

LEGAL & DEMOCRATIC SERVICES

**RICHARD IVORY, Solicitor,  
Head of Legal and Democratic Services  
Southampton and Eastleigh Licensing Partnership**

Southampton City Council  
Licensing Services  
Civic Centre  
Southampton SO14 7LY

Please address all correspondence to:  
**Licensing – Southampton City Council,  
PO Box 1767, Southampton, SO18 9LA**



Direct dial: 023 8083 2749

E-mail: martin.grout@southampton.gov.uk

Our ref:

Please ask for: Martin Grout

Your ref:

Aspers Universal Ltd  
1 Hans Crescent  
London  
SW1X 0JD

FAO Martyn Kennedy

14<sup>th</sup> November 2014

Dear Sirs,

**GAMBLING ACT 2005 – ASPERS CASINO; ROYAL PIER; MAYFLOWER PARK**

Further to my letter of 10<sup>th</sup> November I am pleased to confirm that the Licensing Committee has been arranged for 16<sup>th</sup> December 2014 at 10 am in Committee Room at the Civic Centre. You are welcome to attend but we would ask you to submit any written submissions prior to the meeting such that it can be included within the contents of the report. The purpose of the written submission is to allow Members to be aware of the arguments in advance and not to prevent you or your client from addressing the committee on the day.

We believe that the attached correspondence is relevant to the specific issue of the Stage 2 commencement date and accordingly propose to include this within the committee report.

Please let me know if you disagree, with reasons, with our opinion and also if you believe we have omitted any document that you feel should be included.

I would be grateful if you could respond within the next 7 days and detail your position with respect to the issue in hand, namely the proposal to defer the commencement of Stage 2 of the process.

We will then send you a copy of the report prior to the hearing so that each party will be in a position to identify the position of each applicant.

I look forward to hearing from you.  
Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. O'Connell'.

Locum Licensing Officer  
for Head of Legal and Democratic Services

APPENDIX 1

**ASPERS UNIVERSAL LTD**

DETAILS OF DOCUMENTS CONSIDERED RELEVANT TO THE ISSUE OF THE COMMENCEMENT OF STAGE 2 OF THE LARGE CASINO PROCESS.

		Date	Time
1.	e mail Martin Grout to Harris Hagan	05/09/2014	10.08
2.	e mail Martyn Kennedy to Martin Grout	19/9/2014	11.28
3.	Letter Aspers to SCC (attached to above)	19/9/2014	
4.	e mail Martin Grout to Martyn Kennedy	22/9/2014	18.09
5.	e mail Martyn Kennedy to Martin Grout	26/9/2014	09.30
6.	Letter SCC to Harris Hagan	7/10/2014	
7.	Notes of meeting of 30 <sup>th</sup> September 2014	7/10/2014	
8.	e mail John Hagan to Martin Grout	8/10/2014	12.48
9.	Letter to Aspers	10/11/2014	

**Item 1****From:** Grout, Martin [mailto:Martin.Grout@southampton.gov.uk]**Sent:** 05 September 2014 10:08**To:** Grout, Martin**Cc:** Andrew Cotton; 'elaine.whittle@rank.com'; 'joanne.morgan@bonddickinson.com'; 'davidnroberts@eversheds.com'; 'hagan@harrishagan.com'; 'Macgregor, Ewen'; 'Grimes, Becca'; 'Francesca Burnett-Hall'; 'Philip Kolvin QC'; Ivory, Richard**Subject:** Stage 1 Licensing Committee meeting

Dear All

Please note that the decision notices are now available on <http://www.southampton.gov.uk/business/licensing/lqcsno/default.aspx>. The minutes of the meeting will be available in a few days time but I'm sure the important documents are on the link above.

Thank you to all the applicants who attended yesterday and helped the meeting go smoothly and to finish at a very reasonable hour. I apologise to those who had their representations withdrawn at the 11<sup>th</sup> hour but at least they were withdrawn.

Could I ask you to have a look at the stage 2 documentation which can be found at: <http://www.southampton.gov.uk/business/licensing/lqcsno/lcapps.aspx> and let me have any comments by Friday 19<sup>th</sup> September. If you focus on documents 12 – 20 it would be helpful but please note that document 16 will be updated with the current list of Members so you need not worry about that. As for the Advisory Panel (17) we are finalising those and when that is finalised I will update you on the Panel members.

