

Submitted to Autumn 2023 consultation on proposed changes to Licence Conditions and Codes of Practice (LCCP) and Remote Gambling and Software Technical Standards (RTS)
Submitted on 2024-02-16 17:27:31

Responding to this consultation

Introductory questions

1 What is your name?

Name:

██████████

2 What is your email address?

Email:

██████████@glenetwork.org

3 What is the name of your organisation?

Organisation name (if relevant):

Gambling Lived Experience Network (GLEN)

4 As part of this consultation, we may decide to publish your name (if you are responding in a personal capacity) or the name of your organisation (if you are responding on your organisation's behalf) on our website to indicate you responded to this consultation. Do you provide your consent to these details being published?

I CONSENT to the publication of my name or organisation to indicate I responded to this consultation.

5 Tell us a little bit about you to help us understand your perspective. Are you:

A person representing a charity/non-profit

Executive summary

Our approach to evidence and stakeholder engagement

Evaluating the impact of relevant proposals

Next steps

Consultations contents page

10 Please select a consultation below. If you have answered all of the ones you wish, please select the 'finished' option.

Customer-led tools

Socially Responsible Incentives

Incentives - Summary of proposals

General background on marketing and advertising

Incentives Issue 1- Wagering requirements

Incentives - Proposed revisions and questions

11 If one of these proposals were to be adopted, which do you prefer?

Option B – cap wagering requirements

12 To what extent do you agree with the proposed option A to ban wagering requirements?

Agree

Please give reasons, including any evidence, for your answer:

The feedback from our members was that while neither option (A or B) would have been the majority preference (which would have been to ban all incentives) there was marginally greater potential for safeguarding coming from capping wagering requirements (Option B) over banning them altogether (Option A).

The experience of our members was that incentives to sign up to gambling accounts with new brands/operators tended to lead to a proliferation of concurrent accounts being held by customers. It should be highlighted that while the focus of this consultation is on the wagering requirements linked to incentive offers the most significant consequence of choosing to redeem or accept any form of "new customer" remote gambling incentives is that to do so creates a pre-requirement to create and sign up to a permanent account with the operator or brand involved.

Evidence has shown a correlation between higher numbers of concurrent gambling accounts and harmful or at risk gambling behaviours, and while customers can normally choose to close accounts after signing up and having availed themselves of onboarding incentives the evidence from our members is that many do not. Instead, they are left with multiple "dormant" accounts which can then become reactivated should signs of harmful gambling behaviours in other accounts lead to operators of those accounts engaging with those customers as part of their responsible gambling interactions.

Our members commonly report that when in the past they had been experiencing episodes of harmful gambling behaviours that any contact from their preferred operator querying their intensity or level of spend was often seen as an ill-received "they're on to me" reaction where fear about having their access or ability to continue gambling at harmful levels restricted, or at risk of being restricted, became a driver for them choosing to move to using a different operator or account. Having multiple pre-registered accounts already available for immediate access due to having signed up to access incentives lessened the barriers to simply switching accounts and thus lessened the effectiveness of well intended operator led interventions.

In the absence of an a working Single Customer View (SCV) mechanism, allowing customer activity across all gambling operators/accounts to be monitored and reacted to on a sector level, it is the view of GLEN that onboarding incentives which have no wagering requirements attached may lead to an increased take up of multiple remote gambling accounts, leading to an increased potential for undesirable consequences outlined above should gambling behaviours on one "preferred" account lead to initiation of safer-gambling linked interventions. As such is is marginally preferred that limited wagering requirements should remain rather than that no wagering requirements can apply.

It is worth noting that were a Single Customer View introduced to enable effective sector wide monitoring and application of safer-gambling interventions across all customer gambling activity then GLEN's preference would switch from Option B to Option A, and our extent (as per Q12) would then become Strongly Agree, but in the absence of such a mechanism the preference is for Option B.

13 To what extent do you agree with the proposed option B to cap wagering requirements?

Strongly agree

Please give your reasons, including any evidence, for your answer:

As stated in our response to Question 12 it is the view of GLEN's membership that in the absence of a workable sector wide Single Customer View the retention of a form of limited wagering requirement to be linked to onboarding incentives is seen as having some value in reducing the creation of multiple concurrent user accounts, and thus in increasing visibility of harmful gambling behaviours at operator level and thus the potential effectiveness of operator-led intervention.

14 If wagering requirements were to be capped, which threshold do you prefer?

Up to a maximum of 1 time

Please give your reasons, including any evidence, for your answer:

We have serious concerns over any incentive which encourages or requires intense and repetitive engagement in gambling activity simply to satisfy the wagering requirements of being able to benefit from that incentive.

Addiction results from abnormal associations being formed in an individual's brain between an activity and the chemical rewards associated with it. Similar associations and a subconscious propensity towards engaging in "behavioural norms" (or habits) also tend to form due to learned activity through repetitive engagement in that behaviour. It therefore seems logical to extrapolate that the more times a customer is "required" to repeat a particular behaviour the greater the risk becomes of an unhealthy association forming, with an additional potential of addictive ideation in relation to that behaviour also occurring.

Where a wagering requirement is associated with an incentive this effectively becomes a requirement for the customer to use the underlying gambling product for a minimum number of times, regardless of whether there is any financial or material benefit to the customer at the end of this process. In effect a wagering requirement involving multiple product use creates a potential "learning" association in the customer's brain.

In simple terms, if you are asked to carry out an activity for the first ever time it is highly likely that you will feel slightly uncomfortable about your ability to do so effectively. However, if you are asked to repeat that same activity ten times it is both likely that your reticence about being able to do it "well" will decrease and your actual dexterity and adeptness at doing it will increase. This does not mean that you will be any more successful at obtaining financial gain - where the product involves chance rather than skill - but it does reduce the perception of risk associated in the individual's brain in relation to that product/behaviour by creating familiarity born out of repetitive use while in an artificial ("free bet") situation, thus creating a danger that this lowered perception of risk remains even after the "free" element has been exhausted. This is why GLEN sees high frequency wagering requirements linked to onboarding offers as having the potential to pose particular harms to customers who have not previously used the product type involved, or who have

not been actively engaged in gambling before.

