

Submission to Northern Ireland Assembly Committee for Communities

Call for Evidence: Betting, Gaming, Lotteries and Amusements (Amendment) Bill

By email: Committee.Communities@niassembly.gov.uk.

- CARE NI is concerned with the lack of ambition in the Bill. The Bill fails to propose any substantive measure to deal with gambling-related harm or to establish a regulator to oversee gambling in Northern Ireland.
- CARE NI would urge the Committee to recommend meaningful change to the Bill as suggested in this submission.
- Given the lack of breadth to the Bill, amendments to the Bill provide minimal protection and are merely a starting point for what is needed. Suggested amendments to the Bill are included in the appendices below.

Introduction to CARE in Northern Ireland

1. CARE (Christian Action Research and Education) Northern Ireland is a well-established mainstream Christian charity providing resources and helping to bring Christian insight and experience to matters of public policy and practical caring initiatives. CARE NI demonstrates Christ's compassion to people all faiths and none believing that individuals are of immense value, not because of the circumstances of their birth, their behaviour or achievements, but because of their intrinsic worth as people.

Summary

2. CARE NI has proposed that the following clauses be amended with the details of the amendments set out in appendices:
 - 2.1. Clauses 2 and 6: to prevent Sunday opening coming into force without further regulation, subject to affirmative resolution of the Assembly. This is to ensure that help is put in place for problem gamblers before further opportunities to gamble are made available (Appendix 1).
 - 2.2. Clause 14: to ensure that the proposed statutory levy is more effective by requiring all gambling companies to pay a fixed amount of gross gambling yield to organisations that work to alleviate gambling harm (Appendix 2).
 - 2.3. Clause 15: to ensure that the code of practice sets out the duty of care obligations on gambling providers and can be enforced through revocation of a license for those license holders that breach the code in a serious, significant, or continuous or multiple breach. (Appendix 4)
3. CARE NI recommends that the following clauses be inserted into the Bill:

- 3.1. A gambling strategy (Appendix 3). This would place an obligation on the Department to create and implement a multi-agency strategy to deal with the effects of gambling-related harm
- 3.2. A legislative ban on credit cards as a means to fund gambling (Appendix 5)
4. CARE NI is concerned that the Bill does not:
 - 4.1. Establish a regulator
 - 4.2. Define and regulate fixed odds betting terminals (FOBTs).
 - 4.3. Deal with internet gambling
 - 4.4. Reduce harm and exposure for children and young people, especially in relation to loot boxes.
 - 4.5. Propose any legislative reform for gambling advertising.
5. CARE NI would be available to provide further briefing or oral evidence to the committee on the draft provisions contained in this submission, if that was deemed useful.

Overview of Gambling Law in Northern Ireland

6. This Bill represents the first major change in Northern Ireland since the Betting, Gaming, Lotteries and Amusements Order became law in 1985. The current legislation in Northern Ireland is clearly out of date and not fit for purpose.
7. The law in Northern Ireland has not kept pace with advances in technology, not least in respect of the internet. However, online gambling is not the only area in which Northern Ireland lags behind the rest of the UK. Northern Ireland lacks statutory regulation for fixed odds betting terminals (FOBTs), modern rules for gambling advertising or a statutory ban on the use of credit cards to fund gambling. With the increased amount of gambling opportunities since 1985, the impact of up-to-date legislation and the lack of a regulator beyond the Department of Communities and local authorities is evident. What is required is a bespoke gambling regulator for Northern Ireland, building on the lessons learned from the deficiencies of the Gambling Commission in GB.
8. On 21st October this year, the Irish government announced that it will be taking forward the Gambling Reform Bill¹, which will include a regulator, controls on advertising, tackling problem gambling, banning incentivised betting and curb gambling and criminality. When this legislation passes the Oireachtas, Northern Ireland will be the only part of these islands that has no legislative framework to properly regulate gambling and help those with addictions.
9. The Bill currently before the Assembly is disappointing in its lack of ambition. While it is noted that there is limited time in the current mandate to bring forward extensive reform, the Second Stage debate highlighted the cross-party consensus that exists on the issue. It is clear that the Minister could have been more ambitious and the committee stage and the consideration stage, provide an opportunity for Assembly members to bring forward meaningful amendments.

