

Legal challenge to super-casino granted

Fresh difficulties hit the government's gambling policy yesterday after a High Court judge allowed existing casinos to bring a legal challenge to the creation of Britain's first Las Vegas-style super-casino as well as 16 other new premises.

Mr Justice Collins ordered that the judicial review challenge, spearheaded on behalf of existing casinos by the British Casino Association, should be heard as a matter of urgency. That hearing, to last three days, is expected to take place before May 25.

The existing casinos claim they are being treated „significantly less favourably“ than the 17 proposed new establishments that could be licensed as a result of the 2005 Gambling Act.

Established operators claim, for example, that the new facilities will be able to offer betting and bingo and run bigger slot machine operations. This, they say, means the commercial viability of some long-standing businesses could be jeopardised and jobs threatened.

„We have consistently argued that existing casinos would be unfairly treated under the terms of the new act, through its inherent inequality and incoherence. The additional entitlements given to the 17 new casinos will seriously threaten many long-established businesses and jobs,“ said Penny Cobham, who chairs the BCA.

If its challenge succeeds, the BCA will ask a court to order Tessa Jowell, the culture secretary, to reconsider the so-called grandfathering arrangements so that all comparable casinos can compete fairly. One option for the government might be to relax restrictions on existing casinos, although

such a move could produce a political and legal furore.

Ministers would have to decide how to respond to any court defeat before the new restrictions could come into force on September 1, triggering a dispute over the contentious gambling re-forms just as Gordon Brown is expected to become Labour leader this summer.

The government's gaming plans have already been thrown into disarray by a shock defeat in the House of Lords last week for plans to allow a super-casino in Manchester and the 16 smaller casinos elsewhere. Ms Jowell has maintained that the government's policy is still „very much alive“ but ministers are now expected to mull over their options in the Easter recess and run-up to the May local elections.

Opposition parties claimed the legal challenge was evidence that Ms Jowell's casino proposals were de-scending into further chaos.

Hugo Swire, shadow culture secretary, said it was „astonishing“ Ms Jowell had tried to get the order approving the casino sites through parliament „in the full knowledge that a judicial review was likely and that it would have a massive impact on her proposals“.

Mr Swire argued that the legal developments were consistent with the government's handling of the gambling legislation, which had been „characterised by ineptitude and dogged by disasters at every turn“.

Insiders at the Department for Culture, Media and Sport insisted the government was confident of winning the case, arguing that there were good social protection grounds to justify the limits on slot machines.