To some extent this is not just limited to repeat wagering requirements but to any incentive which offers or requires high frequency of product use. For instance, while an offer of 50 or 100 "free spins" as an incentive for onboarding may sound "generous" it should also be seen as a calculated attempt by the operator making that offer to create learned or habitual behaviour.

Our members also have additional concerns over the nature of certain wagering requirements - such as a requirement for each iteration to occur above a minimum threshold of odds - thus predicating any ultimate financial return with unrealistically low chance of success.

There are also issues with wagering conditions which require the customer to return to gamble on successive days or at an unhealthy level of intensity in order to meet time constraints. No introductory offer or ongoing incentive should dictate the frequency of gambling participation, nor should they require a customer to have to return on subsequent occasions simply to fulfil artificial criteria which do not realistically reflect the consumer's right to choose when and how often to buy or use a product outside of the promotion.

However, as noted in our response to Questions 12 and 13 above we do feel that customers should be dissuaded from associating onboarding promotions with "free money" if that then leads to a proliferation in concurrent gambling accounts across a large number of brands and businesses. As such we do feel that a re-wagering requirement of a maximum 1 time is preferable to no wagering requirement.

15 Do you have any further comments on these proposals?

Please give us your views below:

As stated, our member's feedback on the options made available for choosing in this consultation and in these proposals is that these are far from optimal choices as we would very much prefer them to be being asked within a wider context where a sector wide Single Customer View is in operation. This would enable behaviours across more than one gambling account to be viewed at customer rather than account level.

Where incentives are linked to onboarding requirements (e.g. "new customers only") then we feel that there should be consideration given to requiring operators to suspend or close accounts opened and then left dormant for a minimum length of time afterwards without further gambling activity out with the promotions having occurred.

It is unclear as to the full scope of incentives being required here but it has been a common feature in the gambling histories of many of our members that they have often received offers of incentives (free bets, account credit) after voluntarily desisting from gambling for quite short periods of time (as short as 24 hours in some cases). It has also been commonly reported that operators have set target deposit or spend limits linked to account credits or free bets - such as offers to provide £200 in free bets each week if the customer deposits and gambles a matching £200 in the preceding week.

While these incentives may not fall within a strict definition of wagering requirements in terms of the number of iterations involved they do set user participation and spend levels which are obviously designed to encourage frequent and prolonged gambling behaviours. Here at GLEN we do not feel that any incentives which offer "rewards" for meeting targets for gambling activity can be seen as being "socially responsible".

16 Do you have any comments about implementation issues, timelines and practicalities?

Please give us your views below:

17 Please provide an estimate, including any evidence, of the direct costs associated with implementing these proposals, identifying to which proposals the estimated costs relate.

Please give us your views below:

Incentives Issue 2 - Mixing of gambling products within incentives

Incentives - Proposed revisions and questions

18 To what extent do you agree with the proposal to ban the mixing of more than one type of gambling product within an incentive?

Strongly agree

Please give your reasons, including any evidence, for your answer:

As has already been mentioned in your own background outlining of this section there are other proposals under review to prevent consumer targeted marketing which includes combined multichannel and multi-product content. GLEN supports the adoption of those proposals and as such also supports the adoption of preventing multi-channel and multi-product incentives. It would seem very incongruous should one proposal be adopted but not the other.

Our membership has given personal examples of how having a combined offer for, say, casino "spins" and sports betting "free bets" has been unhelpful to their management of their own gambling behaviours.

The prevailing view has been that individuals in control of their gambling habits tend to have a preference for a single product type - which would tend to be supported by the evidence you have yourselves referenced with regards to harmful gambling rates amongst customers using single product types being generally less than amongst those using multiple product types.

While most of our members reported generally being able to simply ignore offers tempting them into other unfamiliar product areas, thus making these combined offers annoying rather than harmful, they did report that during periods in which they were gambling more harmfully the "need" to keep gambling even after they had exhausted available funds did then tempt them into accessing non-preferred product types simply to access the "free" bets/spins therein. Thus their use of multi-product incentives was generally seen as being associated with harmful gambling and potentially addictive ideation rather than out of genuine curiosity about other forms of gambling. It also meant that their mindset when accessing these other product types was liable to be affected by their struggle to control gambling urges meaning that they were in a more vulnerable state to make informed decisions at those times.

One possible action not included in these proposals would therefore be that where multiple-product incentives, or indeed any incentive, are offered that those incentives should not be available to access if the customer does not have a positive account balance or if their gambling activity directly prior to attempting to access incentives had resulted in their account balance becoming zero, unless this was as a result of the customer having withdrawn their remaining account balance.

19 Do you have any comments about implementation issues, timelines and practicalities?

Please give us your views below:

20 Please provide an estimate, including any evidence, of the direct costs associated with implementing this proposal

Please give us your views below:

Incentives Issue 3 – Revisions to LCCP SR Code 5.1.1 Rewards and Bonuses

Incentives - Proposed revisions and questions

21 To what extent do you agree with the new structure and proposed wording of LCCP 5.1.1, excluding views on proposed requirements on wagering requirements and mixing of products which are dealt with above?

Agree

Please give your reasons, including any evidence, for your answer:

While we agree with the reasons for changing the wording we are not convinced that the proposed changes act to sufficiently clarify or dispel existing uncertainty over what is acceptable as an incentive offer.

In particular, 2.b) Ensure the design and structure of the incentive does not lead to excessive intensity of gambling which may risk customers experiencing harms associated with gambling.

This remains open to considerable scope or interpretation as to what is meant by "excessive intensity".

We would probably have preferred it if some base guideline (based on research such as Patterns of Play) had been offered to illustrate what "excessive intensity" might look like.

22 Do you have any comments on the new wording of 2 (b) which replaces SR Code 5.1.1 1(b)(i) which states 'neither the value nor amount of the benefit is dependent on the customer gambling for a pre-determined length of time or with a pre-determined frequency'.