¹ [gov.ie](http://www.gov.ie) - Minister Browne publishes General Scheme of Gambling Regulation Bill (www.gov.ie)

Prevalence of Gambling-related harm in Northern Ireland

10. As many MLAs highlighted during the Second Stage debate, the prevalence of gambling-related harm is higher in Northern Ireland than any other part of the UK or Ireland. It is disappointing that the draft Bill does very little to tackle gambling-related harm. This is clearly a missed opportunity, and the committee should, at the very least, consider amendments that would tackle some of issues of concern. CARE NI proposes amendments during this submission, the details of which are set out in Appendices 1-5.
11. The most recent data in relation to gambling-related harm in Northern Ireland, is the 2016 study undertaken by the Department of Communities. That research found that 2.3% of the adults surveyed were deemed to be “problem gamblers”.² If scaled up to the population as a whole, the number of individuals experiencing gambling-related harm would equate to more than forty thousand adults living in NI.³
12. The table below compares the rates of ‘problem gamblers’ across the UK and Ireland:

Country	Year	Problem Gamblers	Moderate Risk	Low Risk
England ⁴	2021	0.3%	0.7%	1.9%
Wales ⁵	2016	0.8%	3.3%	
Scotland ⁶	2017	0.8%	0.9%	2.7%
Young people across GB (11-16) ⁷	2020	1.9%	Not published	
Northern Ireland ⁸	2016	2.3%	4.9%	6.7%
Ireland ⁹	2015	0.8%	Not published	

13. To put the data in context, there are the same total number of problem gamblers in the six counties that make up Northern Ireland (40,000 people) as there are problem gamblers in the rest of the 26 counties put together.¹⁰ At the time the Department reported in 2016, the problem gambling rate in England was 0.5%, Scotland 0.7% and Wales was 1.1%. In 2016, The NI problem gambling prevalence figure was staggeringly over four and a half times greater than that of England. In 2019, when the NIO report on gambling in NI was debated in the Lords, the level of problem gambling was described as “extraordinary” by the NIO Minister.¹¹
14. There has not been any data collected on the extent of gambling-related harm amongst children and young people in NI. However, the Gambling Commission in Great Britain published research in 2020 which found that 1.9% of 11-16-year-olds in GB were deemed to be “problem gamblers”.¹² Considering

² <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/2016-ni-gambling-prevalence-survey-main-report.pdf>

³ Based on the [mid-year 2020 population](#) of 1.896m (all ages). 2.3% would mean 43,597 problem gamblers.

⁴ Statistics on participation and problem gambling for the year to September 2021, Gambling Commission, October 2021, <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/statistics-on-participation-and-problem-gambling-for-the-year-to-september>

⁵ <https://www.gamblingcommission.gov.uk/PDF/survey-data/Participation-in-gambling-and-rates-of-problem-gambling-%E2%80%93-Wales-2016.pdf>

⁶ <https://www.gamblingcommission.gov.uk/PDF/survey-data/Participation-in-gambling-and-rates-of-problem-gambling-Scotland-2017.pdf> No question on gambling was included in the 2018 survey

⁷ *Young People and Gambling 2020*, Gambling Commission, 5 November 2020, <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/young-people-and-gambling-2020>

⁸ <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/2016-ni-gambling-prevalence-survey-main-report.pdf>

⁹ NACDA - Prevalence of Drug Use and Gambling in Ireland and Drug use in Northern Ireland - 2014/15 Drug Prevalence Survey: Gambling Results (drugsandalcohol.ie) - see Tables 8.1 and 8.2, page 14

¹⁰ OECD estimates the population of Ireland to be almost 5 million. 0.8% of the population of Ireland is c.40,000 which is equal to 2.6% of Northern Ireland population

