

Response 2 – Novomatic

### **Gambling Act 2005 – Statement of Principles Consultation**

Thank you for the opportunity to make comments on the above consultation. On behalf of Talarius Limited I make the following points in relation to the 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 it supports those it regulates to comply 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. We have not seen any reference to the Code in the Draft and suggest that the Draft is amended to include acknowledgement and confirmation of the Code.
2. Para 2.1 (a): We suggest that the words “by gambling” be inserted in the second line after “from harm and exploitation”.
3. Para 3.4.2: As the Draft acknowledges, legislators elected not to replicate the provisions of the Licensing Act 2003 in relation to the Licensing Objectives. As the commission’s Guidance notes, mere nuisance” will not generally amount to disorder under the first Licensing Objective under the Act. We suggest that this might be made clearer in the Draft, as the current Draft seems to countenance otherwise. Of is of course not for the Authority to seek to introduce additional Licensing Objectives - including safety and public nuisance.
4. Para 3.7 – Page 20: We suggest that for clarity the words “as a Responsible authority” be inserted after the words “...as a body which can make representations” in the third line of the penultimate paragraph. It is clearly important that readers understand the basis on which the Authority can make representations.
5. Para 3.8: The penultimate paragraph seem to contradict the final paragraph. In short it clearly states that a gambling premises would rarely be consistent with the third Licensing Objective and applications in the “the locality of for example schools” will not normally be granted. With respect this is to pre-judge applications and the following paragraph does not alter that fact. Local Risk Assessments (LRAs) are required by the LCCP and are to set out the local risks that the facilities might pose to the Licensing Objectives and how those risks will be mitigated. If there was a presumption against venues in areas of any risks the legislation and the LCCP would say so. They do not. It is entirely possible that any perceived risks could be satisfactorily mitigated. That is the whole purpose of the LRA. On the basis of the above, we respectfully suggest that this paragraph is revisited.
6. Paras 3.16, 3.17 and 3.18: we do not understand why the list of potentially appropriate measures/conditions for AGCs and FECs are not repeated for Bingo premises, Casinos and Betting premises where the stake/bets/prizes can be at least as much and in some cases far greater than in AGCs and FECs. This seems to be unjustifiably inconsistent and we suggest the provisions are revisited.