Please give us your views below:

We feel it may have been more prudent and more understandable if the original wording had been retained but a qualifier added such that no incentive should require the customer to complete the required qualifying actions within a period of less than 7 days, or be dependent on the customer gambling at a frequency of more than X plays within that period.

[Where X is based on average frequency of weekly play amongst non-"at risk" or "harmful" play behaviours derived from research on patterns of play.]

Incentives - Attaching additional information

23 Attaching additional information

Attach additional documents- socially responsible incentives:

No file uploaded

Incentives - Equalities considerations

24 Do you have any evidence or information which might assist the Commission in considering any equalities impacts, within the meaning of section 149 of the Equality Act 2010, in the context of any proposal considered in this section of the consultation?

Please give your answer below:

Incentives - Consultation section completed

25 You have now reached the end of this section of the consultation. Please select either to return to the consultation home page to respond to a different topic or if you have finished select 'finished'.

[Consultations home page](#)

Empowering consumers- customer-led tools

Customer-led tools - Summary of proposals

Customer-led tools - Background

Customer-led tools Issue 1 – account-level customer-led limits

Issue 1a - Offering limits at registration or first deposit and any point onwards

26 To what extent do you agree with the proposal that offering facilities to set limits should be a requirement rather than implementation guidance?

Strongly agree

Please give us your views below:

The setting of limits should be viewed as a necessary "seat-belt" safeguard designed to protect the customer from drifting into harmful gambling behaviours or into unknowingly exceeding deposit and spend limits which are above those they felt matched their own "risk profile" at the point of first registering to engage in online gambling activities.

Just as all UK drivers (and front seat passengers) are required to wear seat-belts in auto-vehicles to ensure better safeguarding and protection for them regardless of any intent to drive recklessly so must the same concept apply to those seeking to gamble online.

Nobody expects to be involved in a crash when they set out on a car journey, yet many do become involved in crashes. Nor does anybody expect to lose control of their gambling when they first start, yet statistics including those published by the Gambling Commission show that every year many thousands of individuals are harmed by their gambling behaviours.

At a very minimum, requiring all customers to set deposit and/or loss limits is both sensible and in keeping with the stated aims of preventing gambling becoming a source of harm for vulnerable individuals. If someone can be harmed through gambling then by definition they must surely be a vulnerable person in this context. Identifying who is vulnerable to harm currently is a post-respective matter in that harm has to have been experienced before the person harmed can be identified as having been vulnerable. Any easy to implement solution which can help intercede in advance of harm occurring has to be worthy of consideration. Mandatory use of deposit/loss limits provides such a solution as it helps safeguard against an individual becoming vulnerable to harm.

Requiring customers to set their own acceptable levels of risk gives them greater control and helps reduce a dependency on operators to try and determine what should be deemed "safe" for customers whose personal circumstances and risk tolerance may otherwise be hard to determine.

Being informed as a customer that you have hit your own pre-agreed limit of spend or loss for a given period is a far more useful tool for encouraging a customer to review their own risk thresholds and behaviours than any safer gambling messaging being directed at them by external parties.

GLEN's members have given much evidence based on their own personal experiences of gambling and also gambling harm that most operator led interventions occur too late in the customer's journey along the addiction and harmful gambling spectrum for them to result in any meaningful behaviour change. There is a limited window of opportunity in which to engage with customers who are at risk of falling into harmful behaviours, which generally means at the point where leisure gambling starts to become "engaged" gambling but has not yet developed into "addictively engaged" gambling.

This presents a major challenge for all operators and safer gambling proponents as the levels and nature of gambling behaviour which correspond to increasing exposure to risk are often variable to each individual and can be very hard to define on a collective basis. Requiring customers to set their own thresholds for risk and loss in advance of ever engaging in the "excitement" of gambling is the best possible route to ensuring that all customers are given "timely" and "needed" reminders, coming from a trusted source - i.e. themselves - of any possible drift away from safe and fully leisure based gambling into something more harmful.

Of all the proposals in the current White Paper we here at GLEN see this one as potentially having the greatest preventative impact in reducing incidences of harmful gambling.

It is estimated by road safety organisations that in the period since the introduction of mandatory seatbelt laws in the UK a minimum of 50,000 lives have been saved through the wearing of seatbelts. This current proposal can be the equivalent "life-saver" for potentially similar numbers of individuals in the coming years if adopted.

Another finding from our own members has been that deposit limits can and are a useful tool for self-monitoring their ability to control gambling behaviours. Managing addiction is not a one-path solution and many individuals find it either hard or self-disparaging to rely on an abstinence approach.

Many feel that when in stable recovery they have the tools to better control gambling and ought to be able to participate in safely managed gambling activities, yet many have also stated that this belief has often been found to be false once put in to practice. However, because these members did set deposit limits before resuming gambling the act of hitting pre-arranged limits did act to either moderate their subsequent gambling behaviours or to make them re-evaluate their non-abstinence approach.

Issue 1b - Enabling consumers to determine their own limits

27 To what extent do you agree with the proposal that for access media (such as interactive TV) limits must only be offered to consumers using free text?

Strongly agree

Please give us your views below:

The primary benefit of setting limits lies in an individual customer's ability to set their own risk threshold and not any influenced by other parties.

Drop down lists create artificial comparisons which may adversely, even subconsciously, influence those same individual's decision making by seemingly giving "benchmarks" of what may be considered acceptable for others, and not for them. Even displaying a list of possible value options creates an element of cognitive bias which detracts from an individual's freedom to make fully self-informed choices.

Being asked to enter a free text value also encourages greater consideration as to what genuinely is appropriate for their personal circumstances and risk tolerance. Whereas a single click action may encourage less thoughtful and balanced consideration, especially where typing free hand may be seen as a "barrier" to being able to access the excitement of the product. Being in a rush to start gambling is not a healthy start to using a gambling account, so options designed to promote expediency over consideration should be avoided.

At a lower level of tolerance/affordability there can be significant difference between two pre-set values. If someone is comfortable with setting a limit of, say, £70 per month but must choose between drop down values of £50 and £100 then there may be significant risk in them choosing the higher value (which equates to being effectively 42% above what they are ideally wanting) and a feeling of disgruntlement (or a FOMO effect) if they instead feel obligated to opt for the lesser value.

