

## APPENDIX C

Dear Sirs,

On behalf of Luxury Leisure, I make the following comments in response to the above consultation:-

1. Paragraph 2.5 contains reference to the revised Code of Practice issued to Licensing Authorities in March 2015. We assume this is a reference to the Gambling Commission's Guidance to Licensing Authorities, Version 5. In fact, the March document was a consultation and neither the response to that consultation nor the Revised GLA has yet been issued. As such, to the extent that your draft Consultation document is based on the draft GLA, we suggest it is premature.
2. It is proposed at Paragraph 9.5 that applicants are to take into account the density of different types of gambling premises in certain locations and specific types of gambling premises in certain locations. With respect, this cannot be correct. Under section 153 (2) of the Gambling Act 2005 (and as appreciated at paragraph 9.23 of the Draft), issues of expected demand in relation to premises, are not relevant to an application for a premises licence. The density of gambling premises is simply not a matter for the gambling licensing regime. Accordingly, the final 2 bullet points in paragraph 9.5 should, with respect, be removed.
3. Paragraph 9.32 of the Draft states that a condition requiring a suitable number of door supervisors at the premises could be appropriate in particular circumstances. However, as the Draft notes, each application must be dealt with on its individual merits. By proposing one possible condition in the Draft, it might suggest that the Authority has pre-determined a particular class of application, or the applicability of conditions. This of course would be inappropriate and we suggest the removal of the final sentence of 9.32.
4. It is legal for children to play Category D machines on appropriately licensed premises. Accordingly, we suggest the insertion of "where such gambling would be illegal" in the penultimate line of 9.36 of the Draft, after the words "...preventing them from taking part in gambling"
5. At paragraph 10.1, the Draft proposes to state that the authority will have regard to the licensing objectives when granting an AGC premises licence. This is repeated for FECs (11.1) but mysteriously not for Bingo premises or Betting premises. This oversight should be corrected as the same principle applies to all such venues. Similarly the Draft sets out potentially "...appropriate measures/licence conditions..." for AGCs and again for FECs, but not for Bingo premises (which allow access to children) or Betting premises. This is a serious anomaly and suggests a higher standard is to be imposed on the AGCs and FECs, which cannot be correct and we suggest that it be rectified.

**I trust that you will find the above useful.**

**Yours sincerely,**

**Elizabeth Speed**

**Group General Counsel**

**Novomatic UK**

**For Luxury Leisure**