



Northern Ireland  
Assembly

# Committee for Communities

## Minutes of Proceedings

Tuesday 18 January 2022

**Meeting Location:** Room 30, Parliament Buildings, Belfast

**Present:** Ms Paula Bradley MLA (Chairperson)  
Mr Andy Allen MBE MLA  
Ms Ciara Ferguson MLA  
Mr Paul Frew MLA  
Mr Mark Durkan MLA

**Present by Video or Teleconference:**

Mr Stephen Dunne MLA  
Ms Áine Murphy MLA  
Ms Aisling Reilly MLA

**Apologies:** Ms Kellie Armstrong MLA

**In Attendance:** Dr Janice Thompson (Assembly Clerk)  
Mr Sean McCann (Assistant Clerk)  
Ms Antoinette Bowen (Clerical Officer)



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**In Attendance by Video or Teleconference:** Ms Rachel Ashe (Clerical Supervisor)

The Chairperson, Paula Bradley, assumed the Chair. The meeting began at 09.11 am in closed session. The following Members were present at the start of the public session: Paula Bradley (Chairperson), Andy Allen, Ciara Ferguson and Paul Frew.

*The meeting went into closed session at 09.11 am to allow the Committee to receive advice from Claire McCanny, Bill Office Clerk.*

*The meeting was adjourned at 09.51 am.*

*Stephen Dunne joined the meeting at 09.31 am.*

*Aisling Reilly joined the meeting at 09.31 am.*

*Mark Durkan joined the meeting at 09.43 am.*

*The meeting resumed and went into open session at 09.59 am.*

*Áine Murphy joined the meeting at 09.59 am.*

Declaration of Interests

No declarations of interest were made.

## **1. Apologies**

Kellie Armstrong



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## 2. Draft Minutes

**Agreed:** The Committee agreed the minutes of the meetings held on Tuesday 11 January 2022 and Wednesday 12 January 2022.

## 3. Committee deliberations on the Betting, Gaming, Lotteries and Amusements (Amendment) Bill

The Chairperson informed Members that the Committee would continue its deliberations on the Betting, Gaming, Lotteries and Amusements (Amendment) Bill.

The Chairperson reminded Members that this was not the formal clause by clause stage, but rather an opportunity to discuss clauses comprehensively with Officials and seek clarification on any issues raised by stakeholders or Members.

The Chairperson also reminded Members that they should ask Officials for clarification on how the Bill addresses these concerns and any additional action that the Department intends to take in response to evidence the Committee has received.

The Chairperson noted the impending deadline for the publication of the Betting, Gaming, Lotteries and Amusements (Amendment) Bill Report, and reminded Members and Officials of the short amount time left for Committee deliberations.

The Chairperson welcomed the following Officials to the meeting:

Ciarán Mee

Martina Campbell

The Officials briefed the Committee and participated in a question and answer session with Members. The Officials and Members discussed the Bill in detail, scrutinising each clause in turn.

### **Clause 1: Interpretation**

No queries were raised by the Committee.



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### **Clause 2: Opening of licensed offices on Sunday**

Officials responded to Committee queries on the opening of licensed offices on Easter Sunday and Good Friday, stating that some people bet on global sporting events on these dates, not just local events. The opening of licensed offices on these dates reflected this.

A Member raised concerns that the opening of licensed offices on Sundays would negatively impact on family life, as Sundays are often reserved for spending time with relatives.

No further queries were raised by the Committee.

### **Clause 3: Sunday working in license office**

Officials provided responses to the Committee's query from the previous meeting on whether the Department for the Economy would need to make changes to the law due to proposed Sunday working. Officials stated that they had verified this issue and assured the Committee that the Bill is in line with current legislation, and that there was no need for the DfE to amend its legislation.

Officials noted that Clause 3 amends Schedule 8(A) of the 1985 Order, ensuring that workers' rights are contained in a range of legislation and that Officials were content that this legislation is sufficient to cover rights related to Sunday working.

A Member made general comments about evidence received by the Committee that any additional opportunities for gambling on Sundays had the potential to increase gambling related harm and impact on family life on Sundays.

### **Clause 4: Pool betting**

No queries were raised by the Committee.

### **Clause 5: Persons who may participate in bingo at bingo club**

No queries were raised by the Committee.

### **Clause 6: Days when bingo and use of gaming machines permitted on bingo club premises**



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The Officials highlighted that they had expected returns from the NI Court Service on Friday 14<sup>th</sup> January in order to reply to the Committee on issues raised last Thursday, however, these had not yet been received and will be forwarded as soon as possible.