Whatever the value set by the customer the primary consideration should be that it truly reflects the individual's own risk tolerance, and not someone else's approximation of that tolerance.

As a side note we find it slightly questionable that the wording for this question talks about "access media", a less than intuitive technical term for many members of the public, and then gives as an example "Interactive TV". We feel that it would have been more understandable (and therefore more accessible) had the question also made mention of internet and mobile device access as these are the most commonly used and associated forms of "access media" when involving access to remote gambling. We feel there is a danger that some respondents may not associate the terms used with their own access behaviours and therefore may skip this question as being non-applicable to them.

28 To what extent do you agree with the proposal that implementation guidance states that operators could provide links to tools or resources to support limit-setting as part of the process?

Agree

Please give us your views below:

While our members agree that there should be more education on how limit tools can be applied and to the advantages which they bring in enabling customers to set and maintain their own risk tolerances there is skepticism as to the likelihood of individuals accessing such information at that stage of the onboarding process. Rather like most people signing up to an online service simply click the "I have read and agree with the Terms and Conditions" checkbox without actually reading those T&Cs so it is seen as being unlikely that many individuals would interrupt the sign up process to read resources on using and setting tools.

There is also skepticism about the purpose and balance of the resources provided if they are under the control of the operator.

As such while there may be some individuals who would access and benefit from such resources, hence the Agree choice, it is widely felt amongst GLEN's membership that this should form part of wider educational material aimed at anyone considering gambling, and in particular delivered as part of school and young person focused education curriculums.

However, were operators to include links to resources explaining limit setting and other budgeting tools we would prefer that these were through a common information portal/resource developed and hosted by a non-gambling license organisation with experience in this field - possible suggestions being the governments own Money Advice Service, or established charities and consumer advice platforms (e.g. Stepchange, MSE, etc)

Issue 1c - Improving consistency and understanding of the type of limits offered- i. Limits at the account level

29 To what extent do you agree with the proposal that limits must be applied at the account level?

Strongly agree

Please give us your views below:

In the absence of a Single Customer View allowing limits to apply across all accounts on an individual customer basis then making them applicable at account level is our preferred option.

It should be pointed out that despite Terms and Conditions set by many operators which state that customers are not allowed to hold multiple concurrent accounts with that brand it has been the experience of our members that many operators do not do enough to regulate or enforce this. Many members, especially those with higher gambling engagement - including VIP membership, have reported that operators were aware of their holding multiple accounts within the same brand yet took no action to close on or all of these accounts. This creates a potential loophole whereby operators could treat each separate account as having its own limits independent of other accounts linked to that customer.

As such we feel that "account level" should be taken as meaning "across all accounts held by a single customer within each overarching gambling license."

We do understand that an operator may genuinely fail to spot that a customer holds multiple accounts but we feel this falls under the remit of customer verification and KYC requirements and as such should not be used as an excuse to allow customers to have multiple concurrent account limits independent of each other.

30 To what extent do you agree with the proposal that gambling licensees can also continue to offer financial limits at the product or channel level in addition to account level limits?

Agree

Please give us your views below:

We have no objection to offering greater choice of self-management to customers, but such use must still comply to real-time implementations which exists at account level and also to the "minimum limit applies" where multiple timeframes are in play.

31 To what extent do you agree with the proposal that gambling licensees should clearly communicate to customers how product/channel limits work?

Strongly agree

Please give us your views below:

32 To what extent do you agree with the proposal that the gambling licensees should determine whether customers holding multiple accounts wish to apply limits across all accounts held?

Strongly agree

Please give us your views below:

As mentioned earlier it is the experience of many of our members that despite such being against the Terms and Conditions commonly associated with account usage, operators often knowingly overlook the existence of multiple concurrent accounts held by individual customers.

This seems to represent a potential issue in achieving the above proposal. We strongly agree that limits should be applied at the highest level possible - which in the absence on an SCV would appear to be license level - and therefore that if the proposals are that they should be applied at account level that operators should do everything in their powers to ensure that multiple concurrent accounts are brought within a single collective deposit/loss level limit.

We would also like it explicitly stated in LCCPs that this requirement is not obviated in any way through potential non-compliance with T&C's by customers. If an operator becomes aware of multiple accounts being held in breach of their own stated T&Cs then their liability of compliance to the above proposal should still apply. It should not be within the operator's powers to choose to ignore this proposal simply because they are aware of a situation (multiple accounts) which their own T&C's ought to prevent happening.

33 To what extent do you agree with the proposal that gambling licensees should inform customers about how limits set across simultaneous timeframes work, when a customer chooses to set multiple limits?

Strongly agree

Please give us your views below:

While the ability to set limits at different but co-existing timeframe levels, (such as daily, weekly, and monthly) is seen by our members as increasing the ability of customers to set their own risk tolerances and as such is viewed as being a positive thing it is also the case that this does create areas of uncertainty in terms of practical application which do need better clarity.

The existence of such multiple timeframes has been highlighted by our members as creating a potential loophole which we feel needs to be addressed.

Many operators allow limit changes to apply instantly if the practical effect is a lowering of limits, but that changes which raise limits have to wait a minimum of 24 hours before coming into effect. However, we have had it reported to us that there is a "get-around loophole" issue in that some operators also reset the "existing usage" at the same time they change limits. In effect they reset the clock on any deposits or losses which had been counting towards the pre-existing limits at the point of changing those limits. This means that the accrual period for any deposits/losses counting towards the newly adjusted limits is reset to zero at the time of change.

This can lead to the scenario where a customer has previously set a daily deposit limit of, say, £100, and a weekly deposit limit of £500. If the customer deposits £90 that day they are in theory limited to depositing only £10 more. But if they request the daily limit is reduced to £90 then as this is theoretically a lowering of limits the operator may implement this change immediately but also reset the amount already deposited to zero - creating a daily (24hr) limit of £90 but with £0 counting towards this - thus effectively allowing the customer to deposit up to £180 in that single day - the £90 deposited while the £100 limit applied, and an additional £90 deposited after the limits were lowered and the clock reset.

