018 to resurrect the deal with ASF, but this disintegrated in the autumn of 2018, due we believe to the Fund's unrealistic expectations of the value their interest in the CLDA.

Any current activities to realise the project?

We have maintained close contact throughout with all involved in the RPW development and we continue to push for progress. Our commercial property advisers, AGL, have been in dialogue with the Stakeholders and ASF over the last three years. We understood recently that the Council was understandably considering a review of the CLDA and the possible appointment of another party to help drive forwards the development. As you know, we therefore had a meeting with the Council in March 2019, so that we may understand the very latest status of the Royal Pier scheme and lend support where possible and appropriate.

We would welcome the opportunity to progress our casino development at the earliest opportunity and help revitalise the Royal Pier scheme. The commercial reality is that our aspiration is dependent upon the CLDA operating as was intended and/or a willing developer being in place and ready to invest. Until such time, there are limited activities we can undertake by ourselves to realise the project. The Council will have greater visibility than us, but we think that progress must only be a matter of time given the obvious commercial opportunity presented by the Royal Pier scheme. Meantime, especially during the present uncertain political and economic climate, we are confident that the existence of a provisional statement for our large casino within the Royal Pier scheme has the potential to act as an important and significant catalyst.

The intended position of the project at the end of the extension period

It will be evident to the Council from the explanation above that it is difficult for us to say with any certainty what the position will be at the end of the extension period. We would intend that the development will have been progressed to a stage where all the Stakeholders have a clear understanding of the key project landmarks through to the conclusion of the project and of the expected completion date.

The project requires a reappraisal of the masterplan, which simplifies but accommodates all the Stakeholders’ requirements. The casino remains an integral part which will provide considerable investment as was demonstrated during the large casino competition.

We would hope that by the end of the extension period, either the existing developer or a new party can get to a position where the scheme has the credibility to succeed, with an implementable planning consent. Aspers are prepared to fully support this process.

Period of extension

We propose that a period of three years would be appropriate given that, through no fault of our own, we remain in a broadly similar position to when the Provisional Statement was awarded to us. This would allow the Stakeholders sufficient time to appoint a new developer, or to make progress themselves.

A time line of key project landmarks to the conclusion of the project

We are not yet in a position to identify a timeline of key project landmarks pending the development by RPW or any another developer of the Royal Pier scheme. At present, we remain dependent upon RPW being able to fulfil their obligations to develop the scheme.

Once you have had an opportunity to consider this additional information, we look forward to hearing from you to confirm the next steps. Please do not hesitate to let me know if you would like any further information or have any questions.

Yours sincerely,



Derek Playford
Chief Financial Officer

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NOTICE OF APPLICATION TO EXTEND A PROVISIONAL NOTICE GRANTED UNDER THE GAMBLING ACT 2005

Notice is hereby given that:
ASPERS UNIVERSAL LTD.

of the following address: 1 Hans Street
 London
 SW1X 0JD

is applying for an extension of the Provisional Statement NUMBER 2014/02548/70SLCP granted under the Gambling Act 2005 by Southampton City Council on 24th March 2016

The application relates to the following premises:

CASINO LOCATION ZONE
ROYAL PIER WATERFRONT DEVELOPMENT
MAYFLOWER PARK
SOUTHAMPTON
SO14 2AQ

The application has been made to:

EXTEND THE GRANT OF THE PROVISIONAL STATEMENT BY A FURTHER 3 YEARS TO 24TH MARCH 2025

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

Any of the following persons may make representations in writing to the licensing authority about the application:

- A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories.

Any representations must be made by the following date: 10TH JUNE 2022

It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

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From: Graham Linecar < >
Sent: 08 June 2022 14:26
To: Montague, Hayley
Subject: Re: Objection from SCAPPS to further extension of period of a provisional statement for a large casino, Royal Pier Waterfront

Oh, sorry -- meant to add address, & forgot! Yes, same as 2019, 3 Highfield Road SO17 1NX.
GL

From: Montague, Hayley
Sent: 08 June 2022 10:09
To: Graham Linecar
Subject: RE: Objection from SCAPPS to further extension of period of a provisional statement for a large casino, Royal Pier Waterfront

Good morning,

Thank you for your representation, is your address for correspondence as per the previous representation in 2019?

