

ANNEX 4

SELECTION OF FOIA CORRESPONDENCE WITH BLACKPOOL COUNCIL

Leaguenotion
1a Dukesway Court
Team Valley
Gateshead
NE11 0PJ

Tel : 0191 4911212
Fax : 0191 4913236

Our Ref : EJS/VH/JL838

15 June 2006

Blackpool Borough Council
Freedom of Information
ICT Services
Westgate House
Squires Gate Lane
Blackpool
FY4 2TS

By special delivery

Freedom of Information Request re: Blackpool Council Regional Casino Proposals

Dear Sir/Madam

The following is a request made pursuant to section 1 of the Freedom of Information Act 2000 and the Environmental Information Regulations (SI 2004/3391).

I refer to Blackpool Borough Council's bid to host the sole regional casino under the Gambling Act 2005. I would be grateful if you could provide copies of the following documents relevant to said proposal, as follows:-

- All correspondence between Blackpool Council and the Casino Advisory Panel regarding the regional casino under the Gambling Act 2005;
- Documents and information relating to the North West Development Agency's financial support to delivery of the Masterplan and establishment of the Urban Regeneration Company ReBlackpool;
- Documents and information about the social impact assessment conducted with the Primary Care Trust, Neighbourhood Renewal Fund and Local Area Agreement in relation to the proposals for hosting a regional casino;
- Documents and information about the draft Statement of Licensing Policy (including the policy itself and background documents as to the framing of the Policy);

- Documents and information regarding the new Blackpool Enterprise Centre;
- Minutes and agendas of all meetings (at all committee levels) where any aspect of Blackpool Council's bid for the regional casino under the Gambling Act 2005 has been discussed;
- Documents and information on research conducted regarding the effect of the introduction of a regional casino in Blackpool;
- Documents and information regarding all consultations (including questionnaires and responses) regarding Blackpool Council's proposal to host the regional casino under the Gambling Act 2005;
- Documents and information about any and all public investment initiatives for the casino led regeneration process contemplated by Blackpool Council's bid for a regional casino;
- To the extent not included in the above, all documents referred to in the endnotes to Blackpool Council's submission to the Casino Advisory Panel "Towards a World Class Resort Destination" dated March 2006 (a copy of which is appended to this letter);
- Information underpinning the statement at page 4 of Blackpool Council's submission to the Casino Advisory Panel "Towards a World Class Resort Destination" dated March 2003 ("casino development will target a wide catchment (90% regional or extra regional) sharply reducing the risk of impulse gambling while any local impacts on our population within it with its typically urban profile would be relatively easily measurable");
- Minutes and agendas of all meetings between ReBlackpool and amusement arcade operators as referred to at page 11 of Blackpool Council's submission to the Casino Advisory Panel "Towards a World Class Resort Destination" dated March 2006;
- Documents and information regarding all development proposals for the regional casino and any expressions of interest in the development plan and/or operator licence for the regional casino;
- Documents and information regarding the consultation on the Masterplan, Local Plan, BCP "Lets Talk" Campaign and the Scrutiny Committee inquiry regarding opposition to the construction of the regional casino in Blackpool;
- Documents, information and correspondence regarding discussions with private interests on the CCQ site and any co-promotion agreements and relocation proposals;
- Documents, information and correspondence reflecting registration of interest from casino operators and combined operator/developers whether in fully developed scheme form or not;

- Documents, information and correspondence regarding the selection process for development partner for the phase development of the casino site and any draft agreements as may exist;
- Documents, information and correspondence regarding infrastructure projects contemplated as part of the regional casino development and any draft or final agreements for such projects; and
- All correspondence including minutes of meetings, with interested casino operators, developers and operator/developers.

Please kindly provide paper copies of the above documents to the above address. Leaguenotion agrees to meet reasonable expenses incurred in the provision of the above information within the prescribed limits of the Freedom of Information Act 2000 and Environmental Information Regulations (SI 2004/3391).

Yours faithfully

Elizabeth Speed
Group Solicitor



Blackpool Council

BUILDING A BETTER COMMUNITY FOR ALL

Susana Cao Miranda
Herbert Smith LLP
Exchange House
Primrose Street
London
EC2A 2HS

Our Ref:
Your Ref:
Direct Line: 01253 477006
E-Mail: alan.cavill@blackpool.gov.uk
Date: 15 August 2006

Dear Ms Miranda

FREEDOM OF INFORMATION REQUEST - BLACKPOOL REGIONAL CASINO PROPOSALS

Following payment of the fees notice, I am writing to confirm that we have now completed our search for the information requested by your client, Ms Elizabeth Speed, in her letter dated 15 June.

