From: elizabeth speed [mailto:elizabethspeed@luxuryleisure.co.uk]
Sent: 31 August 2016 11:11
To: Contact
Cc: Tracey Rose
Subject: Gambling Act 2005 - Statement of Principles Consultation

Dear Sirs,

Re: Gambling Act 2005 – Statement of Principles Consultation

On behalf of Luxury Leisure, we make the following comments in response to the above consultation draft (the "Draft"):-

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act"), it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that supports those they regulate to comply and grow. Additionally, 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. We have not seen reference in the Draft to the Regulators' code and suggest that it be amended to include a statement that the Authority recognises that it is subject to and will comply with the Regulators' Code in relation to matters of gambling licensing and enforcement.

2. Paragraph 11.9 refers deal with the definition of premises and applications for a premises licence when access is through other premises. The Draft states that consideration will be given to whether the proposed arrangement "…otherwise would or should be prohibited under the Act". With respect the correct question is whether an proposed arrangement would be prohibited under the Act – not whether it should be prohibited. It may be a case of unintended wording in the Draft, but again, it is not for the Draft or licensing committee to re-write the Act.

3. In a number of places, the Draft refers to additional conditions that it may impose or that it might expect the applicant to offer (e.g. Paragraphs 11.22, 12.5 and 13.4), where some if not all of those examples are already covered in the mandatory and default conditions imposed by legislation or by the LCCP and we do not see that they are necessary inclusions in the Draft as "control measures", that might be imposed by the Authority. As the Draft accepts elsewhere, duplication is unwelcome and should be avoided. It might lead to confusion and as such we suggest that they are removed or redrafted.

4. The second bullet point of Part D of the Draft refers to the multi-operator local self-exclusion schemes that are now in place in accordance with the LCCP. The scheme is restricted to those operators who hold operating licences (and therefore does not apply e.g. to those holding permits, or to pubs) – as such it is not accurate to refer to "all operators of a similar type…" Additionally, the LCCP requires that the scheme covers the "locality". It does not refer to "…the area where they live and work.." as the Draft states. While these might seem small points, it is important that when referring to obligations under the LCCP, the exact parameters of those obligations are specified – paraphrasing may led to confusion.

5. Local Risk Assessments (LRAs) are also dealt with in Part D and there are a number of paragraphs dealing with what the Authority expects to be dealt with in them. We

suggest that it would be more helpful if those separate paragraphs were to be consolidated. Further, the first such section requires that information on self-exclusions be included. We are not sure why this would be a requirement for a LRA.

6. The Draft also states that the Authority expects that gambling trends that may reflect benefit payments or pay days be included in the LRA – again we are unclear as to why this might be. However, the Act permits gambling and subject to certain matters, the Authority must aim to permit gambling. It is a perfectly legal activity and individuals are entitled to use their money lawfully, as they wish – subject of course to the operators' SR obligations. Each operator has policies and procedures in place to help identify and deal with customers who have gambling issues, whenever they arise – but the suggestion that customers should not gamble on pay day, is a step too far. It seems to imply that individuals are quite free to spend money on pay day in shops, at the cinemas or at the pubs or supermarkets, but not in heavily regulated and licensed gambling venues. This of course would be quite wrong on many levels.

7. On the same point in the Draft we do not understand why the proximity of banks and post offices are relevant to the LRA; nor what the Authority means when suggesting that the LRA includes arrangements for exchange of information on self-exclusions – as above all relevant operators must be in a scheme for their licence type. The Draft also suggests that the range of facilities in proximity to the premises "such as other gambling outlets" should be considered in the LRA, but there is no explanation as to why their existence might pose a risk. Rather, the reference suggests that matters of "demand" are relevant when, as the Authority appreciates, they are not and should not be considered.

We hope the above will prove helpful. If you have any questions, please do not hesitate to contact us.

Yours faithfully

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