
From: Elizabeth Speed
Sent: Friday, June 7, 2024 3:50 PM
To: AHS Licensing <Licensing@durham.gov.uk>
Cc: Tracey Rose
Subject: [EXTERNAL]:The Gambling Act 2005 -Durham County Council Statement of Principles Consultation (SoP)

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Dear Team

Gambling Act 2005 – Statement of Principles Consultation

Thank you for the opportunity to make comments in relation to the above consultation. On behalf of Luxury Leisure and Talarius Limited we make the following points in relation to the consultation draft policy (the “Draft”):-

1. Para 3.3: As the heading appreciates, the context of the third Licensing Objective is to protect children and other vulnerable persons from being harmed or exploited by gambling (emphasis added). However, we would suggest that this section strays beyond those parameters and reference to the Care Act 2014 and the definition of “abuse” are not necessary and could be confusing. We suggest they are removed. Not everything that impacts on society needs to be included on the SoP.
2. Paras 4.4 (end of page 26) and 4.20: As the Authority will appreciate, it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished or complete or need alteration. We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was 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 – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then current Guidance issued by the Commission was wrong. The Guidance was subsequently amended. As such, we suggest that the wording of this para be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished or needs to be altered. An applicant may apply for a provisional statement if the building is not complete, but it does not have to do so and can instead apply for licence. Accordingly the reference that “ an application for a provisional statement should be made instead” is incorrect.
3. Para 4.7 page 32: The concept of Primary Use has been removed from the Commission’s LCCP and accordingly we suggest that this section is amended.

4. Para 4.7 page 33: We suggest that reference is made to the legal requirement that conditions should be both reasonable and necessary.
5. Para 4.7 page 35: We suggest that reference is also included to the requirement that conditions should be “necessary”.
6. Para 4.12 and 4.13: We note that the list of possible measures/conditions set out for AGCs at Para 4.10 is not repeated for Betting Premises or Bingo premises, despite the fact that such premises provide access to gaming machines as well as other activities and stakes/prizes at such premises can be at least as great as in AGCs. We suggest that this unjustified inconsistency be remedied.
7. Schedule: We suggest it would be helpful to attach a schedule of Fees.
8. Appendix 3: We would ask that you include emails for all Responsible Authorities and include the details missing for HMRC.

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

Yours faithfully,

Elizabeth Speed
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