

Synopsis of NIACTA submission to Committee for Communities
9th December 2021

In attendance will be Mr Gerald Steinberg- Chairman NIACTA and President - Brendan McAreavey.

Gerald owns Oasis Retail Services Ltd & Brendan is owner of Clearhill Ltd.

NIACTA represents approximately 60% of the leisure and amusement sector in Northern Ireland. The industry employs c2,000 persons across Northern Ireland.

General comments

1. NIACTA broadly welcomes the introduction of new legislation on gambling in NI. It is long overdue and in need of an overhaul. The current legislation is not fit for purpose and pre-dates the iPhone, digital and online gambling.
2. The sector including bingo halls account for just over 10% of all gambling in NI according to research carried out on behalf of the Dept of Communities 2017.
3. Like all hospitality and entertainment venues NIACTA members were hard hit by the pandemic.
4. NIACTA supports new measures which are proportionate and equitable.

NIACTA practices:

- A. Strong relationships with customers
- B. Controlled and safe environments for adult gambling.
- C. Highly trained staff.
- D. Independent Age verification checks and enforcement
- E. Signposts to addiction support organisations.
- F. Support for charities working with problem gambling ie Dunlewey Centre and GamCare.
- G. Members sign up to voluntary code of conduct and charter for social responsibility
- H. Self-Exclusion Scheme

Concerns re: legislation:

1. Legislation is proposed in two parts and yet we are already discussing levies without taking into consideration other digital, lottery and offshore operators.
2. Any proposed levy must be achievable and fair.
3. NIACTA voluntary code is good template for a mandatory code.
4. Issues around enforcement for non-compliant operators
5. Stakes and Prizes limits last reviewed in 2003, are grossly out of date with rest of UK and Ireland.
6. Stakes and prizes limits if mishandled could drive illegal gambling underground.
7. Level playing field required between land based and online operators.

Submission to the NI Communities Committee

Betting, Gaming, Lotteries & Amusements (Amendment) Bill
9th December 2021

NIACTA

Northern Ireland Amusement Caterers Trade
Association

Mr Gerald Steinberg, Chairman & President,
Mr Brendan McAreavey

NIACTA

- Represent about 60% of all gaming centre operators (this also includes bingo halls, seaside amusement arcades and gaming machine suppliers etc) in Northern Ireland.
- Provide guidance & support to members on regulation, enforcement, best practice and standards with the industry sector.
- Employs 2000 across NI.
- Significant contributor in taxation and rates.

“We welcome the introduction of long overdue legislation for our industry and we are going to engage with the process with a view to a satisfactory outcome for our members and customers alike”

Gerald Steinberg -Chairman NIACTA
31st May 2021

- Dept of Communities May 2017 Gambling Prevalence Survey - Summary % of how people gamble in NI:
- National Lottery 46.8%
- Scratchcards 23.7%
- Betting on sport 22.8%
- Other Lottery/ballots 20.2%
- Slot/Gaming machines 6.6%
- Bingo 4.6%

NIACTA

- Welcomes overhaul of out dated legislation in Northern Ireland
- Supports measures which are both fair and equitable
- Ensures the highest possible standards through staff training and voluntary code of practice.
- Committed to expanding research and support to assist those who are affected by problem gambling.



- NIACTA members provide customers with recreational fun and amusement centres
- Strong relationships with customer base.
- Controlled safe regulated adult environments for gaming
- Highly trained staff
- Constant monitoring re: standards via mystery shopper initiative
- Signposting to addiction support organisations
- Activities such as bingo are major social activities



Being mindful of customers well-being

- Eight years of engagement with Gamcare
- Gamcare the lead charity in relation to problem gambling associated with gaming machines
- Social responsibility charter brought in for all members of NIACTA 2014
- Financially sponsor dedicated phone line support via Gamcare
- Helplines promoted in all member premises and on machines
- Self exclusion scheme
- Staff training on social responsibility and age control
- Independent age control verification carried out since 2014
- 2021/22 Commitment to a review of charitable support for the sector by extending reach across NI.

