

# Appendix A Consultation Response to Review of Gambling Statement of Principles

**From:** elizabeth speed

**Sent:** 31 July 2018 10:21

**To:** Licensing

**Cc:** Tracey Rose

**Subject:** Gambling Act 2005 - Hastings Borough Council Statement of Principles Consultation

Dear Sirs

## Gambling Act 2005 – Statement of Principles (SoP) Consultation

Thank you for the opportunity to make comments on the above consultation. On behalf of Luxury Leisure I make the following comments in relation to the consultation draft (the "Draft"):-

1. As the Authority appreciates, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code (the "Code"). Amongst the obligations imposed on the Authority by the Code, is one that it should carry out its activities in a way that supports those it regulates to co ply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. Given the importance of the Code to the Authority's actions under the Act, including in relation to the SoP, I suggest that a general confirmation of its applicability is inserted in the Introduction.
2. Para 1.11.5 – the reference to democratically elected persons as being "Interested Parties", is with respect not correct. As noted at para 11.6, they may represent such persons, but that does not render them an Interested Party in their own right under section under section 158 of the Act.
3. GLP3 Para 4 (b) - We do not understand the requirement that children aged under 14 must be accompanied by an adult in unlicensed FECs. This does not seem to replicated by a similar provision for licensed FECs. Unlike licenced FECs, uFECs do not have Category C machines – they are restricted to Category D only, which under the legislation children are legally permitted to play. The policy is stated to relate to protecting children from harm – but government has decided that children may play the machines available in such premises and as such it is hard to see that the statement at para 4 b can be correct or appropriate.
4. GLP 6 Para (5) – As you will appreciate, the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed. (As a result the Commission's Guidance was revised). With respect, it is accordingly not correct to state that the licensing authority may only consider a grant of a licence where (if necessary) an inspection has been allowed. That might be a matter for the issue of the licence, but not the actual grant.
5. Para 6.8 – We are not sure why this section does not refer to the measures set out in GPL8, which also have areas of children and areas only for adults. It seems odd that the provisions for unlicensed FECs are more detailed than those for bingo premises.
6. GPL 9 – We note that there is no mention of proof of age schemes in the list of measures required.
7. GPL 12 Paras 2 and 3 – We note that the requirements for unlicensed FECs are greater than those required for licensed FECs. This inconsistency appears to be without basis and is particularly difficult to understand given that unlicensed FECs cannot have machines of any higher category than category D.

I hope that the above proves useful. If you have any questions, please do not hesitate to contact me.

Yours faithfully,

Elizabeth Speed  
Group General Counsel  
**Novomatic UK**

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