

RGEre
12 November 2015

Licensing Team
Maidstone Borough Council
PO Box 182
Sevenoaks
TN13 1GP

(and by email)

Dear Sirs

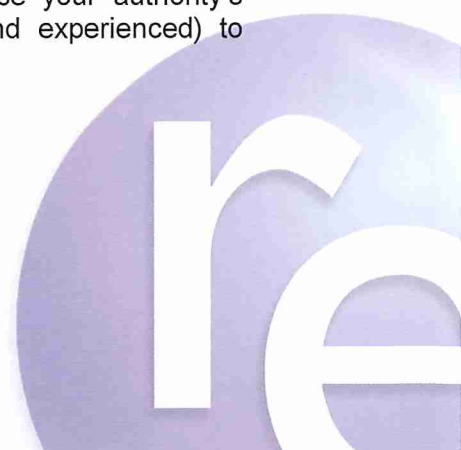
**Gambling Act –Premises Licence Application - 59 WEEK STREET, MAIDSTONE,
Application by Rotunda Equipment Leasing Ltd**

I have considered the representations submitted by Cashino Gaming Limited dated 3 November 2015 and, for the reasons set out below invite your authority to dismiss them as frivolous and vexatious; no more than an attempt to avoid commercial competition. I further invite you to grant the licence sought without a hearing.

I note that no other trader or individual has objected to the application.

My response to the objectors assertions are as follows:-

1. The primary objection underlying most of the detailed points made in the 7 page letter is that the application lacks detail. In this context it is important to note that the regime under the Gambling Act is different from that which applies under the Licensing Act. Whilst the Licensing Act application form takes the form of a 'licensing schedule' the Gambling Act form is quite different and does not require the same detail or information (presumably it was deliberately designed that way). Further, whilst Licensing Act applications are required to 'promote' all the licensing objectives those under the Gambling Act only have to be 'reasonably consistent' with them. There is, of course also, the presumption that the Licensing Authority should 'aim to permit' Gambling Act applications.
2. Although it is said that the application lacks detail it is consistent with the Councils 'Guidance Notes' for applicants. Further, its format is consistent both with the Councils existing and draft Gambling Act policies (and Gambling Commission guidance). The proposition that it should be refused for lack of information (page 7 of the objection) is novel but wholly without merit. Further, the suggestion that the application could be held in abeyance whilst further information is provided is equally lacking in merit. The objector reserving its position (to seek Judicial Review) is an unfortunate and unworthy threat. It is a threat plainly intended to intimidate and influence your authority's processing of an application which it is perfectly well able (and experienced) to process.



3. It is to be noted (bottom of page 2) that the objectors further comments are 'framed around' the Gambling Commissions Guidance to Licensing Authorities and the Licence Conditions and Codes of Practice (both introduced this year) although they make the rather surprising comment that they do not accept the Gambling Commissions advice that '*...responsibility for delivering the licensing objectives rests first and foremost with gambling operators.*' Insofar as the objections conflict with that proposition (which they mostly do) I invite your authority to dismiss them. In particular, I invite you to set aside the objections on the next 5 pages which rely on the assertion that the applicant has provided insufficient information.
4. It is not clear (middle page 2) whether the objector has seen the application or whether it is genuinely interested in finding out more about it. The individuals who run the applicant company are well known to the author of the objection letter and I have known him for almost 30 years. If he had any queries (like your licensing officer) he could have raised them with me. The fact that he did not suggests that the motivation of the objection is simply to cause maximum delay or to derail the application for their commercial benefit not genuinely to seek more information.
5. Apparently criticising your Council because it has not '*checked with local operators (about) issues such as underage access..etc*' is, it seems to me, impertinent. Significantly that the objector has no evidence to put forward on the subject.
6. It is surprising that the objector should criticise the format of the application plan (and later suggests it is misleading) given that the same format has been used in their applications over the years (at least based on the 30 - 40 applications I have dealt with on their behalf under the 2005 Act). The application plan is perfectly clear with the area the applicant seeks to licence edged red. It complies with the regulations. Indeed, your authority (nor any of the Responsible Authorities or any member of the public) has raised any queries or sought further information. The objector comes back to the alleged inadequacy of the plans on pages 4, 5 and 6. Those criticisms have no merit for the same reasons.
7. Although the objector criticises the absence of reference to 'vulnerable groups' in the application it puts forward no evidence from its experience of trading in Maidstone which suggests there is a problem.
8. The reference to the 'over-proliferation' of betting offices approved in Maidstone is irrelevant to this application but strange given the fact that they omit to say that one of the adult gaming centres in the town has recently closed.
9. The final line of page 4 indicates the objector refers later to paragraphs 6.47 – 6.53 of the Guidance to Licensing Authorities. I can find no such reference.
10. The objector suggests your authority call on the applicant to provide a 'Local Risk Assessment' (most of page 5). I do not believe it has the power to do so since the provision relating to these documents does not come into force until April 2016 (as the objector acknowledges). As the objector knows full well my clients are aware of and preparing for this forthcoming obligation.

11. The references to paragraphs 7.28 and 7.29 (bottom of page 5) are matters to be considered by operators when open and trading (which the applicant will).
12. Practically the only reference to this particular application is on page 6 (you may have noticed that the others are largely 'all purpose' objections) in relation to the ownership of the property. I understand that my clients have previously provided you with a copy of their lease. This point has no merit either. It highlights the fact that this is a generalised objection largely unrelated to the application. It is a frivolous and vexatious objection which I invite you to dismiss at this stage and to grant the application without the need for a hearing.

Please let me know if I can assist further.

Yours faithfully



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