



**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.

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Councillor Matt Tucker
Chairman, Licensing Committee
24th March 2016