¹¹ <https://hansard.parliament.uk/pdf/lords/2019-09-09> Column 1395

¹² *Young People and Gambling 2020*, Gambling Commission, 5 November 2020, <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/young-people-and-gambling-2020>

the fact that amongst adults NI has a higher problem gambling prevalence rate than GB or Ireland, it certainly seems plausible that a similar or higher rate of gambling-related harm amongst 11-16 year olds would be found in this jurisdiction. This would suggest that, compared to the rest of these islands and based on NISRA population data from June 2020, at least 2,798 young people in NI aged 11-16 may be experiencing gambling-related harm.¹³

15. A recent longitudinal study on gambling habits in young people found “*Patterns of problem/moderate risk gambling were set by the age of 20 years.*”¹⁴ We are very concerned about the evidence that the “problem gambling” rate amongst young people, who are not supposed to be able to gamble, is higher than for adults. This suggests the need for robust regulatory action under a new framework to protect children and young people.
16. It is not just people who directly gamble that are affected by gambling harm. A 2019 study by Professor Wardle¹⁵ published in the British Medical Journal, estimated that between five and ten people are indirectly harmed by problem gambling. That is spouses/partners, children and the wider community that feels the effects of gambling addiction. Taking this estimate at the low end of the scale, that means a minimum 200,000 people are indirectly affect by problem gambling in Northern Ireland each year.
17. It is clear that Northern Ireland has a gambling problem. It is disappointing that the Bill, as introduced, does not do enough to alleviate the problem.

The Bill Provisions

¹³ According to mid-20120NISRA data (issued in June 2020), there are 147,283 11-16 years in NI. If 1.9% were problem gamblers, that would be 2,798 young people experiencing gambling-related harm <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/MYE20-SYA.xlsx>

¹⁴ Emond A et al, A longitudinal study of gambling in late adolescence and early adulthood: the ALSPAC Gambling Study, December 2019, page 4, <https://about.gambleaware.org/media/2069/alspac-gambling-study-report-for-gamble-aware-dec-2019.pdf>

¹⁵ [Gambling and public health: we need policy action to prevent harm | The BMJ](#)

Opening of Licensed Offices and Bingo Halls on Sundays and Good Friday

18. **Clauses 2, 3 and 6** - extend opening hours for Bingo halls and betting shops. Clauses 2 and 6 propose to extend hours to Sundays and Good Friday. This leaves Christmas Day as the only day of the year when licensed offices and bingo halls must be closed.
- 18.1. Given the levels of problem gambling in Northern Ireland, it is disappointing that the first substantive clause in the Bill permits more opportunity for gambling to take place. This change in Sunday opening hours represents an almost 17% increase in shop opening hours.
- 18.2. Several MLAs at Second Stage pointed out the anomaly that betting shops are open on Sundays across the border and this has a negative effect on the competitiveness of betting shops in Northern Ireland. While it is noted that the divergence of opening hours disadvantages businesses here, it is important to note that the rate of problem gambling is much higher on this side of the border. To further permit betting shops to open, without proper regulation to alleviate the societal problems associated with gambling harm, would be irresponsible.
- 18.3. Moreover, this deregulation is likely to have a disproportionately negative impact of problem gambling in Northern Ireland which suffers from the highest level of internet poverty in the UK. Evidence shows that problem gambling impacts the less well-off and since 14% of households in Northern Ireland have never had access to broadband and 22% of homes with children have no internet access,¹⁶ it means that those who do gamble in Northern Ireland are likely to make use of betting shops, making an extra day's access to betting shops problematic, especially if there is less regulation of betting shops compared to the rest of the UK.
- 18.4. Betting shops in Northern Ireland are disproportionately found in areas of social deprivation. There are about 300 betting shops on the high street in Northern Ireland.¹⁷ CARE undertook a study of betting shop locations, which showed that almost 37% of those shops, are found in the top 10% of areas with the highest incidence of social deprivation. Over 80% of betting shops are located in the bottom 50% of the most deprived areas of NI. Our study found that not one betting shop is located in any of the most affluent areas of the province.¹⁸ An increase in the opening hours of betting shops will obviously affect those areas that can least afford to suffer the harms of problem gambling. A wider question should perhaps be asked as to why large betting companies have been granted licenses that permit them to cluster round the most deprived areas of Northern Ireland.
- 18.5. Before betting shops and bingo halls are granted extended opening hours, it is important to ensure that meaningful measures are in place to deal with problem gambling. Before Sunday opening is permitted, an independent regulator should be in place with requisite regulation on social responsibility measures, such as self-exclusion, the ability to set time and spend limits, and have mandatory alerts, as well as healthcare interventions established through a gambling strategy, funded by a mandatory levy, to ensure people get the help they need.