Kind regards,

Hayley Montague
Licensing Enforcement Officer
Southampton and Eastleigh Licensing Partnership
Southampton City Council

Web: www.southampton.gov.uk/licensing
Post: Licensing - Southampton City Council
Civic Centre, Southampton, SO14 7LY

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From: Graham Linecar
Sent: 06 June 2022 18:53
To: Licensing
Cc: Montague, Hayley
Subject: Objection from SCAPPS to further extension of period of a provisional statement for a large casino, Royal Pier Waterfront

You don't often get email from [redacted]. [Learn why this is important](#)

Application by Aspers to extend for a further 3 years a provisional statement for a large casino, Royal Pier Waterfront
Objection by Southampton Commons & Parks Protection Society (SCAPPS)

SCAPPS was an objector at the Licensing Committee hearing in October 2019 when a decision was made to extend for 3 years the period of the provisional statement granted in March 2016.

The Committee was given legal advice at the October 2019 hearing that the site of the large casino may not be moved under this provisional statement from that specified in the 2016 application and decision. The premises cited in the application do not exist. The 2016 application identified the premises by reference to a developer's (RPW Southampton Limited) plan for what was termed the Royal Pier Waterfront Development; the site lies underwater, somewhere off the Royal Pier and the Red Funnel vehicle ferry terminal. RPW Southampton Limited is no longer in business. The land owners involved in the scheme have withdrawn from the development proposal. A planning application was withdrawn without being determined. It is not apparent from Aspers' letter requesting this further extension if the landowner (presumably Crown Estate, as the site is below the LWM) has been notified.

The applicant has submitted no evidence to show any action to promote a replacement development proposal which might result in the reclamation & development necessary to secure the premises identified in the 2016 application. The premises do not exist. There is no planning permission or planning application for the premises. There is no developer with a scheme which might feasibly result in any such planning proposal.

In 2019, the Committee noted there was 'no current evidence of feasibility' of a development scheme which might result in construction of the premises specified in the provisional statement. It however granted the 3-year extension because the large casino might 'help to catalyse' a fresh development proposal. That has not happened. The applicant has provided no evidence of any activity in the two and a half years since October 2019 which might even remotely result in a fresh development scheme being prepared. There is no developer interested, even with a large casino to act as 'anchor' or catalyst. There is no likelihood the premises will ever exist. This application should be refused.

SCAPPS repeats the objection it made to the 2019 application to extend the period of the provisional statement. In the absence of a developer's overall scheme, there must be uncertainty as to extent of the overall scheme (whether it includes, and destroys, Mayflower Park), the uses and activities it would include and the juxtaposition of those activities and uses. SCAPPS concern is protection of Mayflower Park. SCAPPS cannot envisage any condition which would safeguard against the undesirable consequence of a major gaming establishment in close proximity to a significant public recreation area used by children and young persons. SCAPPS has long pressed for improvements to be made to Mayflower Park. Rejecting this application to extend the period of the provisional statement will remove one of the uncertainties which, seemingly, may have contributed to holding back investment in Park improvement.

Graham Linecar
for SCAPPS

From: Ros Cassy
Sent: 09 June 2022 11:30
To: Montague, Hayley
Subject: Re: Casino application extension 2022/01538/7

Hello Hayley
Yes
Normandy House
45 Bugle Street
SO14 2AG
Thanks
Ros

Sent from my iPhone

On 9 Jun 2022, at 11:26, Montague, Hayley

wrote:

Good morning,

Thank you for your below representation, is your address for correspondence as per the previous representation in 2019?

Kind regards,

Hayley Montague
Licensing Enforcement Officer
Southampton and Eastleigh Licensing Partnership
Southampton City Council

Web: www.southampton.gov.uk/licensing
Post: Licensing - Southampton City Council
Civic Centre, Southampton, SO14 7LY

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From: Ros Cassy
Sent: 09 June 2022 09:29
To: Licensing
Subject: Casino application extension 2022/01538/7

You don't often get email from [redacted]. [Learn why this is important](#)

Dear Licensing Team

2022/01538/70SLCP

I am attaching an objection to the extension of the application for a casino from Aspers.
Please will you ensure it is presented to the licensing committee.

Thank you

Ros Cassy

Ros Cassy

Convener

Old Town Community Forum

Representation from Old Town Community Forum and Friends of Town Quay Park regarding extension of Casino Application 2022/01538/70SLCP June 2022.

