



**BUSINESS IN SPORT
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**RESPONSE TO THE JOINT SCRUTINY COMMITTEE
ON FURTHER CLAUSES TO THE GAMBLING BILL**

1.0 Introduction

- 1.1 Business in Sport and Leisure welcomes the opportunity to give further written evidence to the Joint Scrutiny Committee for the Gambling Bill.
- 1.2 Business In Sport and Leisure (BISL) is an umbrella organisation that represents over 100 private sector companies in the sport and leisure industry and it's membership represent a wide range of interests in the sector and include operators of casinos, bingo, betting, pools, greyhound and horse racing, snooker and ten pin bowling centres, pubs and the suppliers of gaming machines. In fact as far as we are aware BISL is the only umbrella body representing all major sectors of the Gambling Industry.
- 1.3 BISL has already provided written evidence on the early clauses of the Bill and appeared to give oral evidence on 13 January 2004 that was supplemented by further written evidence.

2.0 Response

- 2.1 As an umbrella organisation, Business In Sport and Leisure welcomes a replacement for the Gaming Act 1968, recognising that existing legislation has now been in place for more than 40 years and that subsequently gambling has become part of mainstream leisure. We believe that the current Act is unworkable as technology moves forward so quickly and there is a real need for new and better regulation and legislation.
- 2.2 You will now have received a copy of 'A Winning Hand: The Modernisation of UK Gambling' the recently published research Business In Sport and Leisure commissioned from Ernst & Young which aimed to:
 - Assess the current size of the UK gambling market
 - Review and assess the potential implications of changes proposed in the Gambling Bill; and
 - Gauge public understanding of and reaction to the proposed changes to the gambling legislation.

This identified clear support amongst the general public, with 80% in favour of the proposed changes, so long as the industry is controlled and seen to be controlled. The public believe that people have to and should learn to fend for themselves and be responsible for their own actions.

Specific Responses to the new Draft Clauses

3.0 Supply of Alcohol

- 3.1 Business in Sport and Leisure accepts that licensed betting shops, family entertainment centres and adult gaming centres will not be permitted to serve alcohol.

4.0 The Protection of Young Children

- 4.1 Business in Sport and Leisure supports the need to ensure the protection of Young Children and believes that the new offence of inviting a child to participate in gaming is a correct one. This also makes it an offence for an adult accompanying a child to allow them to gamble. (Part IV – 36)

5.0 Gambling in Licensed Premises

- 5.1 Business in Sport and Leisure is disappointed that clause 239 (1) permits only one or two Category C or D machines in licensed premises. We do however, welcome the decision to retain as of right machines and other low stake games already in place in licensed premises. It is important that the clauses relating to these Grandfather rights are seen by the industry before the Bill goes through its Parliamentary phases. As ever it will be the detail of these clauses which are of real importance.
- 5.2 The Licensing Act 2003 takes away the distinction between on and off licensed premises. The draft clauses seem to introduce that distinction by referring to an 'on-premises alcohol licence'. This needs further clarification.
- 5.1 BISL supports the British Beer and Pub Association in its view that clause 239 (3) permits local authorities to refuse an application for more machines for reasons other than consideration of the licensing objectives. BISL does not believe that local authorities should have the right to introduce any number of reasons for refusing to grant new or additional machines in licensed premises.
- 5.2 BISL supports the BBPA in its belief that the details of conditions surrounding the provision of gaming machines in licensed premises should be available now and well before the Bill goes forward in Parliament.
- 5.3 BISL believes that clause 236 should be altered to allow a charge to be made for entry to licensed premises as this can well be necessary at weekends and/or for premises in town and city centres. Indeed it is regularly required by licensing authorities as a condition on alcohol licences as a means of controlling entry to licensed premises.

6.0 TenPin Bowling

- 6.1 Most of the 300 tenpin bowling centres in the UK have a liquor licence and so under the new clauses they will be treated as pubs. Their design, style or operation is however very different from a pub.

- 6.2 The average number of machines in ten pin bowling centres is 17. They are type C & D machines and their contribution to the viability of the business is critical.
- 6.3 The draft legislation allows new ten pin bowling centres to have only two category C machines as of right. If this right is imposed on ten pin bowling centres, this would threaten the viability of the construction of future bowling centres.
- 6.4 Clause 236 (8) proposes that children and young persons are excluded from participation in gaming. If ten-pin bowling centres are to retain their current category D machines (including pushers and cranes), this clause suggests that they will not be able to play them in ten pin bowling centres.
- 6.5 Further clarification is required for ten pin bowling centres, particularly as there is no evidence that these premises have caused any rise in problem gambling in the past or are likely to do in the future.

7.0 Commercial Clubs

- 7.1 The new clauses make a distinction between 'Proprietary' owned clubs and creates a new category of 'Commercial club'.
- 7.2 Clause 227 (8) suggests that a guest of a member can only participate in gambling in a members club or a miners' welfare institute, but not in a commercial club. This seems unfair and is contrary to current practice.
- 7.3 There seem to be no clauses which allow a member of a club in Plymouth to use that membership in a club in Newcastle owed by the same group.
- 7.4 Clause 229 (4) (d) excludes children and young persons from any area in a club where gambling is taking place. This could be interpreted as a physical exclusion or lines on the floor. It has always been understood that children and young people will be forbidden from playing machines, but for example in the case of a snooker club, physical separation would be impossible.

8.0 The Gambling Commission

- 8.1 Business In Sport and Leisure has no comment to make on the proposals around investigation and enforcement powers and the development of statutory information gateways to assist the regulation of the industry.

9.0 Betting Exchanges

- 9.1 BISL has already expressed its view that Betting Exchanges should be subject to the same regulatory regime as other forms of gambling such as the licensed betting office. We support the views of betting operators that without such regulation it will be difficult to deal with cheats as the current proposals only deal with retrospective action, rather than preventative action.

10.0 Advertising

10.1 Business In Sport and Leisure supports the proposal that advertising for gambling should be allowed subject to regulation to ensure it does not encourage the young or vulnerable.

11.0 Fixed Odds Betting Terminals

11.1 It is unclear from the section on Gambling in members' clubs, commercial clubs and minor's welfare institutes whether the ability to have three category B machines includes the provision of Fixed Odds Betting Terminals or if these machines are only going to be available to betting shops with a betting permit. This requires further clarification.

Please let me know if you require further information.

Brigid Simmonds

Brigid Simmonds
Chief Executive

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