Issue 1c - Improving consistency and understanding of the type of limits offered- ii. Offering deposit limits to all customers

34 To what extent do you agree with the proposal that the gambling system must offer deposit limits as a minimum?

Strongly agree

Please give us your views below:

Feedback from our members is that monitoring levels of loss is generally of more importance to them than monitoring deposit levels, but that there is agreement in that it is far simpler to understand and implement deposit limits as a default than it would be loss or spend limits where the role of unsettled bets would add an unwelcome layer of complexity.

35 To what extent do you agree with the proposal that the gambling licensees should continue to have the option to offer spend and/or loss limits, in order to maximise consumer choice?

Agree

Please give us your views below:

As mentioned in our response to question 34 it is a general consensus amongst our members that while deposit limits are easier to set and understand that it is net-loss and spend limits which would have been more relevant to them in determining their current "position" with regards to gambling - i.e. whether they are "up" or "down". In this respect having only deposit limits available as tools would create a rather one-dimensional approach to budgeting, especially as the impact of withdrawals alongside deposits do not form part of these current proposals.

This suggests that having tools available to set limits for these attributes may create a more layered approach to gambling self-management. However, on balance we feel that this creates an overly complex situation and we are conscious that anything which encourages focus on the mechanics and nuances around gambling can act to entrench harmful affixation with gambling behaviours.

We find ourselves conflicted between opposing dynamics. In terms of what our members report as being important to them we might have opted for Strongly Agree, but when considering the downside of overly complicating the process and mechanics of [and thus the focus upon] gambling through mixing limit types we would have been drawn more towards Neither agree nor disagree.

Our final response, Agree, may therefore be seen as a less than ideal fudge.

36 To what extent do you agree with the proposed definition of spend limits as a tool "where the amount a customer spends on gambling (or specific gambling products) is restricted for the period/duration of the limit applied", for the purpose of RTS 12 – Financial limits?

Agree

Please give us your views below:

There may need to be greater clarity over the treatment of unsettled bets.

37 To what extent do you agree with the proposed definition of loss limits as a tool "where the amount lost is restricted, i.e. winnings subtracted from the amount spent for the period/duration of the limit applied", for the purpose of RTS 12 – Financial limits?

Neither agree nor disagree

Please give us your views below:

There is an obvious issue here with the role that unsettled bets plays within this definition which may need additional clarification.

A bet which was placed prior to the current period/duration limit but becomes settled within it may result in winnings becoming relevant to the current timeframe but with no associated relevant "spending".

If a customer has set a loss limit for a period should winnings resulting from a bet placed before that period be included in the real-time calculation of what constitutes a loss within that period.

Example - a customer has set a £100 loss limit for a period and then wins £200 as a result of a bet (spend) placed before the start of this period. Does the customer still have a £100 limit on what they can now lose in that period, or is it now a £300 limit?

While it may seem intuitive from the above definition that an effective spend of £300 is therefore available is this in keeping with the customer's understanding of what a £100 loss limit should mean?

Issue 1d - Increasing visibility and reducing friction in accessing customer-led tools

38 To what extent do you agree with the proposal that financial limit facilities must be provided via link on the homepage and clearly visible and accessible?

Agree

Please give us your views below:

We agree that the link should be clearly visible and accessible at all times while on a gambling site, however we feel that by requiring operators to direct customers to limit setting tools at the onboarding process, or at first sign-on subsequent to new requirements being implemented, that friction does not then constitute a barrier to uptake.

We strongly believe that customer should be required to set a limit before engaging in any activity (or further activity) on that site. If this is adopted as a requirement, rather than opt-in, then this negates friction as a barrier, it simply becomes something which must happen.

39 To what extent do you agree with the proposal that financial limit facilities must be provided on or via link on deposit pages/screens and clearly visible and accessible?

Strongly agree

Please give us your views below:

Once again, we agree that financial limit setting should be clearly visible and accessible at all times while on a gambling site, and that this has particular relevance when it comes to deposit screens, however we restate that by requiring operators to direct customers to limit setting tools at the onboarding process, or at first sign-on subsequent to new requirements being implemented, that the significance of this becomes lessened as customers will already have been required to set and activate tools before making any subsequent deposits.

We strongly believe that customer should be required to set a limit before engaging in any activity (or further activity) on that site. If this is adopted as a requirement, rather than opt-in, then this negates friction as a barrier, it simply becomes something which must happen.

40 To what extent do you agree with the proposal that links to limit setting facilities from communications should link directly to the facilities unless security settings require an intermediate log in?

Neither agree nor disagree

Please give us your views below:

We find this question to be somewhat superfluous. Any access to personal details such as financial limits has to be securely controlled and authenticated and therefore we cannot envisage any scenario under which security settings requiring a log in would not apply.

As such we also find the reference to "intermediate log in" somewhat confusing and alarming.

Our view would be that limit setting is an activity which should only occur within a securely authenticated log in session.

If, as is our strong preference, use of financial tools (and by default deposit limits) is a requirement (not opt-in, nor opt-out) then any attempt to log on to an account where a tool has not been activated should result in the sign-in process completing and then directing customers to the financial tools page.

While we have no problems with communications being sent out which publicise or give additional advice on the use of financial tools we do not think that these should contain links which may be subverted (such as through cross-site scripting and other security weaknesses).

Issue 1e – Reviewing limits and feedback on gambling activity - i. Customer requests to reduce limits should be actioned immediately

41 To what extent do you agree with amended wording in relation to controls around actioning customers' requests to increase limits?

Strongly agree

Please give us your views below:

We have no objection to the wording, and as such strongly agree, but as raised in our response to an earlier question there is a serious potential issue with the resetting of accrued balance when a limit is altered.

We feel that it should be included in RTS that the altering of a limit should not result in any accrued spend/deposit/loss being set to zero.

