



FAO - Ms L Neale
The Licensing Partnership
PO Box 182
Sevenoaks
Kent
TN13 1GP

By Email and Post : licensing@sevenoaks.gov.uk

Date : 6 November 2015
Your Ref : 15/03244/GAPRE

Dear Ms Neale,

Application for Adult Gaming Centre Premises Licence by Rotunda Equipment Leasing Limited (T/A "Palace Amusements") for premises at 59 Week Street Maidstone ME14 1QU

I refer to David Biesterfield's conversation with you this morning when I understand that you confirmed that you had already passed Cashino Gaming Ltd's representation regarding the above application to the Council's legal department (for the avoidance of doubt Mr Biesterfield acts with the full authority of Cashino Gaming). I repeat Mr Biesterfield's apologies for having to make the point but, as he explained, were the Licensing Authority to reject the central point of Cashino Gaming Ltd's representation to the effect that the application should not be granted at least until sufficient information has been supplied to enable its proper scrutiny (by the Licensing Authority, Responsible Authorities and Interested Parties) in terms of its potential impact on the licensing objectives ("the central point"), then I am advised that such a decision would be susceptible to judicial review.

The Commission's Guidance to Licensing Authorities makes very clear the range of issues and the degree of scrutiny that are respectively, to be weighed in the balance and applied by Licensing Authorities when considering a new application and, given the statutory scheme's emphasis on the giving of notice and the right of Responsible Authorities and Interested Parties to make representations, it is vital that such parties, in addition to the Licensing Authority itself, have a full opportunity to consider the application and supporting information in the round.

Our immediate concern relates to process. Given that, on advice, Cashino Gaming Ltd would wish to judicially review any decision to grant the licence applied for ahead of the provision to the Council and supply to third parties of the requisite additional information, it would be unnecessarily and unfairly pre-emptive to proceed to grant and issue the licence without giving Cashino Gaming Ltd fair notice of any such intention enabling it to apply for judicial review and, if necessary, to seek an order of the Court prohibiting the issue of the licence pending determination by the Court of the



substantive issues arising from the representation. Of course, if as we expect, the Council accepts the above-mentioned central point, no such proceedings would be necessary.

Accordingly and as a matter of urgency, please:

- Forward this email to your legal department;
- As you indicated to Mr Biesterfield, provide me with the name and full contact details (including a direct-dial telephone number) of the member of the Council's legal department who is dealing with the matter;
- Confirm, or have the Council's legal department confirm, the Council's acceptance of the central point and, assuming the Council does accept that point, how it intends, henceforth, to deal with the current application;
- If the Council does not accept the central point, confirm a reasonable period for Cashino Gaming Limited to consider its position and to issue proceedings for judicial review and, in those circumstances, provide the Council's undertaking not to issue the licence until, we suggest, substantive issues arising from the issue of proceedings have been determined by the Court. At the very least, we respectfully request such an undertaking to apply until the Court has considered an application for an interim order prohibiting such issue pending that determination of substantive issues. We invite the positive engagement of your legal department with our solicitors in the drafting of an agreed undertaking. Of course, we accept that a practical solution avoiding the necessity of proceedings would be for the applicant to reapply with the requisite information in support.

I look forward to hearing from you.

Yours sincerely,

A rectangular red box used to redact the signature of Byron Evans.

Byron Evans
Commercial Director

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