This representation is made on behalf of both Old Town Community Forum, a voluntary group established in 2019 for residents, visitors and business in the Old Town of Southampton and Friends of Town Quay Park (FTQP), a membership organisation representing the community of people who use Town Quay Park, SO14 2AT and the adjoining Cuckoo Lane Park.

FTQP has submitted objections to the original casino application and the extension in 2019. The views of both organisations have not changed since the last extension application in 2019

In view of the fact that the original proposed development was shelved a number of years ago and there are no plans for replacement development, there is no location for a casino in the Royal Pier/Mayflower Park area. As this extension applies to a specific (but non-existent) site we urge the council to **refuse** this extension for what is a very unpopular proposal for a large majority of local people.

Our concerns about the Royal Pier/Mayflower Park location remain the same and are even stronger now

Protecting the environment

We need to preserve the peace of Town Quay Park and Mayflower Park as protected open space which is highly valued by local people. Since the Covid Pandemic the parks are even more important as a place to nurture physical and mental wellbeing

Safety – crime, noise, disruption on dispersal and the impact on local policing and health services

There is much increased awareness of harm of problem gambling and the undesirability of yet another casino in the city given the negative social impact Its well documented that the proximity of casinos encourages problem gambling & associated costs.

Urban casinos tend to draw large numbers of local residents to them, meaning that social costs remain within the community. This leaves no doubt that adverse social effects of gambling will be picked up by already stretched local services in Southampton.

The proposal to introduce a super casino – a large ‘resort’ style casino into the centre of Southampton is therefore the worst possible combination.

Public Health Southampton on the Council’s website is clear about this stating that ‘in recognition of falling wages in Southampton, & that problem gambling disproportionately affects certain groups in the population, the casino operator should avoid targeting socially disadvantaged groups’.

The potential of a Casino in such proximity to Mayflower Park could target just such socially disadvantaged groups, whether or not this is intended.

Community Impact

Mayflower Park and Town Quay Park are heavily used by ordinary people of Southampton – and are valued most by lower income groups, particularly those living in densely populated areas, in flats, in rented accommodation, without cars. High levels of minority ethnic groups use Mayflower Park, often meeting there in large groups to maintain contact with their communities. Families, groups of teenagers & young people, children use Mayflower Park in particular and the school children from St

Johns School are often in Town Quay Park. As we've seen this adds to their sense of wellbeing, their health, with a positive economic benefit to the overstretched public services of this city.

The proximity of a casino to both these parks would directly contradict this health & well-being ethos & benefit, by normalising gambling as a pastime, increasing the potential for general gambling & the risk of problem gambling amongst lower income & socially disadvantaged groups. The social & economic costs of this will be borne by the City of Southampton.

This is an opportunity to re-imagine the future of Mayflower Park in line with the Council's Green City strategy, Health & Wellbeing strategy & aspirations to develop its cultural offer, and support local people who are working to protect Mayflower Park and Town Quay Park for the people of Southampton.

As this licence is tied to a specific site for which no development is planned and in the light of further understanding of the negative impact of problem gambling we request that it is turned down by the Council.

Ros Cassy

Convenor Old Town Community Forum

June 8th 2022

From: Gregory, Andrew
Sent: 10 June 2022 10:48
To: Montague, Hayley
Subject: RE: Application to Extend Provisional Statement - Aspers, Royal Pier Waterfront Development, Mayflower Park, Southampton

Thanks Hayley

On this basis the Planning Department has no objection to the application to extend the provisional statement by a further 3 years until 24th March 2025.

Kind Regards

Andrew Gregory
Regeneration Planning Manager
Infrastructure, Planning and Development Service
Southampton City Council

From: Montague, Hayley
Sent: 01 June 2022 10:58
To: Gregory, Andrew
Subject: RE: Application to Extend Provisional Statement - Aspers, Royal Pier Waterfront Development, Mayflower Park, Southampton

Hi Andrew,

Yes the large casino could operate for 24 hours. This application is to extend the provisional statement original granted in 2016 and extended in 2019 as no work had started on the site for a variety of reasons. As work has still not started on site Aspers have applied for another extension.

Kind regards,

Hayley Montague
Licensing Enforcement Officer
Southampton and Eastleigh Licensing Partnership
Southampton City Council

Web: www.southampton.gov.uk/licensing
Post: Licensing - Southampton City Council
Civic Centre, Southampton, SO14 7LY

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is privileged and/or confidential. If it has come to you in error you must take no action based on it, nor must you copy or show it to anyone.