A level playing field for all

- The growth of digital and on line gambling and gaming has been phenomenal and is completely unregulated. The pandemic has witnessed even further growth.
- Any proposed levy has to be fair and proportionate and cognisant of the taxes/ contributions already being made by businesses in Northern Ireland
- A mandatory code of practice is to be welcomed but it must be pragmatic and led by best practice.
- The existing voluntary code practiced by NIACTA is a good template to examine
- There needs to recognition of changes within the industry in relation to putting in controls to deal with problem gambling
- The issue of Stakes and Prizes (Unchanged since 2003) has to be implemented alongside any proposed changes to the legislation.
- Enforcement against rogue operations has to involve the PSNI.
- Stakes and prizes require perspective

NIACTA setting standards

- Responsible
- Licensed
- Regulated
- Trained staff
- Independent Age verification & enforcement
- Social responsibility charter



Thank you.
Any questions?

Response ID ANON-T16K-FZ4J-4

Submitted to Betting, Gaming, Lotteries and Amusements (Amendment) Bill - Call for evidence and views
Submitted on 2021-11-19 16:00:39

Introduction

1 How would you like your response to be published?

I would like my response to be published.

2 Are you content that any of your suggestions which have been published to the Committee or the Assembly may inspire the text of an amendment?

Yes

3 What is your name?

Name:
Gerald Steinberg Chairman of NIACTA

4 What is your email address?

Email:
gsteinberg@oasisrs.com

5 Please indicate if you are providing a response:

On behalf of a organisation or business

If on behalf of an organisation or business, please state its name::

Northern Ireland Amusement Caterers Trade Association

NIACTA. We represent 65% of the industry and employ over 2000 persons.

Niacta's members own and operate Amusement Arcades, Adult Gaming Centres and Bingo Clubs. Some of our members also supply gaming and amusement machines to Pubs, Clubs, betting shops and leisure outlets.

Policy objectives of the Bill

6 Do you think that the Bill will meet its overall policy objectives to: address a number of specific anomalies with regard to the current regulation of land based betting, gaming, lottery and amusement activities and to strengthen existing regulatory protections for operators and consumers as well as young people and those who may be vulnerable to gambling harm?

Other

Please explain your answer:

As phase 1 it is satisfactory but the unregulated online gambling sector needs to be addressed.
We would hope that Statutory Rules would be introduced prior to the implementation of the new Legislation to provide for a long overdue (not since 2003) review of stakes and prizes for our industry in line with GB.

7 Do you foresee any unintended consequences of any of the policy objectives of the Bill?

Yes

Please explain your answer:

That the mandatory code is carefully considered, consulted upon and industry representations are respected.
The mandatory code' as yet unknown may have unintended consequences.

Clauses 1, 2 and 3

8 Clause 1: "Interpretation": confirms that all references to "the 1985 Order" within the Bill mean the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. Do you have any comments on this?

Comments on References as per Clause 1:

No

9 Clause 2: "Opening of licensed offices on Sunday and Good Friday". Do you agree with this clause, which amends Article 31 of the 1985 Order to allow licensed offices to be opened for the transaction of business on Sundays and Good Fridays, but not on Christmas Day including Christmas Days which fall on a Sunday?

Yes

Please explain your answer:

Justified to bring N.I. In line with GB, Ireland and other leisure outlets.

10 Clause 3: "Sunday working in a licensed office". This clause will amend Schedule 8A of the 1985 Order to ensure that the rights of individuals employed in a licensed bookmakers' office will now mirror those of individuals who work at a track for a bookmaker with respect to Sunday working. Do you agree with this Clause?

Yes

Please explain your answer:

This seems reasonable.

11 Do you think Clause 3 will allow sufficient protection for those working on a Sunday in this industry?

Yes

Please explain your answer:

Employment rights are universal.

Clauses 4, 5 and 6

12 Clause 4: "Pool betting". This clause will amend Article 44 of the 1985 Order to restrict any person, other than a registered pool promoter, from carrying on any pool betting business except at a licensed track and except by means of a totalisator operated in accordance with Article 45. Do you agree that it is right to restrict pool betting business to registered pool promoters?

Yes

Please explain your answer:

Logical

13 Clause 5: "Persons who may participate in bingo at a bingo club". This Clause will amend Article 75 of the 1985 Order to ensure that only members of a bingo club and their guests are allowed to participate or take part in bingo at a bingo club premises. The amendment also means that members of the bingo club and their guests may also take part in bingo at the premises irrespective of any time elapsing since application for club membership was made. Do you agree with this cause?