We propose to commence Stage 2, subject to any appeal on the Stage 1 decisions, on 6<sup>th</sup> October with a closing date of 6<sup>th</sup> January 2015

Kind regards

Martin Grout

Locum Licensing Officer

Licensing Department

Legal and Democratic Services

Southampton and Eastleigh Licensing Partnership

Southampton City Council

✉ [martin.grout@southampton.gov.uk](mailto:martin.grout@southampton.gov.uk)

Tel: 023 8083 2749

✉ Fax: 023 8083 4061

web: [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)

post: Licensing - Southampton City Council

**Item 2**

**From:** Martyn Kennedy [mailto:Martyn.Kennedy@aspers.co.uk]

**Sent:** 19 September 2014 11:28

**To:** Casino

**Subject:** Large Casino Licence

***Martyn Kennedy***

*Finance Director*

Aspers UK Holdings Limited

[martyn.kennedy@aspers.co.uk](mailto:martyn.kennedy@aspers.co.uk)

1 Hans Street

London SW1X 0JD UK

T +44 020 7235 2768

F +44 020 7235 7336

M +44 (0)7989 580096

[www.aspers.co.uk](http://www.aspers.co.uk)

REGISTERED IN ENGLAND NO. 5261538

Item 3



M. Grout Esq.  
Locum Licensing Officer  
Licensing Department  
Southampton and Eastleigh Licensing Partnership  
Southampton City Council  
PO Box 1767,  
Southampton SO18 9LA

19 September 2014

Dear Sir

**LARGE CASINO COMPETITION**

We are delighted that we have satisfied the Stage 1 criteria and are able to proceed to Stage 2 of the competition.

I am writing to you however to express our concerns about the timing of the Stage 2 process. In order to put together a coherent and sensible proposal for the second stage of the competition, we and indeed our competitors, will require more information about the Royal Pier development.

The type of information we need, will include a more detailed overall Masterplan, a timeframe and phasing for development and most importantly greater precision of exactly where the casino will be located within the overall project and its relationship with the proposed hotel and other retail/leisure uses. Unfortunately we do not believe this information is available at the moment.

These items are required so we can formulate a sensible financial model that, we believe will enable us to offer the best GVA and Financial Contribution for the benefit of the City of Southampton. Without this information we will find it difficult to compile a competitive proposal and therefore regrettably, we will have to consider seriously whether we are prepared to go to the time and expense of entering the Stage 2 process.

Therefore we would ask that you consider deferring the second stage of the competition until such time that the Royal Pier developer is able to provide the information referred to above. This will enable us and our competitors to submit our best proposals that give best value to Southampton.

Yours faithfully

A handwritten signature in black ink that reads 'M. Kennedy'.

Martyn Kennedy  
Finance Director

**Item 4**

**From:** Grout, Martin [mailto:Martin.Grout@southampton.gov.uk]

**Sent:** 22 September 2014 18:09

**To:** Martyn Kennedy

**Subject:** FW: Large Casino Licence

Dear Martyn

Thank you for your letter and we will be meeting to discuss this, but I just wondered whether you have any indication or suggestion as to either deferring the commencement of Stage 2 or extending the period that the Stage 2 process remains open.

I haven't at the moment canvassed other applicant's views but will do so over the next couple of days.

Kind regards

Martin

**Item 5**

**From:** Martyn Kennedy [Martyn.Kennedy@aspers.co.uk]

**Sent:** 26 September 2014 09:30

**To:** Grout, Martin

**Subject:** RE: Large Casino Licence

Martin

Apologies for not replying earlier, but I have been out of the office.

I think that given the timeframe we believe the developer will need to get his "ducks in a row", that probably deferring commencement is probably the best option, although in reality extending the deadline has the same effect

Kind regards

Martyn

***Martyn Kennedy***

*Finance Director*

Aspers UK Holdings Limited

[martyn.kennedy@aspers.co.uk](mailto:martyn.kennedy@aspers.co.uk)

1 Hans Street

London SW1X 0JD UK

T +44 020 7235 2768

F +44 020 7235 7336

M +44 (0)7989 580096

[www.aspers.co.uk](http://www.aspers.co.uk)

REGISTERED IN ENGLAND NO. 5261538



Item 6

*LEGAL & DEMOCRATIC SERVICES*

**RICHARD IVORY, Solicitor,  
Head of Legal and Democratic Services  
Southampton and Eastleigh Licensing Partnership**

Southampton City Council  
Licensing Services  
Civic Centre  
Southampton SO14 7LY

Please address all correspondence to:  
**Licensing – Southampton City Council,  
PO Box 1767, Southampton, SO18 9LA**



Direct dial: 023 8083 2749

E-mail: [martin.grout@southampton.gov.uk](mailto:martin.grout@southampton.gov.uk)

Our ref: 2014/02548/70SLCP

Please ask for: Martin Grout

Your ref: JXH/A00001 /0039

Harris Hagan  
6 Snow Hill  
London  
EC1A 2AY

7<sup>th</sup> October 2014

Dear Sirs,

**GAMBLING ACT 2005 – ASPERS UNIVERSAL LTD; ROYAL PIER;  
MAYFLOWER PARK**

Further to my e mail on 30<sup>th</sup> September I am now writing to formally ask you for your comments on the Council's proposal and to put the matter into slightly more context. As Asperts had originally requested a delay we assume that this course of action will be acceptable to your client.

