

## Proposed amendments to the social responsibility provisions in the licence conditions and codes of practice for all operators (the LCCP)

Consultation responses template: summer 2014

LCCP 14/20

- 1.1** This template is provided for responses to the Gambling Commission’s consultation on amendments to the social responsibility provisions in the licence conditions and codes of practice (the LCCP) for all operators. Please use this template if possible.
- 1.2** The templates leaves space for responses to all the questions asked in the LCCP consultation. However, we understand that respondents to the consultation may wish to answer only those questions which are relevant for their business, organisation or interests.
- 1.3** All responses should be sent by email to [consultation@gamblingcommission.gov.uk](mailto:consultation@gamblingcommission.gov.uk) by **Friday 31 October 2014**.

Alternatively, responses can be sent by post to:

Consultation  
Gambling Commission  
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Victoria Square  
Birmingham B2 4BP

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- 1.3** If you are responding on behalf of an organisation, please indicate which type of organisation:

Industry body		Regulatory body	
Government body		Charity	
Local authority		Help group	
Academic institution		Faith group	
Other (please specify)	CMF exists to equip and encourage Christian doctors and nurses to express their faith through their work		

- 1.4** If you are responding as an individual, please indicate your own interest:



## Chapter 3 of the consultation: access to gambling by children and young persons

### Visibility and supervision of customers on gambling premises

**Q1.** What are your views on the proposed changes to social responsibility code provisions 3.2.1, 3.2.3, 3.2.5 and 3.2.7 which make explicit the requirement that the layout of premises must support and facilitate the effectiveness of policies and procedures to prevent underage gambling? (page 19)

### Requirement to conduct independent test purchasing and submit test purchasing data to the Commission

**Q2.** What are your views on introducing a requirement via a social responsibility code provision for licensees to conduct underage test purchasing or to take part in a programme of test purchasing? (page 19)

**Q3.** Do you agree that small operators (category A and B) should be excluded from this requirement to conduct underage test purchasing? (page 19)

### Staff training and awareness

**Q4.** How can the Commission's existing social responsibility code provision (3.2.5) in relation to training staff in underage gambling responsibilities be improved and strengthened, using good practice in an ordinary code provision, to ensure that operators and staff maintain a constant vigilance and are better able to prevent underage gambling? (page 19)

### Think 25

**Q5.** What are your views on the potential effectiveness of a Think 25 policy for the prevention of underage gambling at premises (relative to the existing Think 21 ordinary code provision in the LCCP)? Should Think 25 replace Think 21 as a standard within ordinary code provision? (page 19)

## Specific measures for strengthening underage gambling controls

**Q6.** What are your views, in terms of costs, benefits and feasibility, for introducing each of the following measures at gambling premises? (page 20)

- a. permanent door supervision
- b. maglocks
- c. audio alerts or 'door chimes'
- d. CCTV
- e. additional staffing levels?

**Q7.** Are there any other measures that the Commission could introduce into the Guidance to Licensing Authorities (or which licensing authorities could use as conditions on premises licences) that might be effective in preventing underage gambling? (page 20)

## Acceptable forms of identification for age verification

**Q8.** Do you have any comment on the changes proposed for the ordinary code provisions relating to acceptable forms of identification (3.2.2, 3.2.4, 3.2.6 and 3.2.8) to include military identification cards and to make clear that other forms of identification may also be considered appropriate? (page 21)

## Chapter 4 of the consultation: Information to players on responsible gambling

### General social responsibility messaging

**Q9.** Do you have any comments on the proposal to update social responsibility code provision 3.3.1 to ensure information is displayed prominently using methods appropriate to the size and layout of the premises, eg screens, links and smart technology? (page 25)

**Q10.** Should operators be required to actively promote social responsibility information? And if so, how? (page 25)

Yes. Currently, operators are required to provide such information but it would be so much better if they were required to actively promote it. It should be possible to set up an easily accessible online tutorial interface, completion of which should be a pre-condition of participation in any of the gambling opportunities offered by that operator..

