



## DAVID CLIFTON, LICENSING EXPERT: REFLECTIONS ON SAFER GAMBLING WEEK

👤 Ted Menmuir 🕒 November 19, 2021 📁 Comment, Latest News, Licensing Expert, Slider Images, UK

I don't know about you, but I very much welcome the very considerably more open style of engagement with the outside world adopted by the Gambling Commission's CEO in the time since Andrew Rhodes was appointed to that position in June this year.

His public comments will not find favour with everyone. It would be highly surprising if they did. However, he makes clear where he and the Commission stand on key issues. At a time when fairness and plain talking on the subject of gambling law reform will become ever more important, this must surely count as a positive.

Let me give you some examples.

Heading into this month's **Safer Gambling Week**, he wrote something in a [Gambling Commission blog](#) so simple, sensible and straightforward that it hardly caught the media's attention, namely: "*Gambling is normal*".

That I should find that statement from the industry's regulator so refreshing to read is an indication how far the anti-gambling lobby have managed to move the focus of the gambling reform debate in the last couple of years. Let me qualify that sentence by making it clear that I do not characterise the Gambling Commission as falling within that lobby, although there have historically been times when certain

comments emanating from Victoria Square House, Birmingham have raised question marks on the part of some commentators.

Nor do I characterise as 'anti-gambling those genuinely seeking greater protections from gambling-related harm whilst also recognising that gambling is a perfectly legitimate leisure activity for the vast majority of people. However, so extreme has the rhetoric become in some quarters that one can't help but conclude that some prominent critics of the industry will not be completely satisfied unless the activity of gambling itself is prohibited.

Andrew Rhodes was aware that his "gambling is normal" statement might attract criticism from such quarters because he added: "Some will attack that statement, but we shouldn't shy away from it. Over 40% of the population gambled in the last four weeks and over half of them did so online. That's tens of millions, buying a lottery ticket, betting on sport, playing bingo and the rest".

What he wrote next was equally simple, sensible and straightforward, namely: "But for hundreds of thousands of people it's problem gambling. It is harm", adding "gambling is normal but harm must not be. It's people suffering from financial, mental and physical harm because of either their own gambling or that of their loved ones or friends. It's real, life-changing and can happen to anyone".

What is clearly needed, both in the present debate and in line with proportionate and effective regulation of the industry, is a proper sense of balance. In this respect, I believe Andrew Rhodes' above words to be a clear recognition of this, just as one of the UK Government's stated objectives for the current Review of the Gambling Act 2005 is to "ensure there is an appropriate balance between consumer freedoms and choice on the one hand and prevention of harm to vulnerable groups and wider communities on the other".

There's nothing new in that idea. Indeed, some readers may remember the speech entitled 'Gambling; Getting the balance right' given by the Commission's then Chairman, Philip Graf, in July 2016. Further back than that, in 2002, Tessa Jowell (then the Secretary of State for Culture, Media and Sport), said in her Introduction to "A Safe Bet for Success – Modernising Britain's gambling laws" (the Labour Government's response to the Gambling Review Report):

"We want gambling to be safe, not only for those who take part in it, but also in the way it impacts on wider society. Gambling must continue to be conducted fairly, remain free of criminal influence and infiltration, and operate within a regulatory framework that offers protection for children and vulnerable adults. We also, however, want to see a successful British gambling industry; one that is able to respond rapidly and effectively to technological and customer-led developments in both the domestic and global

marketplace, building on its existing reputation for quality and integrity, and in the process increasing its already important contribution to the UK economy. The balance between these two sets of objectives is a fine one, and in developing detailed legislative proposals we will continue to work closely with stakeholder interest to ensure we get that balance right”.

The need for a correct balance is a key issue that both Parliamentarians and industry need to bear firmly in mind not only in relation to that Review as we approach the Government White Paper on proposed reforms (now generally expected in the early part of next year) but also in relation to the ongoing investigation by the [Parliamentary All-Party Betting & Gaming Group](#) (APBGG) into the “competence and effectiveness of the regulator of British gambling, the Gambling Commission”. The deadline for submissions in response to that investigation has been extended from 31 October until 1 December. When announcing that extension, the Co-Chair of the APBGG talked of the shock caused by the scale and severity of evidence it had already received and “the abject terror that the industry has of recriminations by the regulator”.

It seems clear that, by 1 December, a very considerable amount of evidence will have been submitted in relation to each of the three categories in relation to which complaints are invited by the APBGG, i.e. whether the Commission has allegedly (a) acted beyond its powers, (b) acted in breach of the [Regulators’ Code](#) and/or (c) provided the industry with a poor level of service.

I accept that, based on the last few years’ experience, grounds may exist for complaints in relation to each of those categories. However, given the increasingly ugly tone of debate over recent months, is there not a real danger that one unintended consequence of what seems likely to be a very negative report in due course from the APBGG – on the back of last year’s heavy criticisms of the regulator by various Parliamentary bodies – might be the grant to the Commission (or even a replacement regulator) by the Government of even stronger and wider regulatory enforcement powers than it presently possesses? That is something the anti-gambling lobby would love to see.