On Tuesday 30<sup>th</sup> September Richard Ivory and Martin Grout met with the developers behind the Royal Pier Waterfront development. Also present at the meeting was

Emma Meredith	SCC Economic Development
Andrew Cotton	Solicitor for Kymeira
Pram Nayak	Lucent Group
Ann Bartaby	Terence O'Rourke
Julia Jardine	Terence O'Rourke

The meeting had been called at the request of the developer to assess the current position of the scheme given changes in personnel at the developers.

A note of the discussion was made and is attached but these are not a verbatim account of the meeting.

Mr Nayak pointed out that they were not in a position to provide applicants who had expressed an interest in the casino component of the development with the detail plans that Stage 2 requires. They would not be in such a position for, they estimated, another 6 months and accordingly asked the Council to consider deferring the commencement of the stage 2 for that period.

As I mentioned in my earlier message, the Council is would be prepared to do this on the following basis:

- The Council had already been approached by your client and Grosvenor with a request to defer the start of Stage 2 for the very same reasons that the developer was advancing.
- These requests were not solicited by the Council nor was the Council aware of the issues previously. The application pack indicated that any timetable is provisional and not set in stone.
- The issue is a significant issue one which affects each of the applicants.
- The purpose of the competition is to raise benefits for SCC and it has become clear that for that to happen on the Royal Pier site would necessitate some delay.
- There has been a criticism that this is another delay in a process that has taken years to come to fruition. It is precisely for that reason that the Council does not wish to jeopardise all the hard work that has taken place to reach today's position by forging ahead when it would not be able to achieve the maximum benefit from the scheme, should the winning scheme be at Royal Pier.

However, the Council has not yet made a decision on the matter. I would ask that any representation to the proposed course is set out with full particularity. In particular the representation should make it clear whether it is suggested that there is a legal impediment to this suggested course, and if so this should be set out in full so that the Council may take advice upon it immediately.

Yours faithfully,



Locum Licensing Officer  
for Head of Legal and Democratic Services

**Item 7**

**NOTE OF MEETING AT SCC CIVIC CENTRE TUESDAY 30<sup>th</sup> SEPTEMBER 2014 CONCERNING STAGE 2 OF THE CASINO LICENCE PROCESS.**

**PRESENT:**

Richard Ivory	SCC Head of Legal and Democratic Services
Martin Grout	SCC Locum Licensing Officer
Emma Meredith	SCC Economic Development
Andrew Cotton	Solicitor for Kymeira
Pram Nayak	Lucent Group
Ann Bartaby	Terence O'Rourke
Julia Jardine	Terence O'Rourke

- Mr Nayak stated that they had been in discussions with all the 4 operators that submitted Stage 1 applications. The clear message that they have had from the majority of them is that they need a significant level of detail to be able to complete the Stage 2 application requirements, in particular there are detailed questions asking about the relationship between the proposed development and casino.
- He pointed out that the current timetable was set c. March 2013 and at a time when it was reasonably anticipated that the CLDA would be signed by no later than Sept 2013 and therefore the April 14 Stage 1 start was entirely sensible. However given the additional time required to deal with, amongst other things, Associated British Ports' points and Lucent Fund matters, the CLDA was not signed until late Feb 2014. The Casino timetable was however inadvertently overlooked and it was not until very recently that operators understood what was required at Stage 2.
- RPW (the Developer) is currently focussed on key obligations under the CLDA to move the Red Funnel ferry terminal to the Trafalgar Dock site. This is, he said, a fairly complex exercise and it is their priority obligation, along with land reclamation. The land reclamation area will house the commercial development including the casino. In addition they are reviewing and developing the indicative mixed use commercial scheme and have started market discussions. The Casino needs to dovetail into the scheme in terms of both masterplan and commercially and will need to therefore get the view of all potential operators on proximity/location.
- The original timetable set allowed for a c. 6 month period between the signing of the CLDA and the start of Stage 1, this time period is what they require currently to be able to work up a scheme with each operator to support their stage 2 submission. They would therefore hope that the council would be mindful to start the Stage 2 process in April 2015.