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### Play information and statements

**Q11.** What are your views on how play information could be provided to individuals? Please consider this in reference to (page 27):

- a. the merits of providing customers with information about their play
- b. the information that should be provided to players
- c. the form in which player information should be provided
- d. the accessibility and delivery of information
- e. the range of products it might be connected to

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### Product information: gaming machines

**Q12.** What simple, educational messages could be provided to players to allow them a better understanding of the gaming characteristics (RTP, volatility, odds of winning a jackpot) and how those characteristics may affect their experience of their own gaming sessions? (page 29)

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**Q13.** Do you have any comments on whether advertisements for gaming machine jackpots should be accompanied by a clear statement as to the odds of a player winning that maximum prize amount (and how this might be best communicated given that the odds of winning that prize might differ by the amount staked and amount of time spent gaming)? (page 29)

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## Chapter 5 of the consultation: Customer interaction

### Society lotteries

**Q14.** Do you agree with our proposals to change customer interaction requirements for non-remote society lotteries so that they focus on significant individual transactions? (page 34)

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**Q15.** Do you agree that these changes should apply to all society lottery products or should different arrangements apply to scratch cards? (page 34)

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## Proposed amendments to the social responsibility and ordinary code provisions

**Q16.** What are your views on the proposal for a specific provision to be added to social responsibility code provision 3.4.1 (customer interaction) about making use of all relevant sources of information to ensure effective decision-making and to guide and deliver effective customer interactions? (page 35)

We are in favour of offering all online customers access to software tools that will indicate to the customer when their patterns of gambling indicate that they are in danger of developing a problem. An example of such technology would be the Swedish Playscan programme.

**Q17.** What are your views on the proposal for a specific provision to be added to social responsibility code provision 3.4.1 (customer interaction) about interacting with customers demonstrating signs of agitation, distress, intimidation, aggression or other behaviours that may inhibit customer interaction? (page 35)

**Q18.** What are your views on the proposal for a new ordinary code provision inviting operators to

- a. work together to share experience and deliver good practice across the full range of social responsibility requirements
- b. keep a record of customer interactions, and where the intervention has been ruled out, the reasons for this
- c. keep a record of where an interaction has taken place at a later date? (page 35)

## Chapter 6 of the consultation: Gambling management tools

### Time and monetary limits – category B gaming machines

**Q19.** What are your views on the introduction of a social responsibility code provision which would require customers to set time and/or monetary limits before playing B2 machines in betting shops, including when used to play B3 content? (page 38)

**Q20.** What are your views on extending such a requirement to category B machines in other gambling environments (eg B1 or B2 machines in casinos or B3 machines in arcades or bingo halls)? (page 38)

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**Q21.** Do you consider that the Commission should amend its gaming machine technical standards to impose mandatory caps on time and/or monetary limits? If so, what should the cap be for a) time and b) money? (page 38)

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**Q22.** What should happen once a pre-commitment level has been reached? (page 38)

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### **'Time outs'**

**Q23.** What are your views on the introduction of a social responsibility code provision which would require remote operators to offer their customers a 'time out' facility? (page 39)

A minimum, 24 hour time out button should be clearly visible on all sites. We believe this would help customers to keep control of their gambling. However, this is clearly not the same as a period of self-exclusion which should be for a minimum period of 6 months.

**Q24.** What are your views on the suggested durations of the 'time out' periods to be offered? (page 40)

We suggest a variety of time out options including 24 hours, a week or a month.