Officials elaborated further on the policy intent of Clause 6, assuring the Committee that the Clause ensured fairness for land versus online gambling. Officials noted that this would bring legislation into line with that of Great Britain, and that, with regards to policy intent, there was no policy reason why this could not be possible.

Officials responded to the Committee's queries from the previous meeting regarding gaming machines in taxi depots, takeaways, etc. Officials assured Members that gaming machines in these premises were illegal and that there was an offence attached. Current Legislation only permits the use of amusements machines with prizes in premises with amusement permits.

Officials noted that sufficient powers exist in the 1985 Order to allow the authorities to take action against premises such as taxi depots or fast food outlets which have gaming machines. Officials noted that the legislation permits landlords to evict tenants who use their properties for illicit gaming venues.

Officials further elaborated on queries raised in the previous Committee meeting regarding the collection of data related to gambling. Officials noted that a prevalence study that was scheduled for 2021 had been cancelled due to Covid-19. Having checked with HMRC, Officials confirmed that any data collected relating to gambling duties only addressed the UK level, and regional breakdowns were not available.

Officials assured Members that they were in further talks with HMRC regarding data sharing, and the exact content of data possessed by HMRC.

Officials elaborated on Committee comments about enforcing powers against illicit gambling, assuring Members that sufficient powers currently exist.

**Agreed:** Officials agreed to send the Committee returns from the Court Service regarding numbers and a register of purchasers of gaming machines and further information on how the Department will work with the Court Service on data gathering.



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Officials also agreed to formally respond to the Committee's query on how the Department intends to highlight to the PSNI its powers in this regard and provide information on how it is using these powers.

### **Clause 7: Offence of inviting, etc. person under 18 to play gaming machine**

Officials responded to queries raised by the Committee in the previous meeting regarding the presence of £10 or £20 notes in grab machines. Officials elaborated that two different types of grab machine exist; those involving skill and those involving chance. Grab machines involving skill to secure a prize were not covered by the 1985 Order, but the Department hopes to bring these older machines into law at a later date, although it is not possible for this Bill.

Grab machines that use chance to secure a prize were covered by legislation and that prize could be up to £8 in value.

Officials noted that restrictions exist prohibiting under 18s from frequenting premises, such as bookmakers or areas of amusement arcades, where higher limit machines were available. Officials reiterated that the use of any higher limit gaming machines by under 18s was illegal and a Member highlighted that some private clubs, such as sports clubs, already install signage on the machines and in the general vicinity, to this effect.

*Andy Allen left the meeting at 10.25 am.*

A Member requested further clarification on the law in relation to FOBTs. Officials highlighted that when England changed its laws to a maximum stake of £2, bookmakers in NI voluntarily agreed to reduce their machines to the same stake.

Officials also highlighted to Committee that they had hoped to include FOBTs in this Bill but were advised against it by OLC for the reason that the 1985 Order deals with certain matters separately and not gambling as a whole in the way that the 2005 Act in England is written and that FOBTs will be dealt with in phase 2 reforms.

Officials cautioned against transporting definitions from the British 2005 Order, noting that the 1985 Order in NI is substantially older legislation and addresses gaming and betting separately.



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Officials noted that a call for evidence related to gambling and betting by the Department for Digital, Culture, Media and Sport (DCMS) received over 16,000 submissions, none of which raised concerns over FOBTs.

Committee acknowledge that there are those venues who adequately display notices regarding age-suitability of machines but support amending the Code of Practice to require a notice to be displayed on the gaming machine as far as possible and if not possible as close to the machine as possible.

**Agreed:** The Officials agreed to respond in writing regarding future plans for legislating for older skill-based 'grab machines' as they are not covered by the 1985 Order.

Officials agreed to respond in writing confirming that FOBTs will be dealt with in phase two of the reforms in the new mandate and that FOBTs will be included in the Code of Practice.

### **Clause 8: Arrangements not requiring persons to pay to participate**

The discussion from Members again centred on the two key issues of promotional prize draws and prize competitions and the need for the Bill to be clear that companies can include NI residents in such draws and competitions and that it is not illegal. Officials advised Members that on reflection clarification of the wording of the Clauses was not needed, mainly due to the information contained in Schedule 15A should make it clear what the law is regard to these competitions.

Members accepted the Officials' explanation that the Clauses and the Schedule were clear from a legal perspective but queried whether further simpler explanation could be put into the EFM so if an individual had to challenge a company (such as a building society or bank) for not offering a relevant competition to NI customers, that they could find explanation in the EFM.