From: Gregory, Andrew
Sent: 31 May 2022 10:50
To: Montague, Hayley
Subject: RE: Application to Extend Provisional Statement - Aspers, Royal Pier Waterfront Development, Mayflower Park, Southampton

Morning Hayley

I have been asked to provide a response to this consultation on behalf of the Planning Department.
Am I correct in thinking the previous provisional statement initially granted to Aspers Universal Ltd is not bound by hours of use controls i.e. the casino could operate 24hrs?

Please note the Planning Department is unlikely to object in light of the previous licensing decisions and planning policy AP8 of the City Centre Action Plan supports 24hr operation for a casino at Royal Pier.

I would be grateful for clarification in relation to the hours of use and I will then provide a formal consultation response before the deadline next week.

Kind Regards

Andrew Gregory
Regeneration Planning Manager
Infrastructure, Planning and Development Service
Southampton City Council

From: Montague, Hayley
Sent: 13 May 2022 09:10
To: Safeguarding Children Licensing ; Planning
; Food Safety

Licensing & Alcohol Harm Reduction Team Mailbox

Subject: Application to Extend Provisional Statement - Aspers, Royal Pier Waterfront Development, Mayflower Park, Southampton

Good Morning,

Please find attached a notice of application to extend the provisional statement initially granted to Aspers Universal Ltd on 24th March 2016. This application seeks to extend the grant of the provisional statement by a further 3 years until 24th March 2025. The previous notice of application for the provisional statement from 2014 is also included for completeness.

Any representations must be made in writing by 10th June 2022.

Kind regards,

Hayley Montague

Sent: 10 June 2022 14:00
To: Licensing
Subject: Comments for Licensing Application 2022/01538/70SLCP

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:00 PM on 10 Jun 2022 from Mr Andrew Gravell.

Application Summary

Address: Royal Pier Development Mayflower Park Southampton
SO14 2AQ

Proposal: Large Casino - Provisional Statement

Case Officer: Hayley Montague

[Click for further information](#)

Customer Details

Name: Mr Andrew Gravell

Email:

Address: 6 Merchants Walk, Southampton SO14 2AS

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 2:00 PM on 10 Jun 2022 It is now clear that the original waterpier development planned over 10 years is not going ahead. It is therefore pointless to grant a further extension. Doing so may well deter other development plans, and I believe contribute to the planning blight which Mayflower Park has suffered for the last 20 or more years. It is time to move on, therefore.

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Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

Name or Brief Description of Proposal	Further extension to the period of a provisional statement for a large casino at Royal Pier Southampton.
Brief Service Profile (including number of customers)	
The Licensing Committee is requested to consider and determine a request to further 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. This was first granted in 2016 when the proposed waterfront development included proposals to reclaim land from the sea That would accommodate amongst other aspects of the overall development the site of the large casino. All developments plans for this proposal are now terminated. Current proposals for the waterfront do not include land reclamation, which would be required to site the large casino as per the provisional statement.	
Summary of Impact and Issues	
<p>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 22nd 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</p> <p>The Licensing Committee is now requested to consider and determine a request to further extend the period of a provisional statement for a Large Casino granted to Aspers Universal Limited as the construction of the large casino had not yet commenced, namely due to circumstances beyond Aspers’ control, mainly that the reclamation of the land upon which to build had not commenced.</p> <p>The Gambling Act 2005 requires Southampton City Council to have regard to the licensing objectives when carrying out its licensing functions.</p> <p>The licensing objectives are:</p>	

