

Response

Thank you for your request under the Freedom of Information Act 2000 regarding breaches of Fixed Odds Betting Terminals (FOBTs) regulations that the Gambling Commission has dealt with, and thank you for clarifying your request as follows:

"I am primarily interested in cases where rules regarding betting shop use of FOBTs are being breached. For example, when there are too many FOBTs on a particular in site, or when the maximum odds on the machines are set too high."

The number of gaming machines permitted in a particular premises is set out in the Gambling Act 2005 (section 172). The Secretary of State has the power to amend these by regulation. If an operator provided more gaming machines than permitted on an individual premises they would be committing a criminal offence under section 242 of the Gambling Act 2005.

There is no statutory minimum percentage pay out for gaming machines but all machines are required to clearly display the amounts paid to use the machine that is returned by way of prizes (described as the return to player (RTP) on the machine), or the odds of winning prizes from use of the machine. They also have to go through a testing process which is detailed on our website here: [Gaming machine testing](#)

Maximum stake and prize levels are controlled by regulation, so again if an operator made a gaming machine available which breached those regulations they would be committing a criminal offence. Any action we took would be dependent on the circumstances of the case.

In relation to data held on incidences of breaches of the above, any regulatory sanction we issued would be held on our [sanctions register](#). There is nothing of this nature recorded to date.

Having checked our records, there are however a small number of instances where RTP errors have been identified with games offered on FOBTs, with two in 2014, two in 2015 and two in 2016. There were also three recorded instances on these categories of machines offered in other gambling sectors (such as Adult Gaming Centres). The issues identified were primarily minor underpayments or minor overpayments being made due to technical issues. Once identified, games would be taken off-line and fixed. Where underpayments were made, these would be returned either directly to players where possible, or returned by amending the pay out to return more to players for a short period to balance the error. No action was taken in relation to these instances as there was no significant impact on consumers.

There has been one serious incident where action was required in relation to RTP issues which was a case in 2012/13. I have attached the press statement that was released at the time.

In terms of the number of FOBTs being made available in betting shops, we have not been able to identify any instances of action being taken due to too many machines being sited. There is nothing identified which would indicate that this is an issue within the regulated sector. There may be isolated incidents recorded in compliance visits but we would be unable to verify if this is the case without conducting a manual search of thousands of records (there is no way for us to query the records on this basis as it is not an issue we have experienced and therefore given defined parameters in the database). Section 12 of the Freedom of Information Act 2000 (FOIA) makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate

limit, which for public authorities, such as the Commission, is set at £450. This represents the estimated cost of one person spending 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information. We estimate that it would take in excess of 18 hours to determine appropriate material and locate, retrieve and extract any relevant information in reference to your request. Therefore, this part of your request will not be processed further.

I hope you find this information useful. **Review of the decision**

If you are unhappy with the service you have received in relation to your Freedom of Information request and wish to make a complaint or request a review of our decision, you should write to FOI Team, Gambling Commission, 4th floor, Victoria Square House, Victoria Square, Birmingham, B2 4BP.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Gambling Commission. The ICO can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Request

I am sending this request under the Freedom of Information Act.

This request concerns breaches of Fixed Odds Betting Terminals (FOBTs) regulations that the Gambling Commission has dealt with.

1) Please state how many breaches of FOBT regulations have been reported to the Gambling Commission in each of the following financial years:

- i) 2011/12
- ii) 2012/13
- iii) 2013/14
- iv) 2014/15
- v) 2015/16

2) Please state how many of these breaches have led to action by the Gambling Commission in each of the following financial years:

- i) 2011/12
- ii) 2012/13
- iii) 2013/14
- iv) 2014/15
- v) 2015/16

3)

a) Please state the total number of individual fines issued by the Gambling Commission for breaches of FOBT regulations in each of the following financial years:

- i) 2011/12
- ii) 2012/13
- iii) 2013/14
- iv) 2014/15
- v) 2015/16

b) Please state the 5 companies that received the highest number of individual fines from the Gambling Commission for breaches of FOBT regulations in each of the following financial years.

- i) 2011/12
- ii) 2012/13
- iii) 2013/14
- iv) 2014/15
- v) 2015/16

4)

a) Please state the total value of fines issued by the Gambling Commission for breaches of FOBT regulations in each of the following financial years:

- i) 2011/12
- ii) 2012/13
- iii) 2013/14
- iv) 2014/15
- v) 2015/16

b) Please state the 5 companies charged the highest value in fines from the Gambling Commission for breaches of FOBT regulations in each of the following financial years, and the amount each was charged.

- i) 2011/12
- ii) 2012/13
- iii) 2013/14
- iv) 2014/15
- v) 2015/16

5) Please state the number of licenses revoked by the Gambling Commission for breaches of FOBT regulations in each of the following financial years. Please also provide this information in machine readable format such as Excel.

- i) 2011/12
- ii) 2012/13
- iii) 2013/14
- iv) 2014/15
- v) 2015/16