42 To what extent do you agree with the proposal that customer-led reductions in limits must be implemented immediately?

Strongly agree

Please give us your views below:

As above, while we strongly agree with the principle that limit reductions should be applied with immediate effect we wish that further guidance is issued to prevent the altering of limits (including downwards) to also initiate a reset (clearing) of accrued balances.

Immediate implementation of lowered limits should not become a workaround to allow increased spend/deposit/loss within that relevant period.

43 To what extent do you agree with the revised wording of the implementation guidance, specifically to inform customers when the limit reduction will take effect, if not automated or due to technical issues?

Strongly agree

Please give us your views below:

We do agree, but it concerns us that if technical issues prevent financial limits being changed in real-time that this may indicate a deeper problem which may affect the safety of the site and the adherence to current set limits.

It may be more prudent to require operators to suspend all activities on the account/site until these technical issues are resolved.

In a commercial setting a vehicle which had a faulty seat-belt would be considered unsafe for use, and by extrapolation the same would appear to apply to a gambling website where use of safeguards is potentially compromised.

Issue 1e – Reviewing limits and feedback on gambling activity- ii. Reminders when approaching limits

44 To what extent do you agree with the proposed implementation guidance that gambling licensees should alert customers when they are approaching their limits?

Agree

Please give us your views below:

This has been a contentious issue for our members.

In general we agree that alerts regarding approaching limits can be useful as a prompt to reassess spend and gambling behaviours.

Such alerts can have the same beneficial effect for individuals at risk of subconsciously drifting into harm as the impact of actually reaching those limits in that they draw awareness to potential exposure to risk levels which the customer had not felt comfortable with, or had not expected to find themselves being exposed to in advance.

In this context, as a tool to make customers aware of changing behaviours and increasing exposure to previously untenable risk then alerts would be a useful tool.

However, as has also been discussed, some of our members have reported using limits as a tool to help them manage their gambling in the knowledge that they have previously struggled to do so. The danger in having alerts sent out in advance of hitting limits is that this may simply prompt some customers to raise their limits in advance of reaching them, thus negating the role of the 24 hour grace period in enforcing a break from gambling should they hit a limit.

Many people who do engage in disordered and harmful gambling find that they become caught up in unhealthy gambling engagement and can lose the ability to safely self-manage impulse control. It is a recurring theme amongst the experiences of many of our members that they felt they needed to hit a limit in order to force them to stop, and thus break the fixation with gambling. For many this limit was simply running out of money, a seemingly "undesirable" outcome but one which they report as having been greatly appreciated at the time as it gave them an enforced break from gambling which allowed them to reassess and even reach out for support free from the addictive hold which gambling otherwise exerted over them. Without having this enforced breathing space many felt that they would not have been able to reach out for support.

For this reason we do see some value in individuals actually hitting limits without having sufficient forewarning to simply raise those limits if in the midst of a disordered gambling spree.

For this reason we feel that while alerts are useful for some individuals they may not be helpful for others. Accordingly, we feel there may need to be consideration given not only to the sending of alerts but to the circumstances in which they are sent and to any effects they have in individual customers' behaviours if those alerts simply result in customers raising limits. The existence of ongoing gambling activity at the time, and also the possibility of allowing customers to opt out of receiving alerts, are areas where we feel more research and consideration may be required.

45 Do you have any evidence to offer regarding the optimum point when approaching a limit that a customer should receive an alert?

Please give us your evidence below:

As mentioned in our response to question 44 we feel this is a complex issue which may not be appropriate to the adoption of a uniform metric (e.g. 80%) and may need to factor in other behaviours by the customer. In particular we would want customer behaviours in response to previous alerts to be taken into consideration. For instance, we do not feel it aligns with the general goal of limiting potential harm to allow a customer to increase a limit more than once in the direct aftermath of having been sent an alert.

In the interests of maximising the personal usefulness that customers derive from financial tools in general we feel that asking customers to set their own

alert threshold at the same time as setting limits would be the preferable solution. Applying a blanket approach seems at odds with the concept of providing tools which allow customers to better customise and control their own budgeting thresholds.

Issue 1e – Reviewing limits and feedback on gambling activity - iii. Activity statements

46 To what extent do you agree with the new requirement for operators to provide activity statements to customers, including information currently required to be made available under RTS 1 – Customer account information?

Strongly agree

Please give us your views below:

We strongly agree that customers should be provided with activity statements.

Gambling is an activity which is now available 24/7 through a multitude of access media and it can be very easy for individuals to lose track of overall engagement and activity. This is particularly true when engagement in gambling activity can be associated with heightened excitement and lowered awareness of external factors, including time spent and loss/spend.

Many of our members report having been surprised and alarmed by their behaviours when presented with documented transaction level activity - either through accessing operator account histories or by examining bank statements. It can be all too easy to live "in the moment" and also to subconsciously (or consciously) downplay the extent and intensity of involvement in gambling activities.

It is however our view, founded by the lived experience of our members, that the role and significance of activity statements will vary depending on what stage along the gambling continuum an individual is.

At the lower level of engagement, so mainly leisure based involvement, a statement can be a useful tool for making an individual aware of increasing focus and potential greater commitment (in terms of money/time/risk) than they had wanted or expected to occur. For these customers activity statements can be a valuable prompt for them to review their changing gambling behaviours and can lead to positive behavioural change in advance of harm developing.

At the other end of the spectrum our members agree that activity statements are likely to have little benefit. Individuals who are aware of being addictively engaged will actively try to ignore any such information. They are aware of causing themselves and others harm but guilt and their addictive urge to stay gambling combine to make them block out such information. They are often in a state of actively avoiding any quantification of harm accrued for the very reason that they do not want to be presented with any reasoned argument supporting their desistance from gambling.

The wisdom of our members is that activity statements would have been massively important to reducing their harmful engagement in gambling but only if they were made available to others rather than to themselves. There is wide agreement amongst recovering disordered gamblers that there is a role for activity statements being shared with nominated friends or family as the harm which they suffered was prolonged and exacerbated by the lack of knowledge of others in their lives as to the extent of that harm. We fully realise that this is not something being discussed in these proposals, and that there are obvious data protection implications, but it is undoubtedly true based on overwhelming weight of personal qualitative evidence that if those at risk of harmful gambling were to have the option of nominating trusted recipients to also receive and access activity statements that this would be a powerful tool for reducing and preventing reoccurrence of harm.