A copy of the information is enclosed. Exemptions apply to some information and I have described these where appropriate. This letter acts as a refusal notice in accordance with s.17 of the Act for this exempt information.

You also requested a CD with the information stored electronically. The enclosed CD contains copies of the documents listed on the information sent to you recently. Please note that this CD does not include copies of any emails or handwritten notes which may be included in the paper copies.

If you have a complaint about the handling of your request you may ask for an internal review and you should submit this in writing to: Council Complaint, Blackpool Council, PO Box 50, Town Hall, Blackpool, FY1 1NA.

If you are not happy with the outcome of the review, you can have the right to apply to the Information Commissioner for a decision. You can contact the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SKP 5AF (www.informationcommissioner.gov.uk).

If you have any queries about this letter you can contact me, or write to: FOI, Town Hall, Blackpool, FY1 1NA, or e-mail us at customer.first@blackpool.gov.uk. Please remember to quote your reference number when you contact us.

Yours sincerely

Alan Cavill
Head of Corporate Policy and Development



Alan Cavill B.Sc MIED Head of Corporate Policy and Development
TOURISM AND REGENERATION DEPARTMENT
PO Box 77, Town Hall, Blackpool, FY1 1AD

2004-2005
Telephone: (01253) 477111

FAX: (01253) 477003

www.blackpool.gov.uk

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Your questions and our responses:

All correspondence between Blackpool Council and the Casino Advisory Panel regarding the regional casino under the Gambling Act 2005.

These are included at the front of the first file of information.

Documents and information relating to the North West Development Agency's financial support to delivery of the Masterplan and establishment of the Urban Regeneration Company, ReBlackpool.

Copies of submissions and funding agreement letters are at tab A in the second file of papers. For the sake of completeness we have included the documents for other funding sources as well.

Documents and information about the social impact assessment conducted with the primary care trust, neighbourhood renewal fund and local area agreement in relation to the proposals for hosting a regional casino.

We have included all the documents referred to in our bid for a regional casino licence in this parcel. This includes the work that we have commissioned with the PCT and the proposals flowing from that work. We have included a copy of the draft information and detailed results from the study along with a copy of the full, now approved, local area agreement document. This latter document describes how the neighbourhood renewal fund will be utilised in Blackpool from this year onwards.

Documents and information about the Draft Statement of Licensing Policy (including the policy itself and background documents as to the framing of the policy).

Working drafts of the policy are no longer retained by the Council but the original source document is included in the bundle. A copy of the draft is included and any discussion on it is covered by information on our internet site www.blackpool.gov.uk in the section that shows minutes and agendas for meetings. We are applying exemption "s.21 Information accessible to the applicant by other means" in regard to these minutes and agendas as these are available on our website. As this is an absolute exemption, we do not have to apply a public interest test to the disclosure of this information.

Documents and information regarding the New Blackpool Enterprise Centre

This is described in the Local Area Agreement.

Minutes and agendas of all meetings at all committee levels where any aspect of Blackpool Council's bid for the regional casino under the Gambling Act 2005 has been discussed.

This information is available on the above-mentioned web site which is fully searchable and contains sufficient archive to cover all of these discussions. As described previously, we are applying exemption "s.21 Information accessible

to the applicant by other means" in regard to these minutes and agendas as these are available on our website. As this is an absolute exemption, we do not have to apply a public interest test to the disclosure of this information. Some of this is however in the bundle where it is covered by the question below regarding documents in the end notes to the CAP bid document.

Documents and information on research conducted regarding the effect of the introduction of a regional casino in Blackpool.

These are included in the bundle.

Documentation and information regarding all consultations (including questionnaires and responses) regarding the Blackpool Council's proposals to host the regional casino under the Gambling Act 2005

Recent survey results and questions are included in the document bundle that are associated with the Council's bid for permission to allocate the Regional Casino Licence. Further information on earlier consultations can be found on the Council's website.

Documents and information about any and all public investment initiatives for the casino led regeneration process contemplated by Blackpool Council's bid for a regional casino

In so far as it has been contemplated, these are included in the New Horizons Plan, the Regeneration Framework, the Local Area Agreement and the ReBlackpool business plan.

To the extent not included in the above, all documents referred to in the endnotes to Blackpool Council's submission to the Casino Advisory Panel "Towards a World Class Resort Destination" dated March 2006.

Included in the bundle

Information underpinning the statement on page 4 of Blackpool Council's submission to the Casino Advisory Panel "Towards a World Class Resort Destination" dated March 2006 ("casino development will target a wide catchment (90% regional or extra regional) sharply reducing the risk of impulse gambling while any local impacts on our population within it with its typically urban profile would be relatively easily measured").