<ul style="list-style-type: none"> • preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime • ensuring that gambling is conducted in a fair and open way, and • protecting children and other vulnerable persons from being harmed or exploited by gambling 								
Potential Positive Impacts								
<p>A: Option: Grant the extension application</p> <ul style="list-style-type: none"> • The council could grant a further extension to the provisional statement. <p>B: Option: Refuse the extension application</p> <ul style="list-style-type: none"> • The council could refuse a further extension to the provisional statement as based on consideration as to whether the scheme is likely to materialise. <p>The granting of the extension will keep alive an option to develop the waterfront with a land reclamation option.</p> <p>The refusal to grant the extension will provide the authority with the option of offering the large casino licence to other bidders at other locations within the city or to make a resolution not to issue a casino resolution, this impacts new licences not existing ones.</p>								
<table border="1"> <tr> <td>Responsible Service Manager</td> <td>Phil Bates, Licensing Manger</td> </tr> <tr> <td>Date</td> <td>11/07/2022</td> </tr> <tr> <td>Approved by Senior Manager</td> <td>Mary D'Arcy, Executive Director, Communities, Culture & Homes</td> </tr> <tr> <td>Date</td> <td>11/07/2022</td> </tr> </table>	Responsible Service Manager	Phil Bates, Licensing Manger	Date	11/07/2022	Approved by Senior Manager	Mary D'Arcy, Executive Director, Communities, Culture & Homes	Date	11/07/2022
Responsible Service Manager	Phil Bates, Licensing Manger							
Date	11/07/2022							
Approved by Senior Manager	Mary D'Arcy, Executive Director, Communities, Culture & Homes							
Date	11/07/2022							

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	<p>Persons under 18 are not allowed access by law. Young males are identified as at greater risk of harmful gambling.</p> <p>An evidence review conducted by Public Health England has found that there is a significant link between the opportunities to gamble, advertising of gamble, and density of gambling premises with the likelihood of young people trying to gamble or experiencing harm from gambling. The same evidence review also found that family members gambling increased the likelihood of intimate</p>	<p>Any licence issued will have conditions to protect the vulnerable. This type of gambling takes place in a controlled environment where the gambling is monitored on site.</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>Partner Violence and other Adverse Childhood Effects that cause significant harms to those that experience them. These can include maltreatment, malnutrition, and physical and psychological abuse.</p> <p>The Bargate ward has the highest population of those aged 16-24 in the city, with a population of 34.9% young people. The city as a whole has 43,000 young people in the age range most at risk from harm from gambling. The young population is expected to increase by 6% between 2021 and 2028.</p> <p>[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</p> <p>Population size and structure (southampton.gov.uk)</p> <p>Impact on young children having a large casino so close to a public recreation area including a children's play area.</p>	
Disability	<p>As with age some people with mental health disabilities are susceptible to harmful gambling. Those with sensory disabilities are also likely to have mental health issues which makes them more susceptible to harmful gambling.</p> <p>Public Health England has found that there are correlations with those experiencing poor mental health, social isolation, and disability being more likely to gamble and more likely to experience gambling related harm. This is likely linked to the social and inclusive aspects of gambling premises which are seen by these populations as places where social connections can be</p>	<p>Any licence issued will have conditions to protect the vulnerable. This type of gambling takes place in a controlled environment where the gambling is monitored on site.</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>made. An additional factor to be considered is that these populations may be more vulnerable to the harms that gambling can cause, as well as more at risk of those harms to begin with.</p> <p>Depression in Southampton is higher than the England average, with 10.1% of people estimated to have an unresolved diagnosis of depression. Those living in higher levels of deprivation are more likely to have higher levels of depression.</p> <p>[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</p> <p>Mental health and wellbeing (southampton.gov.uk)</p>	
Gender Reassignment	No identified impacts.	N/a
Marriage and Civil Partnership	<p>Individual studies have been found by Public Health England do support the idea that those not in long term or stable relationships (single, separated, divorced or widowed) may be more likely experience harmful gambling, but the evidence is limited in scope.</p> <p>Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)</p>	Any licence issued will have conditions to protect the vulnerable. This type of gambling takes place in a controlled environment where the gambling is monitored on site.
Pregnancy and Maternity	No evidence was found that detailed a link between pregnancy, maternity, and gambling.	N/a
Race	There are significant links between many ethnic minorities and increased gambling rates, with individual studies reporting that some groups are more than three times more likely to gamble and experience gambling related harm	Any licence issued will have conditions to protect the vulnerable. This type of gambling takes place in a controlled environment where the gambling is monitored on