47 To what extent do you agree with the new requirement for this information to be provided every six months for accounts with activity within a rolling 12 month period?

Agree

Please give us your views below:

48 To what extent do you agree with the new requirement for operators to provide facilities for customers to set the frequency of reminders?

Strongly agree

Please give us your views below:

We feel that for tools to be fully appreciated and effective then they have to be customizable to suit the needs of the customer as an individual and as determined by their own needs and risk thresholds.

That being said we do feel there has to be a default such that reminders must be sent within a maximum time period - say no less frequently than annually.

49 To what extent do you agree with the new implementation guidance that operators should also provide activity statements to prompt a review of limits at additional appropriate points in the customer journey?

Agree

Please give us your views below:

50 To what extent do you agree with the new implementation guidance that operators should consider ways to share activity statements with customers in order to maximise engagement?

Agree

Please give us your views below:

As discussed in our response to question 46 the benefit and purpose of activity statements does vary depending on the active engagement, and risk-profile behaviours of individuals.

We strongly suggest that an option should be made available to allow customers to nominate trusted others to receive activity statements. Our members have indicated that they feel this would be a powerful tool in ensuring a level of visible accountability within an existing trust-circle which would both reassure loved ones as to the customer's ongoing ability to safely manage their gambling engagement and would also act as a "knowing oversight" to them that their activities are visible to others. Much of the harm caused by gambling occurs due to lack of oversight by others who are often also susceptible to being harmed, and simply knowing that a trusted person is seeing an individual's gambling activities can act as a welcomed regulating and moderating factor for those customers.

This brings another wider concern into play, which is the responsibility which operators ought to have for collateral harm caused by misuse of their products.

Our members have reported that it is the habit of gambling operators to send printed material, letters, diaries, etc, to their home addresses in unmarked packaging designed to obfuscate the fact that these items are being sent by gambling operators. While this may be explained by operators as being respectful of personal privacy it is also our members' opinion that this also demonstrates operator's understanding that having gambling marked materials arriving can spark conversations which in many cases are helpful in reducing and preventing gambling harms, but which are detrimental to the profits made by those operators. If gambling addiction is a "hidden" addiction then anything which brings presence and prevalence of gambling more into the open has to be seen by all stakeholders as being something which should be encouraged.

It seems incongruous that an industry which spends billions on creating very visible marketing, such as television and sports advertising, also feels the need to engage in invisible marketing direct to individual customers. We feel that this points to an understanding within the industry that theirs is a business which thrives in secrecy and is a vector for causing harm. In order to embrace safer gambling as an ethos we feel the gambling sector - both operators and regulators - should be more willing to be open with those who are likely to be indirectly harmed by gambling - which inevitably includes those living in the same household as someone who does gamble. We feel that gambling operators have a duty to be more transparent in their marketing to individuals, and also more transparent in acknowledging that their products do have scope to cause collateral harm and thus that individuals who may identify (or qualify) as "affected others" should have the right to see activity statements which may impact their own financial and mental wellbeing.

We would like there to be some consideration in future as to mechanisms by which customers may both nominate trusted others to receive activity statements but also potential rights for those who can demonstrate financial connection to an individual to also be able to request sight of gambling activities by that individual.

51 To what extent do you agree with the new implementation guidance that operators should monitor engagement and interaction with activity statements to inform good design and best practice?

Strongly agree

Please give us your views below:

Issue 1f – Options for implementation- Implementation option 1 – presentation of customer-led tools as the default option

52 To what extent do you agree with the implementation option 1 – presentation of customer-led tools as the default option?

Agree

Please give us your views below:

While we feel this is a big improvement on the current situation it is still our firm belief that the best possible solution for ensuring maximum protection and control for all customers is to require (deposit) limit setting to be a required pre-requisite before online gambling can occur.

We do not believe that retaining an "opt-out" is the optimal mechanism and think that customer choice can still be embraced through their ability to set their own level of risk tolerance through limits of their own choosing.

53 Please add any further comments.

Please give us your views below:

As mentioned in our response to question 52.

Issue 1f – Options for implementation- Implementation option 2 – presentation of customer-led tools as required to participate

54 To what extent do you agree with the implementation option 2 – presentation of customer-led tools as required to participate?

Strongly agree

Please give us your views below:

We feel a pre-requirement for limits to be set is the preferred option.

Borrowing from our analogy of seat-belt wearing we feel that customers can only be assured of maximum protection from harm if the application and retention of limits is a required activity.

This acts to both provide protection for those who may not expect to need them, i.e. leisure and less-engaged gamblers, but also a necessary protection for those who are susceptible to engaging in harmful and at-risk gambling behaviours.

For this reason we also do not favour permitting an opt-out.

As with seat-belt wearing the vast majority of customers will fully accept having to set limits once it is presented as a requirement. If there is friction to this option we feel it is friction which will disappear as people become used to having to set limits, and also as people start to experience the benefits of them should they find themselves developing harmful behaviours.

55 Please add any further comments.

Please give us your views below:

We do not feel that allowing an opt-out provides the optimal level of safeguarding.

We note that your own evidence at the start of this section points to one third of customers who are currently setting deposit limits doing so at levels which equate to limits of or above £50,000 per month.

We simply cannot envisage that this number of customers can safely afford to gamble with exposure to such high levels of loss. We also note that you state that there is no proposal to mandate a maximum deposit limit.

We would ask you to reconsider your decision on this matter in future. As an explanation we again revisit our analogy of a seat-belt. For seat-belts to be effective they must be able to provide a sufficient retarding resistance in the event of a crash occurring. This is why there is a requirement for seatbelts to come with pre-tensioners, in order to ensure that resistance is applied evenly as the individual is propelled forward. We feel that an equivalent is ensuring that where deposit limits are set they are done so at levels which do not allow egregious harm to occur before they come in to play.