We are not aware of a document with that date, but assuming you meant the 2006 submission the information supporting the statistics can be found in the supporting documents. Our statement regarding the ease of measurability is justified in the description of the area within the submission document that states that the Fylde Coast population is relatively isolated and as a result it is easier to measure the impact without having to draw a "false" boundary around a sprawling urban population.

Minutes and agendas of all meetings between ReBlackpool and amusement arcade operators as referred to at page 11 of the submission to the CAP dated March 2006.

We have had agreement from ReBlackpool to release this information to you and it is included in the bundle. Please note however we do not as a rule minute meetings of this nature and the document attached therefore is a note of the meeting and not minutes. There was no agenda that we are aware of.

Documents and Information regarding the consultation on the Masterplan, Local Plan, BCP "Lets Talk" campaign and the Scrutiny Committee Inquiry regarding opposition to the construction of a regional casino in Blackpool.

These documents are included in the bundle but please be aware the name and description of a Regional Casino did not come into use until after some of these consultations took place.

Documents and information regarding all development proposals for the regional casino and any expressions of interest in the development plan and/or operator licence for the regional casino.

Documents and information and correspondence regarding discussions with private interests on the CCQ site and any co-promotion agreements and relocation proposals.

Documents, information and correspondence reflecting registration of interest from casino operators and combined operator/developers whether in fully developed scheme from or not.

The information you requested in response to these questions is being withheld under the exemption "s.43 Commercial Interests" and "s.40 Personal Information (relating to third parties)". These are both qualified exemptions and in applying these, we have had to balance the public interest in withholding the information against the public interest in disclosing this. We have consulted with all private interests relating to these last three questions. We have considered the assertions and views of the majority of organisations concerned. It is our view that their assertions can be supported at this time as disclosure is likely to prejudice their commercial interests and would be likely to breach principles 1 & 2 of the Data Protection Act 1998. Therefore, the public interest in disclosure at this time does not outweigh withholding the information.

We can release the list of organisations or partnerships that have expressed an interest which is attached (Tab B folder 1).

Documents, information and correspondence regarding the selection process for a development partner for the phase development of the casino site and any draft agreements as may exist.

There are no draft agreements with developers and we have included a copy of the notice for selection and procedure adopted (Tab B folder 1).

Documents, information and correspondence regarding infrastructure projects contemplated as part of the regional casino development and any draft or final agreements for such projects.

These are included in the ReBlackpool business plan and the regeneration framework. We cannot see why the terms draft or final agreements would apply to these projects and we are not aware of any such documents.

All correspondence including minutes of meetings, with interested casino operators, developers and operator/developers.

I refer back to the answer above regarding sharing information from private interests in these matters. The qualified exemptions "s.43 Commercial Interests" and "s.40 Personal Information (relating to third parties)" apply as described previously.

Herbert Smith

Blackpool Borough Council
Freedom of Information
ICT Services
Westgate House
Squires Gate Lane
Blackpool
FY4 2TS

Herbert Smith LLP
Exchange House
Primrose Street
London EC2A 2HS
T +44 (0)20 7374 8000
F +44 (0)20 7374 0888
DX 26

www.herbertsmith.com

For the attention of Debbie Topping

Our ref
2066/6031/30886494
Your ref
DT/Leaguenotion/HerbertSmith
Date
22 August 2006

By email and by post

Dear Ms Topping

Leaguenotion
Freedom of Information Act 2000 - Information Request

We refer to Alan Cavill's letter dated 15 August 2006 and accompanying documents.

From an initial review of the documents it appears that copies of several of the documents referred to in the "endnotes" are missing from the bundles, including but not limited to:

- The document referred to at endnote 28, entitled "Summary and assessment of international research regarding problem gambling intended for use by policy-makers considering authorising new forms of gambling in their jurisdiction" P Collins, Centre for the Study of Gambling, University of Salford, 2005;
- The questionnaire on which the IPSOS/MORI survey (at endnote 31) was conducted; and
- The document referred to at endnotes 58 and 64, entitled "Central Lancashire City Region Development Programme" Lancashire Economic Partnership, May 2005.

You have cited no reason why the above documents have not been disclosed. Further, despite extensive searches we have been unable to find these documents. Kindly, therefore, provide the above documents as a matter of urgency to the above fax number citing the above reference number.

Please note that we fully reserve our client's right to revert with any further queries it may have from a more detailed review of the documents provided in response to its FOIA request.

Yours faithfully

Herbert Smith LLP

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10/5127321_1

Herbert Smith LLP
Exchange House
Primrose Street
London
EC2A 2HS

Our Ref: DT/LeaguenotionHerbertSmith4
Your Ref: 2066/6031/30866494
Direct Line: 01253 478980
E-mail: Debbie.topping@blackpool.gov.uk
Date: 24th August 2006

Dear Sirs

FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST

I refer to your letter dated 22nd August 2006, received via email on 22nd August and by post yesterday.