The fact is that the Commission has not only a new CEO but also a new Chair, both of whom have been tasked with ‘transforming’ the regulator. Andrew Rhodes has admitted publicly (in a recent [Racing Post article](#)) that “there are things [the Commission] needs to do better and I think there always will be.” His public pronouncements to date give the impression he genuinely intends to deliver on that and, in the process, have a “constructive and collaborative relationship with the industry”. In conclusion on this point, all I am really saying is that I think the industry should give him (and the Commission) a proper chance to do so.

To put the above comments of the Commission's CEO into a fuller perspective, it must also be noted that he believes there are things the industry needs to do better. In that same Racing Post article, he made clear his belief that although "the industry has the resources, knowledge and ability to achieve a very high level of compliance and safety and a very low level of harms", there are still "far too many extreme cases that everybody in the industry agrees we should not see". Tellingly – given publication of the article just three days before the start of Safer Gambling Week – he added: "as one operator said to me today: 'We have to stop the own goals'."

It is therefore highly unfortunate that the success of Safer Gambling Week, in many ways justifiably [lauded by the BGC](#), may be remembered more by critics of the industry for the fact that the week was bookended by Sky Vegas's plainly inadvertent error in sending promotional emails to self-excluded customers and the discovery by the BBC of direct links to betting sites from the children's pages on the websites of seven leading football clubs. Apologies and expressions of regret were swiftly made by all concerned but both of these unfortunate episodes must surely be classified as 'own goals' of the type Andrew Rhodes was referring to.

Far more positive news was to be found in the Commission's 26 October 2021 [acknowledgement of a 'significant decrease'](#) in both the overall problem gambling rate (down to 0.3% from 0.6% a year previously) and the moderate risk rate (down to 0.7% from 1.2% a year previously). Too much celebration of this by the industry would be premature because time will tell whether this trend continues in the same direction in future. That said, even though (a) these close to 50% reduction rates are based on a relatively small sample size and do not constitute a direct comparable because they are based on a quarterly telephone survey, and (b) the Commission is actively advancing its [proposals to change the way it collects participation and prevalence statistics](#), it is worth noting that the June 2020 [ABSG Progress Report on the National Strategy to Reduce Gambling Harms](#) suggested a KPI of a 50% reduction by the year end of 2021 (using the 2016 Health Surveys as a baseline) in the number of problem and moderate risk gamblers. Back then, many may have thought that a very difficult target to achieve.

Similarly on the safer gambling good news front, in pursuit of its ambition to receive zero revenue from harmful gambling by 2023, [Kindred Group has published updated data](#), showing that the proportion of its revenue derived from harmful gambling during the Q3 2021 period has decreased to 3.3% from the 4.3% recorded during its Q2 2021 trading period. There are positives too arising out of the Gambling Commission's assessment as "[successful](#)" implementation of the ban on use of credit cards for gambling.

More controversially, the first evidence review of gambling-related harms in England published by [Public Health England](#) (PHE) on 30 September has attracted major criticism regarding its finding that harms

associated with gambling are estimated to cost society at least £1.27 billion a year. In light of those criticisms, it is inevitable that considerably conflicting arguments will be waged in coming months over the evidential weight that should be placed on PHE's findings as the debate on the forthcoming Gambling Act Review White Paper heats up even further.

Just as, if not more, controversial within that debate is the ongoing affordability saga. Many fingers are crossed that last month's publication by the Gambling Commission of its update on the [Single Customer View initiative](#) may hold the key to resolving this conundrum.

It remains to be seen whether recommendations within the briefing paper entitled '[State of Play: Crime & Problem Gambling](#)', recently published by the Commission on Crime and Problem Gambling, will be received well by the UK Government. It includes findings from new research with sentencers, which it says: "demonstrates that, although problem gambling is recognised as a mental health disorder, offending related to it is not being dealt with in an appropriate way".

Other safer gambling related highlights over the last couple of months that you might wish to catch up on include:

- Westminster City Council's intended [adoption of a new Gambling Policy](#) that "aims to protect people who may be vulnerable to gambling-related harm and gambling addiction" – something that may well be followed by other UK local authorities
- The [25% increase in GAMSTOP registrations](#) in the first six months of 2021
- [GambleAware's decision](#) to make available to the wider research community (through the Consumer Data Research Centre) its 2019 and 2020 data on reported demand for treatment and support for gambling harms
- The BGC's decision to replace the longstanding 'When the fun stops, Stop' responsible gambling campaign with the new '[Take time to think](#)' campaign
- The Gambling Commission's report on [gambling behaviours amongst BAME communities](#)
- [GamCare's Annual Report 2020-21](#)
- Gordon Moody Association's '[Half Year Data Insights](#)'

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