
GamCare News Article

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On 7 April 2005, the Gambling Bill obtained Royal Assent. This finally completed a long running process that began in 1999 with the announcement of the Gambling Review. Since then, we have had the Gambling Review Report — The Budd Report , the Government's Response — A Safe Bet for Success , the publication of a draft Gambling Bill, two Joint Scrutiny Committee Reports, two Government Responses to those Reports, numerous other Government Policy Statements, a Daily Mail campaign to Kill the Bill , several Government u-turns and the tortuous passage of the Bill through the Houses of Parliament culminating in some last minute concessions to the existing British casino industry.

The process has been tortuous, frustrating, and particularly in the latter stages, infuriating. Everyone involved, including the lawyers, have wasted enormous quantities of time and money getting to grips with policy, only to find that it has been reversed in another political u-turn. It has been frustrating to watch as many of our elected representatives have debated the Gambling Bill in the House of Commons without any proper understanding of the key issues, as Government has shifted policy without any consultation with the industry and as regional or super casinos have been kicked around as a political football.

Nevertheless, the Act is in many ways a sound piece of legislation, and is well drafted, incorporating as it does a generally sound framework for the regulation of gambling, with sensibly built in flexibility for future changes. It repeals the legislation which hitherto has governed most forms of gambling in the UK, namely the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976. A lesser known fact is that it also repeals the Gaming Acts of 1710, 1738, 1835 and 1845! It is the first attempt to modernise and consolidate gambling legislation in over 40 years. On any view, that is a significant step.

For the first time, the Act introduces a unified regulator for gambling in Great Britain, the Gambling Commission, and a new licensing regime for commercial gambling, to be conducted by the Commission or by licensing authorities, depending upon the matter being licensed.

One of the few recurrent themes running through the legislative reform process has been the issue of social responsibility. It is worth remembering that the Budd Report made a number of significant recommendations in this area, for example in relation to researching,

limiting and treating problem gambling. It recommended that research be carried out to monitor the effect on problem gambling of changes in regulation, that the Gambling Commission should have a duty to respond to findings concerning changes in problem gambling, that the Gambling Commission should issue formal Codes of Responsibility to which operators should adhere as a condition of their licence and that the industry should set up a voluntarily funded Gambling Trust. All of these recommendations have been implemented.

It is fair to say, however, that there was a shift in emphasis on the part of Government as the Bill began to look like it might founder on the rocks of political opposition and negative press coverage. Whereas at the time of the Budd Report, the emphasis was on liberalisation and modernisation and social responsibility was taken for granted, the emphasis moved on to protection of children and the vulnerable and social responsibility. This shift was evident at least in the language of the press releases being issued by DCMS.

In May 2004, Lord McIntosh gave the bingo and arcade industry a warning shot over roulette machines and cited them as the perfect example of why the gambling laws need modernising. In June 2004, DCMS announced that the Government was to introduce tough new gambling protections as part of a more cautious, incremental approach to gambling reform, with the protection of children and vulnerable people at the heart of the proposals. As part of an impassioned speech in October 2004, Lord McIntosh set the record straight on certain media myths including the suggestion that problem gambling would double after the Bill:-

“This reminds me of some of the merchants of doom who made similar predictions about the lottery 10 years ago. What we do know is that without a Bill many forms of gambling will go unregulated and problem gambling probably will arise. With the Bill we will have the ability to monitor and counter any rise in problem gambling. If we need to get tougher we will.”

The Government has been true to its word and to understand the importance of social responsibility within the new regime, you need read no further than clause 1 which sets out the licensing objectives. These licensing objectives pervade every part of the Bill, and will be central to every aspect of its application. They are as follows:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Although these licensing objectives are hardly controversial, and to some extent are a reworking of the principles set out in the Gaming Act 1968, they are repeated like a mantra throughout the Act. It is easy, and perhaps understandable for operators to gloss over these objectives in looking for the commercial opportunities presented by the Act, but it is worth all of those connected with the industry committing them to memory. For as long as the gambling industry continues to evolve in a way which is consistent with these objectives, it need not fear a political backlash following implementation, but operators will underestimate the importance of these objectives at their peril.