I have spoken with the service that compiled the information disclosed to you and have been informed of the following:

- The 'document' referred to at endnote 28 is not a document but research undertaken by the University of Salford. The University of Salford holds this research.
- The questionnaire referred to at endnote 31 is not held as one document by Blackpool Council. The questionnaire, in its entirety, is held by IPSOS/MORI. I am informed that the questions from this questionnaire are contained with the document titled "Towards a World class resort and destination" along with the individual responses/answers for these questions.
- The document referred to at endnotes 58 and 64 was included in the bundle and on the CD. I am informed that an index to the endnotes can be found within a pdf file on the CD, under the reference '00 Endnotes.pdf' This lists the full titles of all endnote documents, research etc., and provides links where appropriate.

Blackpool Council considers that it has now disclosed all information requested by your client, Ms Speed, subject to the exemptions previously noted and we are therefore treating this request as completed.

Yours sincerely

D Topping
ICT Policies & Quality Manager
(Corporate FOI / DPA Coordination)

Philip Baron Head of ICT Services
ICT Services, Business Services,
Westgate House, Squires Gate Lane, Blackpool, FY4 2TS
Telephone: (01253) 478700 Fax: (01253) 478788

Herbert Smith

Blackpool Borough Council
Freedom of Information
ICT Services
Westgate House
Squires Gate Lane
Blackpool
FY4 2TS

Herbert Smith LLP
Exchange House
Primrose Street
London EC2A 2HS
T +44 (0)20 7374 8000
F +44 (0)20 7374 0888
DX 28

www.herbertsmith.com

For the attention of Debbie Topping

Our ref
2066/0074/30666494
Your ref
DT/Leaguenotion/HerbertSmith4
Date:
30 August 2006

By email and by post

**Leaguenotion
Freedom of Information Act 2000 - Information Request**

Dear Ms Topping

We refer to your letter of 24 August 2006.

We do not understand your comment in relation to endnote 28. We understand from the statement to which endnote 28 relates that Blackpool Council is relying on the conclusions of research which it refers to in the endnote. Please confirm whether Blackpool Council holds any information about this research and, if so, please provide that information.

We note your comment that Blackpool Council does not hold the questionnaire for the IPSOS/MORI poll as "one document". We assume that indicates that it holds copies of sections of the questionnaire. Please forward to us, as required by the FOIA, copies of any section of the questionnaire held by Blackpool Council. In addition, as the Council is no doubt able to procure our receipt of the full questionnaire, please, separately authorise and instruct IPSOS/MORI to forthwith send us the full document.

In relation to Blackpool Council's bid to the Casino Advisory Panel more generally, we refer to the attached documents submitted to the CAP and published on the CAP's website. Please provide, in accordance with section 1 of the FOIA, the following documents:

- The "Populus Poll July 2006 for Blackpool Council" referred to in a footnote to paragraph 8 of Blackpool Council's Short Statement to the CAP;
- The "Problem Gambling Harm Reduction Strategy – provision of services and programs in Blackpool, Blackpool PCT" referred to in a footnote to the penultimate bullet point at paragraph 11 of Blackpool Council's Short Statement to the CAP;

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10/5212512.1

Herbert Smith

Date
30 August 2006
Letter To
Blackpool Council

- The "bespoke study commissioned by Blackpool Council and prepared by PION Economics during 2006" in relation to visitor numbers and visitor assumptions, referred to at the second paragraph at page 47 of Blackpool Council's response to the CAP's questions of 19 July; and
- All documents which refer to alternative regeneration and development strategies for Blackpool in the event that the CAP does not award Blackpool Council permission to licence a regional casino.

You will be aware that (1) the attached documents which have prompted this additional request were published only last week on the CAP website, (2) the CAP is due very shortly to conduct the Examination in Public ("EiP") of Blackpool Council's bid, for which the attached documents were created and (3) that our client reasonably requires adequate time to digest and scrutinise all documents available to it. Accordingly, we would be grateful for your response, by return, to the above as any delay in provision of the above information will hamper and may materially prejudice our client, Leaguenotion's, ability to fairly participate in the EiP.

Yours faithfully

Herbert Smith LLP

Herbert Smith LLP

Cao Miranda, Susana

From: Debbie Topping [debbie.topping@blackpool.gov.uk]
Sent: 30 August 2006 20:42
To: Jones, Louise
Cc: Cao Miranda, Susana
Subject: RE: Letter from Herbert Smith LLP

Dear Ms Jones

I am passing your email to the relevant team for response as I am away from the office until Thursday 7th September due to a close family bereavement.

The information contained in my response to your previous letter was informed by this team.

