

ASPERS UNIVERSAL LIMITED (“ASPERS”)

SOUTHAMPTON

LARGE CASINO COMPETITION

SUBMISSIONS
As Requested by
Southampton City Council
Letter of 16 April 2015

HEARING
30 April 2015

Martin S Heslop QC
2 Hare Court
Temple
London EC4Y 7BH

BRIEF SUBMISSIONS

1. We are invited by Southampton City Council Licensing Committee to provide "brief written submissions" in respect of the Committee's Decision on 10 April 2015 to extend the closing date of Stage 2 of the Large Casino Competition to 10th July 2015.
2. This arises in the context of a challenge to that Decision by Global Gaming Ventures (Southampton) Limited, referred to as "GGV".
3. In summary, our submissions on behalf of Aspers are as follows:

Overview

- 3.1 The arguments advanced by GGV in their letters to SCC of 10th and 16th April 2015 are wholly untenable.

The Committee

- 3.2 The Committee was entitled to exercise its discretion to extend the closing date both in law and on the material before it.
- 3.3 It did so after a careful examination of all the issues including specifically that of delay - as the clear and reasoned Decision at paragraphs 28 - 31 demonstrates.
- 3.4 The issue of delay was necessarily inherent in the consideration of the questions before the Committee and was in fact the subject of submissions by all parties including GGV. In these circumstances, the suggestion that it should have featured as a separate agenda topic is fundamentally flawed.
- 3.5 There was no statutory restriction limiting the exercise of the Committee's discretion.
- 3.6 The Committee was not bound by its previous December Decision. In any event, the factual situation before it on 9th April 2015 was very different from that in December and there was clear material to justify a reversal of the Decision.
- 3.7 There is no basis for suggesting that the Committee acted capriciously or unfairly by favouring some applicants over another, as suggested by GGV. It is perfectly clear that the Committee made its decision based upon a correct desire to attempt to achieve a proper competition between applicants for the benefit of the area and the people of Southampton (Decision, paragraph 29) - precisely in line with the principles and spirit of the legislation.

Letter from SCC to GGV dated 15 April 2015

- 3.8 We adopt and support the matters outlined by Martin Grout in his letter to GGV of 15th April 2015. We submit these properly and fairly reflect the true position as opposed to that advanced by GGV.

GGV's Submissions

- 3.9 In particular, we submit the central contention by GGV that delay was not fully considered at the meeting is totally unfounded.
- 3.9.1 The issue was inherent in the questions before the Committee. These could not be answered without considering delay and its impact upon the competition process and all the applicants involved.
- 3.9.2 It was inevitable that the prospect of an extension of time to submit Stage 2 bids was a live matter for argument since no RPWD Applicant (including GGV) could complete bids by the due date of 16th April 2015.
- 3.9.3 In fact, GGV argued against any time delay in both their written and oral submissions - indicating that they were ready to bid now and saw no reason why they should be penalised because other applicants were not ready. In addition, GGV submitted written material from the Watermark Developer, Hammerson, indicating the likely impact of delay on their overall scheme. It is difficult to see the purpose for advancing these arguments or submitting this material if it was not to seek to address a live issue of the possible exercise of the Committee's discretion to allow a later closing date.

Conclusion

- 3.10 In the above circumstances, we submit it is clear the issue of delay was argued before the Committee and the decision reflected a careful analysis of its consequences. There was no unfairness nor could there be any perception of unfairness. The simple fact that GGV does not agree with the Decision provides no proper basis for review or reversal of the fair and reasoned exercise of the Committee's discretion for the benefit of the local community.

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22 April 2015