### **Exclusion by product**

**Q25.** What are your views on the introduction of an ordinary code provision suggesting that remote operators should offer the facility to players to exclude themselves from particular product types? (page 41)

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### **Financial limits (RTS 12)**

**Q26.** Do you agree with the Commission's proposal to ensure that remote gambling customers who have reached their financial limit and wish to raise it are given a further reality check by being required to reconfirm at the end of the 24 hour cooling-off period that they still wish to increase their limit, rather than allowing the limit to be increased automatically at the end of the 24 hour cooling-off period? (proposal to amend RTS requirement 12B) (page 43)

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**Q27.** Do you agree with the Commission's proposal to amend RTS 12A implementation guidance to specify that customers should be able to choose a financial limit over a 24 hour, 7 day and one month period? (page 43)

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**Time requirements and reality checks (RTS 13)**

**Q28.** Do you agree with the Commission's proposal to extend RTS 13 to include the requirement that customers be offered the facility to set reality checks such as displaying time elapsed since the start of the gambling session? (page 44)

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**Q29.** Should the reality check also include information relating to their gambling activity such as balance, win or loss during the session? (page 44)

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**Q30.** Do you agree that new requirement (RTS 13B) relating to reality checks should only apply to casino and machine style games (including bingo but excluding peer to peer gaming)? (page 44)

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**Controls on auto-play functionality (RTS8)**

**Q31.** Do you agree with the Commission's proposal to amend its auto-play requirement to require at least the setting of a loss limit if the player is offered the auto-play option and to increase the number of auto-plays allowed? (page 46)

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**Q32.** Are you aware of any other potentially helpful gambling management tools that are not covered in this section? (page 46)

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## Chapter 7 of the consultation: Self-exclusion

### Multi-operator self-exclusion

**Q33.** What are your views on the Commission’s proposal to introduce a new social responsibility code provision requiring remote gambling operators to participate in a national online self-exclusion scheme? (page 51)

This is an excellent proposal and one that would be of enormous benefit to problem gamblers who currently have to contact individual online sites one at a time to request self-exclusion. In practice this is an impossible task. A national one-stop shop self-exclusion mechanism is overdue.

Such a code and mechanism must be robust. We favour the view that the Gambling Commission, or a body set up by and accountable to them, should hold and manage the self-exclusion list. Confidentiality issues are clearly important; for example, the list should not be accessible by insurance companies.

A legally enforceable mechanism that requires full participation by all online gambling providers, with appropriate sanctions, is needed.

**Q34.** Do you agree that all non-remote gambling operators should be encouraged to participate in the development of multi-operator self-exclusion scheme by the introduction of a new ordinary code provision? (page 51)

Yes

**Q35.** Do you have any comment on the Commission’s proposals to require all non-remote business to customer operators to offer customers the ability to self-exclude from operators, within their sector, in the customers local area by October 2015 and cross-sector by October 2016? (page 51)

Yes. This seems to be a reasonable time-frame. A cross-sector approach is essential as problem gamblers are known to gamble in more than venue and more than one form.

### The risk of proxies being used to break a self-exclusion agreement

**Q36.** Do you agree that the Commission should introduce as social responsibility code provision a requirement that operators’ have policies and procedures in place that effectively address the risk of proxies being used to breach a self-exclusion agreement and to clarify that a self-exclusion should cover exclusion both from gambling and from entering premises? (page 56)

Yes

## Photographs

**Q37.** Should the Commission clarify that a photo must accompany every self-exclusion agreement? (page 56)

Yes

## Staff training

**Q38.** What are your views on making staff training on self-exclusion more explicit in terms of providing information on self-exclusion to customers, and on the process of clearly administering and implementing the self-exclusion agreement? (page 56)

This is essential to the effectiveness of the whole process. Staff must have confidence in talking with customers and this only comes from being well-prepared, knowledgeable and highly motivated

## Risk assessment of those excluding from gambling

**Q39.** What are your views on the proposal that operators should develop risk based systems so that venue staff are informed about which self-excluded individuals are most at risk of attempting to breach in their venue? (page 56)

Operators should develop risk based systems and share best practice. In our opinion, the Gambling Commission should evaluate and if necessary test whether the systems that have been developed are robust.