I am sure that they will contact you accordingly

Debbie Topping
ICT Policies & Quality Manager
(Corporate FOI / DPA Coordination)
ICT Services
Blackpool Council

From: Jones, Louise [mailto:Louise.Jones@herbertsmith.com]
Sent: Wed 30/08/2006 17:10
To: Debbie Topping
Cc: Cao Miranda, Susana
Subject: Letter from Herbert Smith LLP

Please see attached.

This message is confidential and may be covered by legal professional privilege. If you have received this message in error please delete it and notify the sender immediately by contacting our main switchboard +44 (0)20 7374 8000; you should not retain the message or disclose its contents to anyone.

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01/09/2006

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Freedom of Information
ICT Services
Westgate House
Squires Gate Lane
Blackpool
FY4 2TS

Herbert Smith LLP
Exchange House
Primrose Street
London EC2A 2HS
T +44 (0)20 7374 8000
F +44 (0)20 7374 0888
DX 28

www.herbertsmith.com

Our ref
2066/6074/30866494
Your ref

Date
4 September 2006

By email and by special delivery

Leaguenotion
Freedom of Information Act 2000 - Information Request

Dear Sirs

We refer to an email from your Ms Debbie Topping dated 30 August 2006 in response to our letter of the same date (copies of which are attached). We have a follow up request to our earlier letter which we would be grateful if you could action as a matter of urgency. We request that you kindly provide the draft development appraisals (or equivalent) which Blackpool Council has conducted for the development of a regional casino as outlined in Blackpool Council's bid document to the CAP. We believe that these appraisals will outline the likely development costs and benefits - i.e. land use, rental flows, employment benefits - which would result from the casino development.

We understand that in Ms Topping's absence, our earlier request is being dealt with by a team within the Council (Ms Topping's email does not identify the team, but it may be evident to you from your access to Ms Topping's papers who the relevant persons are). Please forward this request to that department so that the matter can be progressed in Ms Topping's absence. This request is urgent for the same reasons outlined in the last paragraph of our letter of 30 August 2006.

For the avoidance of doubt, please regard the above as a request made pursuant to the Freedom of Information Act 2000 and the Environmental Information Regulations (SI 2004/3391). Please kindly provide paper copies of any documents relevant to the above request, to the above address. Leaguenotion agrees to meet reasonable expenses incurred in the provision of the above information within the prescribed limits of the statute and SI cited above.

Yours faithfully

Herbert Smith LLP

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Herbert Smith

Blackpool Borough Council
Freedom of Information
ICT Services
Westgate House
Squires Gate Lane
Blackpool
FY4 2TS

Herbert Smith LLP
Exchange House
Primrose Street
London EC2A 2HS
T +44 (0)20 7374 8000
F +44 (0)20 7374 0888
DX 28

www.herbertsmith.com

For the attention of Debbie Topping

Our ref
2066/6074/30886494
Your ref
DT/LeaguenotionHerbertSmith4
Date
29 September 2006

By email and by post

**Leaguenotion
Freedom of Information Act 2000 - Information Request**

Dear Ms Topping

We refer to your email of 30 August 2006 acknowledging receipt of our letter of the same date. Despite your assurance that this matter would be dealt with in your absence, we have received no substantive response to our letter of 30 August 2006. Blackpool Council is in breach of its obligations under FOIA, as set out in more detail below.

Information request of 15 June 2006

Although we note that Blackpool Council is treating our request of 15 June 2006 as having been completed (per your letter of 24 August 2006), this is not the case as the outstanding matters set out in the first section of our letter of 30 August 2006 have still not been properly addressed. Failing a satisfactory response to these points by return, we shall be considering with our client whether to make a formal complaint.

Information request of 30 August 2006

We have still not received the information requested in our letter of 30 August 2006 despite the fact that the 20 working day timescale for compliance with the information request expired on 27 September 2006. As you are aware, we requested Blackpool Council's assistance in dealing with the information request on an urgent basis given the importance of the information in facilitating our client's participation in the Examination in Public ("EIP") of Blackpool Council's bid to the Casino Advisory Panel on 3 September 2006. We are disappointed that Blackpool Council has not provided the information and note the impact that this has had on our client's ability to participate

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10/5494537_1



Herbert Smith in association with
Gleiss Lutz and Stibbe

Herbert Smith

Date
29 September 2006
Letter To
Blackpool Council

in the CAP's process. Please confirm that Blackpool Council will provide the information requested as a matter of urgency.

