



## DAVID CLIFTON: LICENSING EXPERT — PONDERING SOME OPPOSITES ON EITHER SIDE OF THE POND

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News from either side of the Atlantic Ocean within the last month shows a yawning gap between the UK on the one hand and the U.S. on the other, not only in terms of social responsibility and player protection requirements but also in relation to attitudes towards gambling generally.

I am not for one moment suggesting that responsible gambling is not a matter of concern for U.S. gambling operators and regulators alike. Indeed, in a [press release](#) published in February, the American Gaming Association (“AGA”) stated that *“the U.S. gaming industry commits more than \$300 million to responsible gaming annually, supporting education, training and rehabilitation programs across the country”*.

However, it is abundantly clear that the measures in place to mitigate against gambling-related harm in its country are considerably less than those required of licensed gambling operators by the Gambling Commission here in the UK, notwithstanding higher rates of problem gambling prevalence in some parts of the U.S. than the “statistically stable” such rates in the UK, as evidenced by the Commission’s most recent *“[Gambling participation in 2018: behaviour, awareness and attitudes](#)” Annual Report*, published on 27 February.

Once upon a time, one might have wondered whether that gap in terms of social responsibility and player

protection measures might reduce over time, given the work being undertaken by the [Responsible Gaming Collaborative](#), established last year by the AGA to:

- conduct a comprehensive review of current responsible gaming policies and regulations,
- identify programmes that work and those that fail to meet their objective,
- study regulations to determine which are based on solid evidence,
- determine whether government resources are being properly targeted toward effective programs and prevention,
- develop a set of recommendations and industry best practices and
- work with regulators and other stakeholders to understand the best approaches.

However, I can't help but wonder whether the gap will expand ever further, given the quite relentless efforts by UK regulators to constantly raise standards in their quest to ensure that *"consumers in Britain [are] able to enjoy the fairest and safest gambling in the world"*, to quote [Gambling Commission CEO, Neil McArthur](#) last November.

In the last month alone, the changes to age and identity verification requirements within the Commission's Licence Conditions and Codes of Practice ("LCCP"), about which I wrote in my last [Licensing Expert article](#) and which will come into force on 7 May 2019, have been followed by:

- a [regulatory statement from the Committees of Advertising Practice](#), announcing (with effect from 1 April 2019) revised guidance containing new standards designed to protect children and young people from exposure to gambling advertisements and, as CAP puts it, *"from irresponsible gambling ads"*,
- a [consultation by the Gambling Commission](#) (that runs until 9 May 2019), this time on planned changes to requirements within its LCCP relating to [customer interaction](#) and alternative dispute resolution, also taking the opportunity to call for evidence on gambling website blocking software,
- a clear indication of what will be contained in the new National Gambling Strategy for 2019-22 (due to come into effect in April) following on from the Commission's publication of a range of [recommendations it has received from the Responsible Gambling Strategy Board](#) in terms of priorities to reduce gambling harm,
- the Commission's calls for evidence requesting, by 16 May 2019, data and views on greater player protections associated with [category B gaming machines](#) and [gambling online with credit cards](#), and
- [announcement](#) by the newly formed Gambling Related Harm All Party Parliamentary Group (GRH APPG) that it is undertaking an inquiry into the harms caused by online gambling, the likely outcome of which is not hard to guess, given that the group's previous incarnation was as the FOBT APPG.

With Brexit-related uncertainty looking set to continue for some considerable time yet, the possibility of a future Labour Party General Election victory cannot be discounted so, in addition to the above list of regulatory developments, we should add the 28 February [speech by Tom Watson](#), The Labour Party deputy leader, in which he called for:

- mandatory limits on online gambling spending, staking and speed of play (with the issue of affordability firmly in mind) and
- the introduction of a new “*E Category*” to gambling legislation to regulate online gambling products (focussing on maximum stakes and speed of play) in order to correct what he sees as a regulatory imbalance between online and land-based gaming products.

From the above and all else that has been battering the UK industry in the recent past, it seems clear that the social responsibility regulatory burdens on the gambling industry on this side of the Atlantic are bound to become ever more burdensome.

With that in mind, and also taking into account that public trust in the UK gambling industry continues to plummet (now down to 30% according to [the most recent statistics](#)), it has been interesting to read another recent [AGA press release](#) (this time under the heading “*New Research Reveals 90 Percent of Casino Visitors Practice Responsible Gaming*”).

With a sub-heading “*Acceptance of Gaming at All-Time High*”, it paints a very different picture of public attitudes towards gambling in the U.S. than those that currently exist in the UK.

According to the AGA, its statistics indicate that:

- 88% of American adults view gambling as an acceptable form of entertainment,
- 80% recognise gaming’s role as a job creator, and
- 60% believe that casinos help their local economies.

Given the positive attitudes towards gambling (or at least casino gaming) evidenced by the above statistics, it is perhaps not surprising that, according to further research findings announced in an earlier [AGA press release](#) on 30 January 2019:

- as many as 63% of Americans support last year’s [U.S. Supreme Court decision](#) to strike down the federal ban on sports betting and
- 80% support legalising sports betting in their states.

The AGA welcomed those findings, adding comment that it “*will continue to advocate for the inclusion of*

*sensible gaming policies wherever it is being considered, including consumer protections and reasonable tax rates that enable the legal, regulated market to compete with illegal bookies and offshore operators."*

As sports betting developments proceed apace in the U.S. it will be intriguing to see (a) to what extent increased levels of gambling regulatory concern arise there in the same way that they have reared their head in recent times here in the U.K. and (b) whether the U.S. industry reacts to those concerns in a manner that succeeds in avoiding the degree of regulatory crackdown that has been experienced by UK operators in recent times.

That may, of course, depending on how open-minded the American industry is to learn from the experiences of (and the mistakes made by) its UK counterparts. Some answers to that conundrum may be forthcoming at next month's *SBC Events'* inaugural [Betting on Sports America](#) conference and exhibition, including the first panel session of Conference Day 1 on the subject of *"Avoiding the pitfalls – lessons to learn from other regulated markets"*, moderated by William J Pascrell III, Partner at Princeton Public Affairs Group, at which I will be speaking, together with:

- **James T Plousis**, Chairman, State of New Jersey Casino Control Commission,
- **Martin Lycka**, Director of Regulatory Affairs at GVC Group, and
- **William Bowers**, Manager Human Resources at Western Cape Gambling and Racing Board.

I hope to see you there....

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