## Signposting

**Q40.** Should there be an explicit requirement through a social responsibility code provision for operators to signpost to support services those who have chosen to exclude? (page 56)

Yes. Not all self-excluding customers will need additional support, but some will find it helpful to know where to find it.

## Minimum period of self-exclusion

**Q41.** Should the Commission make it a requirement that the minimum self-exclusion period is 6 months by promoting this existing best practice guide from ordinary to social responsibility

code provision? (page 56)

Yes. The option of a 12 month self-exclusion period should also be available.

### Self-exclusion agreements that last beyond 12 months

**Q42.** Should the existing ordinary code requirement to offer customers to extend their self-exclusion period to 5 years be reduced to 3 years? (page 57)

No. Both options, the 3 year and 5 year periods, should be available to customers.

**Q43.** To aid the identification of self-excluded individuals, should someone who wishes to self-exclude be informed when they enter a self-exclusion agreement that their exclusion will not receive the same priority after 12 months unless they actively renew it? (page 57)

No. If someone self-excludes for a 3 or 5 year period, then they should be confident that their self-exclusion will be respected and enforced with the same degree of vigour in the final 12 months as in the first 12 months.

**Q44.** Do you agree with our proposal to remove the words 'where practical' from the existing ordinary code provision about the facility to self-exclude without having to enter premises? (page 57)

Yes. Without a robust commitment to enforce the self-exclusion then the clause 'where practical' will effectively become an excuse for not intervening.

### Methods of excluding - remote

**Q45.** Should the Commission make it a requirement that remote gambling customers must be given the opportunity to self-exclude by means of an automated process as well as by contacting customer services by promoting this existing good practice guide from ordinary to social responsibility code provision? (page 59)

Yes. Having the option for human interaction is important, but because of the often anonymous nature of the internet and how people are used to interacting with it an automated process is paramount to ensure proper use of self-exclusion tools.

### Duration of self-exclusion

**Q46.** Do you agree that for remote and non-remote, the minimum self-exclusion period offered must be no less than 6 months and no more than 12 months? (page 59)

The minimum period offered should be 6 months but we recommend that options for 12 months, 3 years and 5 years should all be available.

### Chapter 8 of the consultation: Local risk assessments

**Q47.** What are your views on the concept of a local and premises-based assessment of risks to the licensing objectives? (page 62)

**Q48.** What are your views on the proposed new social responsibility code provision on assessing local risk? (page 62)

**Q49.** What are your views on the proposed new ordinary code provision on seeking advice from responsible authorities on assessing local risk? (page 63)

### Chapter 9 of the consultation: Annual Assurance Statement

**Q50.** What are your views on the Commission's proposal for the introduction of a licence condition to require the largest operators to provide an Annual Assurance Statement and for this to be signed off by the key position holder occupying the 'specific management office' for 'the overall management and direction of the licensee's business or affairs'? (page 66)

**Q51.** What are your views on the proposed content of the Annual Assurance Statement (as set out in paragraph 9.9)? Please comment on the potential requirement to report on the specific items set out below:

- a. the control systems and governance arrangements in place to enable operators to objectively and critically evaluate performance against each of the licensing objectives
- b. the difficulty operators have faced in meeting the aims/requirements of those objectives
- c. the operators specific plans for improving performance in those areas
- d. the operators overall plans for improvement over the following year (page 66)

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**Q52.** We have indicated that we intend to carry out a review of regulatory returns to ensure that the information gathered is right. What social responsibility information would it be helpful for the Commission to collect through regulatory returns? (page 66)

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**Q53.** What are your views on the proposal to include in the Annual Assurance Statement an estimate of the amount of revenue generated from problem or at risk gamblers, the factors that might be contributing to that amount, and the action taken to bear down on it? (page 66)

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## Chapter 10 of the consultation: Research, education and treatment

**Q54.** Do you agree that the revised wording of social responsibility code provision 3.1.1 (combating problem gambling) makes the requirement clearer? (page 69)