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>than white populations. Some cultures oppose gambling and substance use, and these may be protective factors against gambling harm.</p> <p>There is a wide amount of ethnic diversity within the city, with 22.3% of the population listing their ethnicity as something other than White British.</p> <p>Bargate ward has the 2nd highest rates of ethnic diversity in the city, with 36% of residents identifying as non White British compared to 22% city average.</p> <p>[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</p> <p>Ethnicity and language (southampton.gov.uk)</p> <p>ward-profile-infographic-bargate_tcm71-404658.pdf (southampton.gov.uk)</p>	<p>site.</p>
<p>Religion or Belief</p>	<p>Some religions oppose gambling and substance use, there is not sufficient evidence to determine if this is a protective factor. While those in religions are less likely to gamble, they may be less likely to seek help for fear of stigma.</p> <p>The largest religion in Southampton is Christian (51.5%), followed by 'no religion' (33.5%). Both philosophies permit gambling.</p> <p>The second largest religion in Southampton after Christianity is Islam, with 4% of the population identifying as Muslim. This rises to 9.6% of the population in Bargate. Islam does not permit gambling.</p> <p>[Gambling-related harms evidence</p>	<p>Any licence issued will have conditions to protect the vulnerable. This type of gambling takes place in a controlled environment where the gambling is monitored on site.</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>review: summary - GOV.UK (www.gov.uk)]</p> <p>Ethnicity and language (southampton.gov.uk)</p>	
Sex	<p>Males are more likely to gamble, more likely to gamble more money each time, and are more likely to experience harm from problem or harmful gambling. Landmark birthdays (18 & 21) were found to also increase the likelihood of a young person gambling. Problem and harmful gambling is also present in female populations when studied and problem and harmful gambling should not be thought of as a purely male harm.</p> <p>Males aged 20-24 are the biggest demographic in the city, followed by females aged 20-24.</p> <p>[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</p> <p>Population size and structure (southampton.gov.uk)</p>	<p>Any licence issued will have conditions to protect the vulnerable. This type of gambling takes place in a controlled environment where the gambling is monitored on site.</p>
Sexual Orientation	<p>The first UK Games Industry Census in 2020 found that LGBT+ people make up 21% of the UK gaming industry, yet LGBT+ people make up just 3–7% of the population. This greatly increases LGBT+ community to gambling related harms.</p> <p><i>[Taylor, M. (2020) UK Games Industry Census: Understanding Diversity in the UK Games Industry Workforce, ukie, University of Sheffield, UKRI and Arts and Humanities Research Council.]</i></p>	<p>Any licence issued will have conditions to protect the vulnerable. This type of gambling takes place in a controlled environment where the gambling is monitored on site.</p>
Community Safety	<p>The evidence review by Public Health England found that family members gambling increased the likelihood of Intimate Partner Violence and other</p>	<p>Any licence issued will have conditions to protect the vulnerable. This type of gambling takes place in a</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>Adverse Childhood Effects that cause significant harms to those that experience them. These can include maltreatment, malnutrition, and physical and psychological abuse. While not the sole cause of IPV and child maltreatment, it was a significant factor.</p> <p>Domestic violence accounts for 17% of all recorded crime in Southampton, and has increased in each of the previous eight years.</p> <p>[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</p> <p>Domestic abuse (southampton.gov.uk)</p>	<p>controlled environment where the gambling is monitored on site.</p>
<p>Poverty</p>	<p>A study from America that assessed impacts of 26 casino openings found that the increase in employment rates was often offset by population rate changes in the area as people travelled to be employed, or moved away from the area. Further those casinos studied had high rates of employee turnover equal to 25-40% of workforce per year.</p> <p>A large casino in the City will offer the increased availability of gambling. Whilst this is in a controlled environment, it could be considered as an additional option for gambling in the City, which could bring additional social issues. These include strains on relationships, financial difficulties, substance use, mental health and suicides or child neglect all of which contribute to poor health outcomes and many of which are contribute to poverty.</p>	<p>Appropriate conditions attached to the licence to identify problem gambling with early interventions. Licence holder to provide licensing authority with data showing incidents of problem gambling and interventions so both can work together to minimise impact</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>Financial harms are the third most commonly reported harm amongst gamblers, irrespective of gambling severity. Various financial harms including debt and bankruptcies have been reported as associated with large gambling properties like Casinos.</p> <p>Southampton is the 55th most deprived local authority in England, and is more deprived than comparator cities like Bristol, Leeds and Sheffield.</p> <p>Deprivation and inequalities between residents and neighbourhoods in Southampton are significant and continue to be a driver for crime and poor health outcomes in Southampton. In addition, key outcomes for children and young people in Southampton continue to be poorer than the national average, with outcomes significantly poorer (and starting earlier in life) for those residents living in the most deprived areas of the city compared to those living in the least deprived areas.</p> <p>The Bargate ward is the 6th most deprived ward in the city with 35% of the residents living in the lowest quintile (20%) in England compared to the Southampton average of 28%.</p> <p>Bargate ward has the 2nd highest rates of child poverty with 32% of children in the ward living in low-income families, compared to the Southampton average of 23%. 12% of the residents of Bargate live in fuel poverty, which is the 5th highest in the city.</p> <p>_ (publichealthwm.org)</p> <p>Harms associated with gambling: an</p>	