Yes

Please explain your answer:

Logical and brings N.I. Into line with GB and Ireland

14 Clause 5 also removes the current exemption which allows cleaners or certain other employees of the bingo club as may be prescribed by regulations, to play bingo. Do you agree with this cause?

Yes

Please explain your answer:

Logical

15 Clause 6: "Days when bingo and use of gaming machines permitted on bingo club premises". Do you agree with this clause which will amend Articles 76 and 108 of the 1985 Order to allow bingo to take place and gaming machines to be made available on bingo club premises on Sundays and Good Fridays, but not on Christmas Day including Christmas Days which fall on a Sunday?

Yes

Please explain your answer:

Brings N.I. into line with GB, Ireland and other leisure outlets.

Clauses 7, 8 and 9

16 Clause 7: "Offence of inviting, etc. person under 18 to play gaming machine". This clause inserts a new entry into the 1985 Order to create a new offence in relation to the playing of gaming machines by persons under the age of 18. Punishment can be imprisonment for 6 months. Do you agree with this new offence?

Yes

Please explain your answer:

Our members do not allow those under the age of 18 to enter Adult premises or to play machines.

17 Clause 7: Do you agree with the proposed level of punishment?

Yes

Please explain your answer:

It is important to take an approach which is appropriate rather than a blanket approach. Repeat offenders should be treated differently to one off incidents.

18 Clause 8: "Arrangements not requiring persons to pay to participate". This clause amends Article 131 of the 1985 Order and introduces a new Schedule 15A to the Order with the result that it removes free to enter prize competition arrangements from the definition of a lottery. Do you agree with the removal of free to enter prize competition arrangements from the definition of a lottery?

Yes

Please explain your answer:

Logical, provided no purchase is necessary.

19 Clause 9: "Rules for societies' lotteries". This clause amends Article 137 of the 1985 Order to remove the £1 ticket price for society lotteries – do you agree with this removal?

Yes

Please explain your answer:

Reasonable

20 Clause 9 will also amend Article 137 of the 1985 Order to alter the limit on the amount which may be appropriated for the expenses of a society lottery to 20% of the whole proceeds. Do you feel that this is an appropriate limit?

Yes

Please explain your answer:

Reasonable

Clauses 10 and 11

21 Clause 10: "Qualifications by age, residence or corporate status for licences, certificates and permits". This Clause amends Articles 7, 61, 84 and 141 respectively of the 1985 Order to reduce the lower age limit from 21 to 18 years of age and remove the residency restrictions for grant of a bookmaker's licence, bingo club licence, a gaming machine certificate and permit and a lottery certificate. Do you feel that it is appropriate to lower the age limit from 21 years to 18 years of age in any or all of these categories?

Yes

Please explain your answer:

It seems appropriate to make this change as it is line with other parts of the law.

22 Clause 10: Do you feel that it is appropriate to remove the residency restrictions?

Yes

Please explain your answer:

As above

23 Clause 10 also repeals Articles 7,61,84 and 141 to allow certain corporate bodies to hold a bookmaker's licence, bingo club licence, a gaming machine certificate and permit and a lottery certificate. Do you feel this is appropriate?

Yes

Please explain your answer:

Logical

24 Clause 10 also amends Articles 109 and 155 respectively of the 1985 Order to allow a body corporate to hold an amusement permit or a pleasure permit. Do you feel this is appropriate?

Yes

Please explain your answer:

Logical

25 Clause 11: "Prize competitions not requiring persons to pay to participate". This Clause introduces a new paragraph to Article 168 which specifies that a prize competition arrangement is not prohibited by Article 168 unless persons are required to pay to participate in the arrangement and refers to new Schedule 15A (Lotteries and Competitions: Requirements to Pay in Order to Participate) of the 1985 Order (introduced under Clause 8), as setting out what does and does not constitute a requirement to pay to participate in such an arrangement. Do you feel it is appropriate for there not to be a requirement to pay to participate?

Other

Please explain your answer:

Provided a purchase is not necessary.

Clauses 12 and 13

26 Clause 12: "Cheating". This clause will replace the existing offence Article 169 in the 1985 Order with a new Article 169 to make it an offence for any person to either cheat at gambling or do anything to enable or assist another person to cheat at gambling. Do you think this clause is sufficient to deal with the offence of cheating?