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**Q55.** Do you agree that the Commission should specify that each licensee must make at least an annual financial contribution? (page 69)

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**Q56.** Do you agree that all licensees should make a contribution that addresses all three elements of the RET requirement, or should harm prevention (research and/or education) plus treatment be specified? (page 69)

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## Chapter 11 of the consultation: Marketing, advertising and fair and open terms

### Fair and open terms

**Q57.** Do you consider that there are terms used by gambling operators which are inherently unfair? Please give examples of terms within gambling contracts which you consider to be unfair or unclear to customers? (page 74)

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**Q58.** To what extent do you consider that existing or upcoming consumer rights legislation already address possible concerns about unfair terms in gambling contracts? If you consider that there are still gaps in relation to gambling contracts, what action do you consider should be taken to address the possibility of unfair terms in gambling contracts? (page 74)

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**Q59.** How should gambling operators make consumers aware of changes to terms and conditions? Should only material changes be notified and if so, what do you consider to be material changes? (page 74)

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### **Rewards and bonuses**

**Q60.** In what way could the code provision which prohibits gambling operators from offering rewards which are connected with a 'pre-determined length of time or with a pre-determined frequency' be made clearer? (page 76)

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### **Free bets and bonuses**

**Q61.** Do you agree that the proposed amendments to ordinary code provision 5.1.6, which strengthen references to the CAP and BCAP advertising rules and, more specifically, the recent BCAP 'help note' (which contains a specific section on the marketing of free bets and bonus offers), will help reinforce and raise awareness of the rules and guidance? (page 79)

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**Q62.** Do you agree that the ordinary code provision should be further amended to better reflect ASA guidance/ rules on the use of under 25s for remote gambling? (page 79)

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**Q63.** Do you agree that the proposed new social responsibility code provision requiring remote operators to provide the significant terms and conditions for each bonus offer in the advertisement or, if not practical within 'one click' of the initial offer, will help address

concern relating to the marketing of misleading and/or unclear free bets and bonus offers? (page 80)

### Marketing in proximity to social responsible messaging

**Q64.** Do you consider that a code provision should be introduced to state that operators should consider the proximity of marketing and information about offers on their websites and premises to socially responsible gambling messages, and in particular that remote operators should ensure that the primary page of responsible gambling information should be free of marketing? (page 80)

Yes. We believe it is important that those who have self-excluded should not receive promotional material on any social media platform for the duration of their self-exclusion period. Online technology must not be used to target those who have self-excluded.

### Removal from marketing and account closure

**Q65.** Do you consider that a code provision should be introduced to state that operators should offer customers the ability to easily opt out of any and all marketing and/or to close accounts held with an operator? (page 81)

Yes. It should be easy to close an account and not be pursued by operators thereafter.

**Q66.** Should customers be able to exclude themselves from marketing by product? (page 81)

Yes.

**Q67.** Do you consider that a national marketing opt-out facility should be made available to all customers not only those who are also self-excluding from gambling? (page 81)

Yes.

### Chapter 12 of the consultation: Bingo and gaming machines in pubs and clubs

**Q68.** We invite views on the provision of commercial bingo, B3s and B4s in pubs and clubs and how you think concerns about commercial bingo in these premises should be addressed. (page 83)

## Chapter 13 of the consultation: Other items for consultation

### Age verification in remote lotteries

**Q69.** What are your views on the proposal to remove lottery licensees from social responsibility code provision 3.2.11 (access to gambling by children and young persons – remote SR code) and introduce a new social responsibility code for remote lotteries which amends the requirement around age verification for low frequency subscription lotteries? (page 86)

**Q70.** What are your views on the proposal for a new ordinary code provision to address concerns about suitable age verification processes being in place in those lotteries that might be particularly attractive to the under age? (page 86)

### Provision of credit in society lotteries

**Q71.** Do you consider the use of credit cards in society lotteries has the potential to result in debt or other problems for some participants in society lotteries? (page 87)