We therefore do feel that an upper deposit limit ought to be established by default with any adjustment upwards from this point to be permitted only after the customer has evidenced a level of income and proof of funds to support their assertion that a higher limit is appropriate.

56 If you have a clear preference for implementation option 1 or 2, please indicate below?

Implementation option 2 – presentation of customer-led tools as required to participate

Please give us your views below:

Seat-belt regulations should not be optional. They are designed to provide protection to everyone regardless of expectation of exposure or susceptibility to harm.

Deposit limits have the scope to save many lives and they should be seen as the best possible tool for ensuring customers help ensure their own protection and prevention of harm. As such they should not be optional, but instead should be customisable within limits.

This is a massively important prevention tool which if implemented correctly helps balance the risk consequences more evenly between customers and operators. It gives the best possible solution yet proposed for placing prevention at the forefront of harm reduction.

Issue 1g - Proposed changes to the wording of the aim

57 To what extent do you agree with the proposed new wording of the RTS 12 aim, to reflect the detailed changes set out in this section of the consultation?

Agree

Please give us your views below:

Proposed new version of RTS 12 – Financial limits, in full

Customer-led tools - Other questions

58 Please provide any other information or issues regarding implementation of these proposals that the Commission should take into account.

Please give us your views below:

59 Please provide an estimate of the direct costs associated with implementing these proposals.

Please give us your views below:

Customer-led tools Issue 2 - seeking views on cross-operator deposit limits

60 Do you have any evidence of the effectiveness of cross-operator deposit limits in reducing gambling harm?

Please give us your views below:

As has been mentioned in the preamble to this section there are tools available to customers of financial products which allow limits to be set on gambling activities at sector level (through use of merchant code classifications). These currently provide a single point of control which is simply not available at granular gambling account level due to the lack of a sector wide Single Customer View.

Our members have reported that they are finding great benefit from being able to use these bank supplied spend limits as it does allow a single point of control. Many of our members have had, and some do still have, multiple online gambling accounts. The prevalence of incentive marketing associated with onboarding (opening new accounts to access "free bets") has often encouraged this to happen. While many operators do offer financial tools such as deposit limits the obvious downside is that these limits can only currently apply at account level. This means that members have access to multiple accounts which require setting and management of limits on a case by case basis. Having to repeat the limit setting actions for each and every account can create a disincentive to do so as it requires repetitive application, it also creates problems in determining what an effective or desirable limit for each account should be. This means that when focus is on one preferred gambling account, as most members report tends to be the case, that having set and then hit limits on that account there exists potential for customers who are still feeling a "need" to continue gambling to transfer to another account where there is either no limit set or where the limit which has been set creates scope for them to spend more than they had wanted to when first setting a single account deposit limit. This negates the benefits of having set limits on their preferred account as hitting that limit no longer guarantees that unhealthy gambling activities are interrupted. Having a limit set via a bank account helps prevent this from happening.

For these reasons we feel that cross-operator deposit limits would also be beneficial to our members as well as to other individuals. However, we also see value in focusing on better provision for banking level financial gambling controls as these occur outside of any commercial interests on the part of the operators and are thus less likely to involve friction designed to dissuade or influence customer usage.

We do feel that cross-operator deposit limits are a desirable thing but to some extent we see the value in having them as being secondary to the value of having a workable Single Customer View which would appear to be a prerequisite for them to become available. There is far more scope for data-led insight and better intervention aimed at preventing harm to be derived from the behaviours which a transactional based SCV could provide rather than simply using it to examine deposit information.

Just as we see more uniform use of bank-provided controls as being a better solution for separating the purpose of using such tools from the purpose of offering them (banks having no direct financial incentive for either allowing or preventing gambling spend, unlike operators) we also see the development of a transactional SCV as providing insight into customer behaviours across whole sector gambling activity which simply would not be derivable from purely financial transactional data held by banks and other financial institutes.

So, yes, we see value in a cross-operator method of setting deposit limits in reducing gambling harm but we are not convinced that this should be the priority purpose for developing an SCV when this information can also be accessed and regulated through banking level deposits.

61 How do you think cross-operator deposit limits could work in the future, within the context of our regulatory framework?

Please give us your views below:

There needs to be a unique customer identifier (UCI) set up based on criteria such as name, address, NI No, electoral register, etc (as per KYC and SoF requirements) which allows transactional data to be shared in a tokenised form as part of an independently hosted SCV repository.

In terms of managing deposit limits this database repository should be linked to an API which all operators must access/update real-time when processing a customer deposit to see what unused deposit allocation is available.

62 Do you have anything further you wish to add about cross-operator deposit limits?

Please give us your views below:

Customer-led tools Issue 3 - seeking views on artificial barriers to consumer choice

63 Do you have examples or evidence of situations where the architecture and design of gambling facilities creates an imbalance in the gambling licensees' favour and drives consumer behaviour which may not be in their best interests?

Please give us your views below:

It may not fall under the scope of this proposal but one obvious area of imbalance comes in operators ability to apply throttling to customer stakes under the auspice of market overround and book balancing in ways which artificially restrict the amount of money a "successful" customer is allowed to place on a particular event or outcome when no such restriction is placed on the amount an "unsuccessful" customer is allowed.

Other obvious imbalances occur when operators do not require SoF details for accepting deposits and bets but do then require these at the point of seeking to access or withdraw winnings. Any friction relating to regulatory requirements should be applied at the point of first contact and not at a later stage.

If a customer can create an online account through self-directed self-identification (e.g. name, address, bank card) without the need for human-human interaction then they should not be required to make contact with the operator at human-human level in order to close an account.

Customer-led tools - Attaching additional information

64 Attaching additional information

Attach additional documents- customer-led tools:

No file uploaded

Customer-led tools - Equalities considerations

65 Do you have any evidence or information which might assist the Commission in considering any equalities impacts, within the meaning of section 149 of the Equality Act 2010, in the context of any proposal considered in this section of the consultation?

Please give your answer below:

Customer-led tools - Consultation section completed

66 You have now reached the end of this section of the consultation. Please select either to return to the consultation home page to respond to a different topic or if you have finished select 'finished'.

Finished