CARE NI Recommends:

19. Clauses 2,3 and 6 should either be removed from the Bill and debated as part of much wider legislative action that includes wider regulation on social responsibility measures and help for gambling-related harm, through a strategy to help alleviate gambling-related harm and healthcare measures to work through addiction. In the alternative, if the potential for Sunday opening is enacted through this Bill, the commencement of Sunday trading should be made subject to the affirmative resolution procedure. This would allow for the provisions to be on the statute books, but only be implemented once the Assembly is satisfied that proper protections and regulation are in place.

¹⁶ [Internet users, UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/people-in-the-uk/internet-users)
[Northern Ireland: faring badly | Poverty and Social Exclusion](#)

¹⁷ [Coronavirus: NI bookmakers seek 'urgent confirmation' to reopen - BBC News](#), 15 June 2020

¹⁸ Data available on request

20. While it is CARE's view that it would be preferable to enact these provisions at a later date alongside wider regulation, potential amendments to clauses 2 and 6 are outlined in Appendix 1 below.

Gaming Machines

21. **Clause 7** - CARE NI welcomes the making of a new offence of inviting, causing or permitting a person under 18 to play anything other than a lower limit gaming machine and in doing so introduces a new definition of a lower limit gaming machines which means a prize (monetary or otherwise) of a value of £8.¹⁹
22. The Betting, Gaming, Lotteries and Amusements (NI) Order 1985 defines a gaming machine as: “any machine which—
- (a) is constructed or adapted for playing a game of chance by means of it; and
- (b) has a slot or other aperture for the insertion of money in the form of cash or tokens.”²⁰
23. The 1985 Order legislates for two types of machine:
- 23.1. A Jackpot machine with a £250 prize for a 50p stake (broadly equivalent to category B3 machines in GB), which can be found only in a registered club.
- 23.2. Amusement With Prizes (AWP) machines which can be in various locations, including in a betting shop. A betting shop can only have up to two AWP machines - a gaming machine played for small prizes with statutory limits applying to the two different types of AWP machines-
- 23.2.1. One with a maximum stake of 30p and maximum prize is £25 (broadly equivalent to C machines in GB). Stakes and prizes can only be paid in cash.¹⁶
- 23.2.2. One with a 30p stake and an £8 prize, (broadly equivalent to D machines in GB), where the stake must be in cash, but the prize can be either cash or a combination or non-monetary prize up to £8.²¹
24. These definitions leave many questions about how Fixed Odds Betting Terminals (FOBTs) should be regulated, since they have historically had high stakes (between £2 and £100) and high prizes (£500), ie **significantly higher than the 1985 Order allows**. In 2019, it was estimated that there were 800-900 FOBTs in use in licensed premises in Northern Ireland.²² **FOBTs have been controversial in GB because of their high stakes, high prizes and the impact they have had on local communities.**²³ In 2018, the UK Government announced that the stake for FOBTs in GB would be reduced from £100 to £2.²⁴ In 2019 the major UK wide bookmakers, along with members of the Northern Ireland Turf Guardians Association (NITGA), voluntarily followed the law in GB and reduced maximum stakes from £100 to £2.²⁵ While this voluntary action is welcome, not all bookmakers are members of the NITGA and some licensed premises have not reduced the maximum stake.
25. FOBTs have operated in a legal grey area in Northern Ireland for the last decade, since there is no equivalent definition for an FOBT in the Betting Order to sections 235 and 236 of the Gambling Act 2005²⁶ which define what is a gaming machine and requires the Secretary of State to categorise gaming