**Q72.** Do you agree that the new requirement for society lotteries to limit the value of tickets sold to one person without customer interaction will help to identify and prevent potential problem gambling? (page 87)

**Q73.** Is it practical for society lotteries to set limits on different types of lotteries and keep records of interactions with customers who attempt to purchase tickets in excess of those limits? (page 87)

### Provision of credit (general)

**Q74.** Do you agree with the proposed change to elevate the ordinary code provision 3.7.2 (about the provision of credit) to social responsibility code provision? Please explain your reasons. (page 88)



## Other consultation items

- Q75.** Please explain if you disagree with any of the following proposals as outlined in section 13 of the consultation document:
- a. Display of rules (social responsibility code provision 4.2.6): to update the reference to the British Horseracing Authority
  - b. Display of rules (social responsibility code provision 4.2.7): to add a footnote clarifying the information requirements applicable in point to points
  - c. Offering of alcoholic drinks to people whilst gambling (social responsibility code 5.1.3): to clarify that customers may not be offered unsolicited free alcoholic drinks during any gambling activities
  - d. References to premises and on course betting (found in many social responsibility codes): to be more specific in the use of language for on course betting operators where the licensees operate from premises which are not their own
  - e. Tic-tacs (licence condition 12.1.1): to remove the licence condition relating to tic-tacs which is no longer relevant
  - f. Pool betting – annual accounts (social responsibility code 13.1.3): to specify that annual accounts should be provided on request by the Commission rather than routinely.

(page 91)

## Other comments

Do you have any additional comments on any aspect of the LCCP consultation which has not been addressed in the questions?

As Christian doctors dealing with the health consequences of problem gambling we are concerned that gambling affects individuals and the whole of society. It has a differential impact on the poor and the rich. Its adverse effects therefore require mitigating measures.

There are currently around 250,000 'problem gamblers' in the UK. Problem gambling is defined by the American Psychiatric Association as 'persistent and recurrent maladaptive gambling behaviour that disrupts personal, family or vocational pursuits'. It is characterised by preoccupation with, and loss of control over, gambling and inability to desist despite harmful consequences. The strategies gamblers use to secure a continuing income stream can also be harmful, potentially leading to depression, crime, family breakdown, unemployment and even suicide. Young people who gamble are more likely to engage in other harmful and delinquent behaviours, such as consuming excessive alcohol, using illicit drugs or smoking.

Perhaps an equally pernicious effect of gambling is its differential impact on the poor and the rich, with associated health consequences. This is demonstrated by the expanding literature about the association between inequalities of income and lower life expectancy. On a more personal

level, problem gambling is an addiction and can have medical consequences in the same way as other addictive behaviours.

- 1.5** Please note that responses may be made public or published in a summary of responses of the consultation unless you state clearly that you wish your response or name to be treated confidentially. Confidential responses will be included in any statistical summary of numbers of comments received. If you are replying by email or via the website, unless you specifically include a request to the contrary in the main text of your submission, the Commission will assume your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system.
- 1.6** Any information or material sent to us and which we record may be subject to the Freedom of Information Act 2000 (FOIA). The Commission's policy on release of information is available on request or by reference to our website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). The Commission will treat information marked confidential accordingly and will only disclose that information to people outside the Commission where it is necessary to do so in order to carry out the Commission's functions or where the Commission is required by law to disclose the information. As a public authority the Commission must comply with the requirements of FOIA and must consider requests for information made under the Act on a case-by-case basis. Therefore when providing information, if you think that certain information may be exempt from disclosure under FOIA, please annotate the response accordingly so that we may take your comments into account.
- 1.7** All information provided to the Commission will be processed in accordance with the Data Protection Act 1998. However, it may be disclosed to government departments or agencies, local authorities and other bodies when it is necessary to do so in order to carry out the functions of the Commission and where the Commission is legally required to do so.