- Providing the additional time would ensure:
  - Robust and high quality proposals are provided that will better inform the Stage 2 scrutiny process and deal with a wide range of matters to a greater degree than is likely to be the case under the current timetable, (and to ensure that the casino aspect of the development was effectively controlled in terms of any clear effective licensing conditions applied to a detailed comprehensive development )
  - All proposals would be reviewed in advance by the Regeneration Team on the following basis:
    - The quality of the proposed development,
    - Planning considerations and
    - Proposals complied with any CLDA obligations, prior to the scrutiny of the Stage 2 Panel to ensure that each scheme met with licensing obligations.
  - RPW would have a high degree certainty of being able to fund and deliver agreed regeneration outcomes via the final scheme with the operator selected by the Council's Licensing Panel.
  - Each applicant has an equal chance to secure the award of a licence
  - The council securing the greatest benefit to its preferred site from the licensing process

**From:** John Hagan [Hagan@harrishagan.com]

**Sent:** 08 October 2014 12:48

**To:** Grout, Martin

**Subject:** RE: Casino Licence Process Stage 2

**Item 8**

**Follow Up Flag:** Follow up

**Flag Status:** Yellow

Martin,

I write further to our telephone conversation this morning.

As discussed, I confirm that our client, Aspers Universal Limited, is agreeable to the proposed deferment of the commencement of Stage 2.

I look forward to hearing from you in relation to the Notice of Grant at your convenience.

If you wish to discuss further or have any questions, please do not hesitate to telephone me.

Kind regards,

John

**John Hagan**

**Partner**

**Harris Hagan**

**Direct Dial +44 (0)20 7002 7638**

**Fax +44 (0)20 7002 7788**

**E-mail [hagan@harrishagan.com](mailto:hagan@harrishagan.com)**

**Website [www.harrishagan.com](http://www.harrishagan.com)**

**Legal 500 Gaming Law Firm of the Year**

**From:** Grout, Martin [mailto:Martin.Grout@southampton.gov.uk]

**Sent:** 07 October 2014 08:04

**To:** John Hagan

**Subject:** Casino Licence Process Stage 2

Dear Sirs

Please find attached a letter concerning a possible delay in the commencement of Stage 2 of the process. I would be grateful if I could have your comments as a matter of urgency and preferably no later than Friday 10th October.

Kind regards

Martin Grout

**Item 9**

*LEGAL & DEMOCRATIC SERVICES*

**RICHARD IVORY, Solicitor,  
Head of Legal and Democratic Services  
Southampton and Eastleigh Licensing Partnership**

Southampton City Council  
Licensing Services  
Civic Centre  
Southampton SO14 7LY

Please address all correspondence to:  
**Licensing – Southampton City Council,  
PO Box 1767, Southampton, SO18 9LA**



Direct dial: 023 8083 2749

E-mail: [martin.grout@southampton.gov.uk](mailto:martin.grout@southampton.gov.uk)

Our ref:

Please ask for: Martin Grout

Your ref:

Aspers Universal Ltd  
1 Hans Crescent  
London  
SW1X 0JD

FAO Martyn Kennedy

10<sup>th</sup> November 2014

Dear Sir,

**GAMBLING ACT 2005 – ASPERS CASINO; ROYAL PIER; MAYFLOWER PARK**

I refer to our earlier correspondence and apologise for the delay in responding. The Council has received a number of representations from the respective applicants and has taken advice on the matter.

We have decided to convene a Licensing Committee meeting to consider the future conduct of the competition. We are in the process of confirming the date and we anticipate this occurring in mid December although I am sure that you will appreciate there are a number of diaries to check for availability. Each applicant will have an opportunity to address the Committee although we will be asking that written submissions are made in advance such that they may be included within the final version of the committee report.

It will be for the Committee to decide on matters such as whether to postpone the commencement of Stage 2.

So that the matter is conducted fairly and transparently, we proposed to include in the report all the recent correspondence with all parties which deals with procedural matters. We do not believe that any commercial confidentiality attaches to it. Moreover, Stage 2 of the competition has not yet begun, and so we can see no basis for cloaking any of the correspondence in confidentiality. Should you take a different view in relation to correspondence with you, please will you let us know as soon as possible, together with the legal basis for any submission that the correspondence should not be included.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'M. [unclear]', is positioned above the typed name.

Locum Licensing Officer  
for Head of Legal and Democratic Services