Yours faithfully



Herbert Smith LLP





Blackpool Council

BUILDING A BETTER COMMUNITY FOR ALL

Herbert Smith LLP
Exchange Street
Primrose Street
London
EC2A 2HS

Our Ref:
Your Ref:
Direct Line: 01253 477006
E-Mail: alan.cavill@blackpool.gov.uk
Date: 6 October 2006

Dear Mr Smith

I can confirm that you have received a copy of all documents that have been submitted to the CAP prior to 19 September. We have been advised that our initial response was sent to you and all of the other witnesses at the EIP by the CAP secretariat. We also believe they will do the same with our final response but for completeness this is attached.

We have not received anything at all from you or your client so we assume you have not yet submitted anything to the panel. What you seem to be saying is that you want get to see our response before making yours, a courtesy you did not extend to us in respect of the EIP information which we received on the day and only then because the panel chair instructed your client to do so. You will note that the basis of our evidence has been available to your client since March 2006!

Again whilst some of the documents you have requested in your latest FOI request have already been made available to your client I have attached the following where applicable:-

1. A copy of the report on the Populus poll is attached.
2. The information regarding any co-promotion agreement with any other party is clearly a matter of commercial confidentiality. We have applied an exemption to the disclosure of this, namely s.43 Commercial Interests. Having undertaken a Public Interest Test, it is our belief that disclosure would be likely to prejudice the commercial interests of other parties and the Council. Additionally, any such information has not been disclosed to the panel or any other party outside any agreements that exist.
3. The details of visitor numbers and employment estimates and how they were arrived at are detailed in our reply to the panel dated 29 September, a copy of which is attached.
4. We are not clear what you mean by masterplan costings. You may find the response in the letter I have referred to above enlightening. There are only a handful of projects that are actually committed and they are listed in the letter dated 29 September.
5. A copy of the report from Right Solution is attached. We have received no further advice from them to our knowledge but I believe they have communicated with ReBlackpool more recently than this report is dated.
6. Mr David Cam of Blackpool Pleasure Beach offered figures on the day of the EIP. We are not in possession of any supporting evidence for those figures and therefore, cannot supply information I relation to this. We have assumed that Mr Cam was making a statement of fact to the panel.
7. A copy of Christopher Katkowski' QC's letter to the Council regarding your clients involvement in the Local Plan is attached. We are considering your request for our instruction as this may be subject to Legal Professional Privilege (s.42 exemption).

Alan Cavill B.Sc. MIED Head of Corporate Policy and Development
TOURISM AND REGENERATION DEPARTMENT
PO Box 77, Town Hall, Blackpool, FY1 1AD



TELEPHONE: 01253 477006

FAX: 01253 477008

WWW.BLACKPOOL.GOV.UK

You now have a copy of everything that we have submitted to the panel either directly from us or sent to you by the panel

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Cavill', with a long horizontal stroke extending to the right.

Alan Cavill
Head of Corporate Policy and Development



Blackpool Council

BUILDING A BETTER COMMUNITY FOR ALL

Herbert Smith LLP
Exchange Street
Primrose Street
London
EC2A 2HS

Our Ref:
Your Ref:
Direct Line: 01253 477006
E-Mail: alan.cavill@blackpool.gov.uk
Date: 6 October 2006

Dear Mr Smith

I refer to your letters of 30 August and 29 September.

The first point in the 29 September is disputed. Blackpool Council wrote to your client informing them that we would be supplying information subject to any relevant exemptions. We supplied all information requested subject to the application of exemptions as detailed in our letter of 15 August 2006. We have not knowingly withheld information from disclosure outside of the detailed exemptions. Therefore, we strongly believe that we have satisfied your original extensive request of 15 June in full.

Turning to the points in the letter of 30 August 2006:-

In respect of the IPSOS/MORI poll I would re-iterate my earlier response that all of the questions that the Council sought from the company are contained in the only report we have from them, which is the one that we have already disclosed. There are no other documents in our possession that contain any further details or results of this poll. We are not provided with, nor would we expect to be provided with, each individual completed questionnaire. For completeness I attach the blank questionnaire which was omitted from the document sent to us from IPSOS/MORI.

The Populus Poll, the Problem Gambling Harm Reduction Strategy and the PION Economics study have, we believe, been provided to you by the CAP however for the sake of co-operation they are attached to this letter.

There is only one document that refers to alternative strategies for Blackpool in the event that the CAP does not award Blackpool Council the licence for a regional casino. This document is the option appraisal that was prepared by the NWDA. Following a request to the NWDA for this document we have discovered that they have already provided it to you and it was therefore accessible to you by other means (s21 exemption under the Freedom of Information Act 2000) so we had assumed that this was no longer required.

As you can see from the above it was our belief that you have had all the information that you sought to respond to the CAP and we do not therefore believe that this has had any material impact on your client's ability to participate in the CAP's process. Indeed we would argue that your client's approach to the sharing of information has had far more impact on our ability to participate in the CAP's process by not following the timetable laid out by the CAP and not providing any information at all to other parties until instructed to do so by the panel Chairman.