Other

Please explain your answer:

We are concerned that this clause should cover persons seeking to defraud gaming machines by various methods.

27 Clause 13: "Enforceability of gambling contracts". This clause repeals Articles 170 and 171 of the 1985 Order and will provide for contracts relating to gambling to be legally enforced without prejudice to any law which prohibits the enforcement of contracts on unlawfulness grounds. Do you think that it is appropriate that contracts relating to gambling are legally enforced?

Yes

Please explain your answer:

There needs to be a level playing field.

Clause 14

28 Clause 14: "Industry Levy". This Clause inserts a new Article 172A (Industry Levy) into the 1985 Order to will allow the Department to make regulations with regard to the payment of a levy to the Department by every person who intends to apply for the grant or renewal of a bookmakers' licence, bookmaking office licence, bingo club licence, gaming machine certificate or permit and amusement permit. Do you think that is right to introduce such a levy?

Other

Please explain your answer:

We would in principle support a levy provided it applies to all land based and on-line gaming, lottery operators and the National Lottery. Again there has to be a level playing field and the rules must apply to all. Any levy should only be applied in Phase 2 of the proposed legislation following extensive consultation with all sectors of the industry.

29 Clause 14: The aim of the levy is that it will be expended on projects related to gambling addiction or other associated forms of harm and exploitation and that financial assistance may be provided by grants, loans or any other form of financial assistance. Do you think that this is an appropriate use of the levy?

Yes

Please explain your answer:

It makes sense to pool resources to maximise their effectiveness. A review of what is possible should be looked at within the existing provisions to help those with addiction problems.

30 Clause 14: Do you have any further comments on what the regulations should cover or how the levy should be spent?

Any further comments?:

As above with an emphasis on counselling.

Clause 15

31 Clause 15: "Code of Practice". This Clause inserts a new Article 180A (Code of practice) into the 1985 Order and requires the Department to issue one or more mandatory Codes of practice about the manner in which facilities for gambling are provided. Do you feel that such a mandatory Code(s) of practice is appropriate?

Other

Please explain your answer:

Provided there is appropriate consultation with all sectors of the industry and that it will apply to all sectors. We already operate a voluntary code of Practice and are happy to share it.
Our preference is for a voluntary code.

32 What kinds of Codes of practice do you think the Department should issue?

What kinds of codes of practice do you think the Department should issue?:

Ultimately this is a matter for the Department. Our preference is for a voluntary code agreed with the Department provided it applies to all sectors

33 Do you have any other comments to make on the Code(s) of practice?

Do you have any other comments to make on the Code of Practice?:

An existing voluntary code is in place for NIACTA members - this could be the template for our sector going forward.

General Views & Comments and Second Stage of Reform

34 Do you have any other views or comments you wish to make in connection with this Bill?

Do you have any other views or comments you wish to make in connection with the current Bill?:

The principle of equity is really important in all of this legislation. Much distinction needs to be demonstrated between land based gambling and on line. The scale of addiction through on line outlets is completely unmonitored and enforcement is virtually non existent. We would encourage the Department to work with all sectors of the industry.

35 "Second Stage of Reform" Are there any issues that the Department plan to deal with in the second stage of reforms that you feel should be dealt with in this first Bill?

Yes

Please explain your answer:

The issues of levies cannot not be implemented against land based operators when on line goes unchecked. Any consideration of levies needs to be addressed at the same time for all sectors. It is pointless putting a levy in place on land based operators only to discover how disproportionate problem gambling may be within the online and Lottery sector.
Research on problem gambling should be based on the same terms of reference as the Jurisdictions to which it is being compared and should identify the specific source of problem gambling.

36 What issues would you like to see addressed in the second stage of the reforms?

What issues would you like to see addressed in the second stage of the reforms?:

Actual up to date research into the extent and nature of problem gambling within NI.
Bench marking of the industry with GB and Ireland.

Codes of practice for operation of lotteries and appropriate penalties for misuse.

Creation of NI based regulator

Regular forums between operators, support services, academia and the Department.

The setting of penalties which are proportional to the actual size of the companies within NI.

Better definition of what constitutes an illegal operation with regard to lotteries or on line/ Facebook bingo.

Establish statutory reviews of the legislation.

Provide for a triannual review of Stakes & Prizes.