**Agreed:** Officials to send written confirmation that the EFM will be amended to explain in layman's terms what Clauses 8, 11 and Schedule 15A do to further remove any impediments to such competitions and draws being open to NI customers.





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### **Clause 9: Rules for societies' lotteries**

Committee continued to recognise that this clause needs careful consideration due to the potential impact on organisations that wish to raise money this way and noted that the Department would forward the regulations concerning the uplift in the max. prize limit as soon as available.

**Agreed:** Officials agreed to get the Committee sight of draft regulations, or at least a written explanation of the detail that will be covered in the regulations, by Monday 24 January, in time for consideration at the meeting on 25 January.

A Member queried if there were any issues regarding island-wide society lotteries. The Officials stated that there were no issues regarding anyone buying a ticket but there could be a problem with such a lottery being promoted in Northern Ireland if based in the Republic of Ireland.

**Agreed:** The Officials agreed to send a written response to the query.

Regarding ticket prices, Officials advised that a new limit needs to be in the primary legislation and can then be amended in future by secondary legislation. The Committee highlighted that the Department would have more information than it does regarding options for changes to the ticket price limit and requested that an amendment be brought forward as the Minister was minded to do so. Officials confirmed they would issue drafting instructions to OLC to proceed.

**Agreed:** The Officials agreed to get the Committee sight of the draft amendment by Monday 24 January if possible.

### **Clause 10: Qualifications by age, residence or corporate status for licenses, certificates and permits**

No queries were raised by the Committee.

### **Clause 11: Prize competitions not requiring persons to pay to participate.**

No queries were raised by the Committee.





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**Clause 12: Cheating**

Officials informed Members that most offences would attract a level 5 fine and 6 months in prison, or both. Officials noted that level 5 offenses in England carry a prison sentence of 51 weeks.

No further queries were raised by the Committee.

**Clause 13: Enforceability of gambling contracts**

No queries were raised by the Committee.

**Clause 14: Industry levy**

Officials responded to queries raised by Members regarding the National Lottery and the restriction of National Lottery products, such as scratch cards, at supermarket tills and other 'line-of-sight' locations.

Officials stated that the National Lottery was a reserved matter and therefore the Bill could not legislate for placements or impose a levy on the National Lottery.

Officials informed Members that the betting and gaming industry would not be involved in how the money raised would be spent, and anticipated that the levy would fund treatment for gambling related addictions, research, and education.

Officials confirmed that they were working with HMRC to reach an agreement on data.

Members highlighted concerns around 14(3)(d) and being sure that transfers of the levy to other departments are spent appropriately. Officials stated that it would be something a regulator could consider in the future. Members queried if there was a way to 'set something in stone' in this Bill and gave the example of the 'carrier bag levy'.

**Agreed:** The Officials agreed to respond on how the use of the levy money could be better defined in the Bill and if a change in wording regarding 'gambling related harm' could be included.

*The meeting was adjourned at 11.36 am.*



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*The meeting resumed at 11.42 am.*

### **Clause 15: Code of Practice**

The Committee highlighted to the Officials concerns expressed by Drumbo Park and NIACTA since the draft Code of Practice was issued for consultation.

Officials went through the draft Code of Practice (CoP) in more detail with the Committee and highlighted the range of codes they had used to draw up the current draft. Officials also responded to the concerns and confirmed that it was a six-week focused consultation in the first instance and after that a fuller consultation would be conducted with a final draft Code of Practice as per Clause 15(10) of the Bill as they want to capture the good practice and concerns of the industry.

The Officials noted that the Department is not obliged to consult publically, but to consult formally with interested parties, i.e. those listed such as gambling harm charities and industry representative bodies.

**Agreed:** Officials agreed to formally respond on a range of issues about which Members had expressed concern, including affordability checks, spending limits and self-exclusion. These issues will be considered in further detail by the Department based on responses to the current and future consultation periods. This is due to concerns over unintended consequences that some aspects of the CoP could have the potential to push people into illegal gambling and allow problem gamblers to go undetected as they move between premises.

### **Clause 16 – Short title and commencement**

The Committee considered this Clause very briefly and no queries were raised. This clause will be considered again at the next meeting.

#### **4. Date, time and location of next meeting**

The next meeting will be held on Thursday 20 January 2022 in Room 29, Parliament Buildings, at 9.00 am.



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*The meeting was adjourned at 12.14 pm.*

**Paula Bradley MLA**  
**Chairperson, Committee for Communities**