I hope that this clarifies the matter.

Yours sincerely

Alan Cavill
Head of Corporate Policy and Development

Alan Cavill B.Sc. MIED Head of Corporate Policy and Development
TOURISM AND REGENERATION DEPARTMENT
PO Box 77, Town Hall, Blackpool, FY1 1AD



Herbert Smith

Blackpool Borough Council
Town Hall
Blackpool
FY1 1AD

For the attention of Alan Cavill

Herbert Smith LLP
Exchange House
Primrose Street
London EC2A 2HS
T +44 (0)20 7374 8000
F +44 (0)20 7374 0888
DX 28

www.herbertsmith.com

Our ref
2066/6074/30866494
Your ref

By email and by Special Delivery

Date
19 October 2006

Leaguenotion

Freedom of Information Act 2000 – Information Request

Dear Sir

1. We refer to your letters dated 6 October 2006 which we received on 10 October 2006.
2. We refute the implication in your correspondence that Blackpool Council has performed its obligations under the Freedom of Information Act 2000 ("FOIA") and adequately disclosed to us and/or our client, Leaguenotion, the information which it has required to participate in the CAP's process. Quite apart from its breach of its obligations under the FOIA and Environmental Information Regulations (SI 20004/3391) outlined in our letter of 29 September 2006, Blackpool Council has in fact acted uncooperatively and defensively regarding the disclosure of information on its bid.
3. We consider below the information requests which have been submitted to Blackpool Council on behalf of Leaguenotion and we note that several items remain outstanding including questions regarding the information which the Council has provided.

Information request of 15 June 2006

4. Blackpool Council took over two months to respond to our client's request for information of 15 June 2006. You suggest that our request was extensive but we note that the bulk of the information which our client had requested (i.e. the documents referred to in the endnotes to Blackpool Council's submission to the CAP of March 2006) had already been compiled for and provided to the CAP and was, presumably, readily to hand. Not only this, but Blackpool Council's response was inadequate as is evident by the fact that in your 6 October 2006 letter you disclosed a copy of the IPSOS/Mori questionnaire which ought to have been provided with the IPSOS/Mori survey received by us on 16 August 2006.

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5. It is clear that, in relation to this information request, Blackpool Council has provided information late and in incomplete form. Further, and very seriously, over four months since the 15 June 2006 request (over a month after the EiP of Blackpool's bid) we are still awaiting information requested in our letters of 22 and 30 August 2006 and 29 September 2006 concerning statements made by the Council in support of its bid to the CAP: namely, our request for clarification regarding Peter Collins's research referred to at endnote 28. Please provide this information as a matter of urgency.

Information request on 30 August 2006

6. Your letter of 6 October 2006 suggests that the Populus Poll was provided to us by the CAP. We note that a summary of the Populus Poll entitled "Blackpool Survey: Summary Report" was provided to us by the CAP on 22 September 2006 with correspondence which indicated that it had been provided to the CAP after 14 September 2006. A copy of this document was appended to your letter of 6 October 2006 with your belated response to our request of 30 August.
7. Our letter of 30 August requested the "Populus Poll", not a summary or an extract, but the whole document. We regard this information request as still outstanding. Please provide the entirety of the Populus Poll (i.e: the full report that the Council received after the survey had been completed). For the avoidance of doubt, we require the questionnaire and the breakdown of answers to each question but not each individual questionnaire. Please provide these as a matter of urgency.

Information request of 4 September 2006

8. In a letter of 4 September 2006 we made a further follow up request to our letter of 30 August 2006 and requested the provision of draft development appraisals (or equivalent) which Blackpool Council has conducted for the development of a regional casino as outlined in Blackpool Council's document to the CAP.
9. We have still not received the information requested in our letter of 4 September 2006 despite the fact that the 20 working day timescale for compliance with the information request expired on 2 October 2006. As you are aware, we requested Blackpool Council's assistance in dealing with our information request on an urgent basis given the importance of the information for our client's participation in the EiP of Blackpool Council's bid on 8 September 2006. Please provide this information as a matter of urgency.

Information request on 19 September 2006

10. We have the following queries regarding the information which you have provided in response to our request of 19 September 2006:
- a. The Populus Poll: We refer to our comments at paragraphs 6 and 7 above and request that you provided the entire Populus Poll as a matter of urgency.
 - b. The Co-Promotion Agreements: We understand from Blackpool Council's comments at the EiP that the Co-Promotion Agreements have been agreed by both parties (Blackpool Council and Leisure Parks). Where such agreements are relevant to the Council's plans for the Central Station Site and where we are

requesting final agreements, not draft agreements or details of negotiations but rather agreements which the Council has signed up to in its exercise of its public functions, we would have considered that the Public Interest Test would favour disclosure. We reserve our client's right to draw negative inferences from your unwillingness to disclose information regarding these arrangements and to request an internal review regarding your application of the Public Interest Test.

