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| Briefing Report for: | Regulatory Committee Discussion paper 23rd MAY 2013 | Item number | |
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| Title: | INFORMATION PAPER ON GAMBLING ACT 2005 CASES |
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| Lead Officer: | DALIAH BARRETT – Licensing Team Leader |
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| Ward(s) affected: ALL | Report for Key/Non Key Decision: |
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1. Describe the issue under consideration

- 1.1 Members of the Regulatory Committee have requested a briefing on the action taken by Newham Council in refusing a betting shop application by Paddy power under the Gambling Act 2005. Therefore this briefing is for information only.
- 1.2 Newham have refused the application based on the crime figures in the surrounding area and more importantly regarding the fact that most of the expected income at the betting shop would be from the fixed odds betting terminals (FOBT's) and not from the traditional over the counter betting operation.
- 1.3 The Gambling Commission guidance and the Code of Practice that betting operators must abide by state that:

“Licence condition 16

“Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available.”

Such facilities for betting must include:

the provision of information that enables the customer to access details of the events on which bets can be made

facilities to enable to place bets

facilities to establish the outcome of the events



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facilities to calculate the outcome of their bets
facilities to be paid or credited with any winnings.

Where licensees provide facilities for betting only by means of betting machines the licensee must ensure that the number of betting machines is greater than the number of gaming machines which are made available for use in reliance on the premises licence. ”

- 1.4** The Guidance and the Code of Practice is saying that the stance taken by LB Newham is therefore incorrect. Newham have received money from the Olympics and decided that they wished to take a test case in relation to the primary activity arguments on this matter. Over the counter betting should be the primary activity and not the facilitating four FOBTs.
- 1.5** The case is set to be heard in June. The Gambling Commission have not made any comments or given any guidance to Newham.
- 1.6** In other areas Westminster are also taking a test case based on refusing to vary existing betting shops for later hours of operation as they argue that it will only be to enable FOBTs to be used for longer on the premises as there will be no over the counter betting taking place.
- 1.7** The Royal borough of Greenwich has recently refused an application for Coral betting. These were unique circumstances, as the premises under consideration shared the building with a centre for addiction counselling, some of which was gambling addiction as well as drug addiction. The Committee took the view that this would lead to exploitation of the vulnerable. The matter has not been appealed by Coral and the time limit for appealing has now passed.