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>abbreviated systematic review (publishing.service.gov.uk)</p> <p>Deprivation and poverty (southampton.gov.uk)</p> <p>ward-profile-infographic-bargate_tcm71-404658.pdf (southampton.gov.uk)</p>	
Health & Wellbeing	<p>An expansion to, or construction of, a large casino would likely employ many people from the local area. This will contribute to the economic development of the area. Employment and stable income are known to be beneficial to people's health.</p> <p>Problem gambling is identified as a health issue.</p> <p>Gambling provides many opportunities to cause and exacerbate health harms in the users of gambling premises and their social networks. There are existing relationships between gambling and substance use, gambling and IPV and child maltreatment, and gambling and mental health issues. Those experiencing negative health issues are more likely to use gambling premises, creating or worsening potential harms like anxiety, neurotic symptoms, suicidality, and degradation of social networks. The financial impact of gambling can create harms that extend beyond the gambling premises, bringing additional pressures to those experiencing harm from gambling.</p> <p>[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</p>	<p>Appropriate conditions attached to the licence to identify problem gambling with early interventions.</p> <p>Licence holder to provide licensing authority with data showing incidents of problem gambling and interventions so both can work together to minimise impact</p>
Other Significant	<p>NIGHT SHIFTS</p> <p>Shift work has been shown to have a</p>	<p>Any licence issued will have conditions to protect the</p>

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<p>Impacts</p>	<p>detrimental effect on the health of employees, negatively impacting daily sleep length, circadian rhythms, work-life balances and stress. This is particularly worse for those working night shifts. Shift work is also associated with obesity, cardiovascular disease, diabetes and cancers. Shift work is also associated with negative impacts on family lives, higher separation rates, less effective parenting, and deterioration of family cohesion.</p> <p>_ (publichealthwm.org)</p> <p>VETERANS UK armed forces veterans report a higher prevalence rate of problem gambling compared with non-veterans, with potential negative impact on family life.</p> <p>A Public Health England evidence review found that those experiencing traumatic and violent events like someone being killed, wounded, or physically attacked increased the likelihood of both gambling and gambling related harms, with veterans being a prominent feature in the studies used in the evidence review.</p> <p><i>[Dighton, G., Roberts, E., Hoon, A. E., & Dymond, S. (2018). Gambling problems and the impact of family in UK armed forces veterans, Journal of Behavioral Addictions, 7(2), 355-365. Retrieved Jul 20, 2022, from https://akjournals.com/view/journals/2006/7/2/article-p355.xml]</i></p> <p>[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</p> <p>SUBSTANCE USE There is a strong association between</p>	<p>vulnerable. This type of gambling takes place in a controlled environment where the gambling is monitored on site.</p>

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	<p>substance use and gambling. Those that use substances (alcohol, tobacco, illegal drugs) are more likely to gamble, and those that gamble are more likely to have substance use issues. At time of writing Southampton has the highest rate of people with alcohol issues being admitted to hospital in the country, according to a pilot survey at UHS.</p> <p>[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]</p> <p>Local Alcohol Profiles for England - Data - OHID (phe.org.uk)</p> <p>ECONOMIC COST The excess economic costs of harmful gambling were estimated at £1.27 billion for England. But we expect that the true costs are higher because the lack of evidence meant that it was not possible to cost all types of harms or the wider harms to individuals or society. Previous research on the economic costs of gambling in England (from 2016) estimated the excess cost of harmful gambling to be between £200 million and £570 million for England. These estimates are likely to change with further evidence.</p> <p>RISK TO PUBLIC HEALTH There is limited evidence relating to the specific health effects of casinos in comparison to the health effects of gambling overall. This represents a gap in the available literature and is not the same as evidence of no effect.</p> <p>The evidence suggests that harmful gambling should be considered a public health issue because it is associated with harms to individuals, their families, close associates and wider society.</p>	

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	[Gambling-related harms evidence review: summary - GOV.UK (www.gov.uk)]	