- c. The Masterplan costings: We would have thought it self-evident that our request for costings concerned the comprehensive cost of construction and associated costs for each major component of the original 2003 Masterplan (so that it is clear to the reader how the cost of the presently proposed CCQ development is made up). Separately, we require a summary of the costs that the Council has incurred in preparing and pursuing the Masterplan, including a breakdown of all architects, planning and other professional fees. Please confirm that you will provide details of the Masterplan costings as a matter of urgency as further delay may prejudice our client's position.
- d. The Right Solution: Our request of 19 September 2006 was for the Right Solution work referred to at the EiP and proffered by Blackpool Council as evidence regarding the viability of the conference centre plans. Please confirm whether the Right Solutions report provided with your letter of 6 October 2006 is the work which was referred to at the EiP and, if not, please provide the report which Blackpool Council is relying on regarding its assertions concerning the viability of the conference centre.
- e. Instructions to Mr Katkowski QC: We note that waiver of privilege in relation to Mr Katkowski QC's advice necessarily requires disclosure of the instructions to Mr Katkowski in order to understand his advice in context on the issue in question. Our understanding is that, in waiving privilege over Mr Katkowski's opinion, Blackpool Council has, in effect, waived privilege over collateral material required to understand the legal opinion disclosed, thereby rendering those instructions non-privileged.

As with our previous requests, we would be grateful for your response by return.

11. **Final points**
12. Blackpool Council's approach to the provision of information is all the more concerning because it is bidding for a regional casino licence in a process which is explicitly committed to transparency and encourages the same in its participants. Related to this, Blackpool Council is aware, because we have made it aware in our letter of 30 August 2006, that Leaguenotion required prompt assistance with the provision of information to facilitate its participation in the CAP's process. Since Blackpool Council has, variously, delayed the provision of information and, as noted above, failed to respond to the entirety of our requests for clarification, it has, unsurprisingly, seriously hampered our client's participation in the CAP process.
13. We seek to answer the tone of your letters, and suggestion at the EiP, that Leaguenotion's "extensive" requests have unduly inconvenienced Blackpool Council. We remind you that Leaguenotion's requests are entirely lawful and proper and are brought under the FOIA

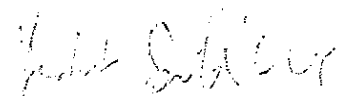
Herbert Smith

Date
19 October 2006
Letter To
Blackpool Council

which is intended to allow review of the actions of public authorities such as Blackpool Council. Further, and importantly, such requests for information by our client would not have been necessary if the information requested (some of it very key information required to understand Blackpool Council's bid, such as the PION March 2006 study) had been made available to the public by the Council. Instead, as a result of Blackpool Council's decision not to publish such information, our client has had to expend considerable money, time and effort drawing up requests (including the present correspondence) and then chasing for a response in order to obtain information necessary to participate in the CAP process.

14. Finally, we refer to your comment that our client's "approach to the sharing of information has had far more impact on [your] ability to participate in the CAP's process by not following the timetable laid out by the CAP and not providing any information at all to other parties until instructed to do so by the panel Chairman". First, it is necessary to point out that Leaguenotion was unable to complete its written representations to the CAP until very late in the day prior to the EiP precisely because of Blackpool Council's delay in providing the requested information about its bid. Second, Leaguenotion understood that the CAP was, through its Secretariat, distributing to other interested parties, including the Council, information lodged with them. It transpired that, perhaps because of the heavy schedule that the CAP and its Secretariat had to face prior to the Blackpool EiP, information which Leaguenotion expected the Council to have received had not been despatched. Leaguenotion responded openly and cooperatively to Professor Crow's invitation to provide the Council with full copies of all its submissions and it did so at the lunch break at the EiP on 8 September 2006. That cooperation is to be contrasted with the Council's continuing reluctance to provide information which prejudices Leaguenotion's position. It cannot be said that Leaguenotion has acted other than openly and in accordance with the CAP's required procedures. The Council must accept that it has a statutory duty of disclosure through the scope of the FOIA which does not apply to Leaguenotion.
15. You have received copies of all of Leaguenotion's submissions to the CAP and, as noted from the documents submitted on 29 September 2006 to the CAP, have had opportunity to comment on those documents. We refute, therefore, your suggestion that your ability to participate in the CAP's process has been hampered.

Yours faithfully



Herbert Smith LLP

Enc.

cc: Ms D Topping – Blackpool Borough Council
cc: the Casino Advisory Panel