

KYMEIRA CASINO LIMITED

Martin Grout
Locum Licensing Officer
Licensing – Southampton City Council
PO Box 1767
Southampton
SO18 9LA

31st March 2015

Dear Martin

Large Casino Competition

I refer to your letter dated 21 March and your subsequent email of 29 March confirming the arrangements for the hearing at 11am on 9 April. Please note that Kymeira will be represented at that hearing by Stephen Walsh QC.

May we suggest that, in addition to the three questions posed in your letter of 21 March and in the interests of clarity, the Licensing Committee considers the following question, namely:

- *To what extent (if any) may an applicant vary its:
(a) application at Stage 2 and/or
(b) apply in due course for a premises licence in reliance on any Provisional Statement granted to that applicant
so as to apply in either case in relation to a premises layout (including footprint (ie boundary and perimeter), internal layout, floor levels, entrances and exits) that differs from that described and/or shown on the applicant's plan at the time of the Stage 1 grant?*

We believe that the above question is highly relevant for the next stage of the competition process, since it was not directly posed within the letter dated 26 February 2015 from Barbara Compton of the City Council to Pram Nayak of the Lucent Group, which was instead stated to address solely:

- whether application plans could be amended at Stage 2 "so that the casino site is outside the application site at Stage 1" and
- whether the Advisory Panel can assess a scheme which is "materially different from the subject of a Stage 1 grant"

but nevertheless concluded that:

- there is intended to be no variance between the premises at Stage 1 and the premises at Stage 2 the Act has in mind the same application, with the same boundary and perimeter,
- the boundary has to be fixed at some point, and in the view of the Council it is fixed at Stage 1, and
- in answer to the question "how substantial must the change be before it is not made 'in reliance'" the answer was "the same proposal as was advanced at Stage 1", stated elsewhere within the letter as meaning "on all fours with".

In addition, the clarification sought by the additional question is in the context of the Council's Stage 2 process that envisages that there will be some difference between the plans submitted at Stage 2 and those relied upon at Stage 1.

1.

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Kymeira Casino Limited is registered in the United Kingdom no: 09100886 at 70 Great Bridgewater Street, Manchester, M1 5ES
Directors: Charles M Flynn, Ernest Battey

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Whilst Kymeira has already made its position clear in its letter to Dawn Baxendale dated 15 March, we reserve the right to make such submissions at the hearing on 9 April as Counsel thinks fit both in relation to the above-mentioned question that we ask to be considered and in relation to representations made to the Committee by other applicants in response to the three questions posed in your letter dated 21 March 2015.

Yours sincerely



Kirsty Kneen

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