¹⁹ This is the condition in Article 108(7) to which new Article 124A(3)(b) refers
²⁰ Article 2(2)

²¹ [The law on gaming machines in Northern Ireland](#), July 2019, see paras 9-16

²² [To publish online - report pursuant to section 3 11 Northern Ireland Executive Formation etc Act 2019 - Gambling.docx.pdf \(publishing.service.gov.uk\)](#) - see page 2

²³ For instance, Fixed Odds Betting Terminal Use and Problem Gambling Across the Liverpool City Region, *Liverpool Public Health Observatory Report No 95*, April 2014, pages 1-2 <http://researchonline.ljmu.ac.uk/1996/1/Problem%20gambling.pdf>

²⁴ <https://www.gov.uk/government/news/government-to-cut-fixed-odds-betting-terminals-maximum-stake-from-100-to-2>

²⁵ Executive Formation Report, 2019, *Op Cit*, page 2 and [North's bookmakers to cut maximum stake on fixed odds betting terminals - The Irish News](#)

²⁶ [Gambling Act 2005 \(legislation.gov.uk\)](#)

machines and where they can be installed. The regulations setting out the definitions and categories of gaming machine were made in 2007.²⁷

25.1. In the 2011 consultation on gambling reform, the Executive said, “*The legal status of FOBTs in Northern Ireland is uncertain and it would require a test case in the courts to determine this.*” And also “*A decision to classify FOBTs as gaming machines in Northern Ireland would have significant implications for public policy.*”²⁸

25.2. In the 2019 consultation of gambling reform in Northern Ireland, the Executive said, “*the legal status of Fixed Odds Betting Terminals is currently unclear*”.²⁹ The 2020 response to the consultation said, “*the legal position around new machine types such as FOBTs is uncertain*”.³⁰

26. **It is therefore somewhat surprising that the Minister said at Second Stage, “I am clear, from legal advice, that fixed-odds betting terminals already fall within the existing framework of the 1985 Order. The Supreme Court ruled that fixed-odds betting terminals fit within the definition of gaming machines, and the legal advice is that that ruling applies here. The prize limits in the 1985 Order therefore apply to fixed-odds betting terminals. The legal limits on stakes here are the lowest of any jurisdiction.”**³¹

27. Since this is **a fundamentally different perspective** from the one the Department has set out for years, **CARE NI believes that the Minister should take the following actions:**

27.1. set out the Department’s new understanding of the law to the Committee;

27.2. immediately publish secondary legislation on stakes and prizes (for the first time since 2004), which was referred to in July, so that it can be scrutinised alongside this Bill, since the Minister said, “*I plan to progress [the regulations] in tandem with the progress of the Bill*”;³²

27.3. ensure there is a full public consultation on the “mandatory” codes of practice rather than only be with “key stakeholders since new Article 180A(10), introduced by clause 15 of the Bill requires the Department to consult with members of the public;³³

27.4. set out the actions that the Minister intends to take on FOBTs since the current stakes are and have been for many years higher than that allowed under the 1985 Order and officials said in September, “*no decision has yet been made on the maximum stakes or prizes*”.³⁴ Nor is it clear whether licensed bookmakers are within the legal limit for the number of gaming machines.

28. Even the questions posed above make it clear that the law in NI has not kept pace with developments. FOBTs are nothing like the gaming machines envisaged by the drafters of the 1985 Order. FOBTs are setup to facilitate a multiplicity of games such as casino games, cards games such as blackjack and simulated horse racing, amongst other games of chance. The distinguishing factor of FOBTs is the speed of play. A person can bet every 20 seconds, which has led to the term ‘the crack cocaine of gambling’.³⁵

CARE NI Recommends:

29. Given the harm caused by FOBTs, this Bill could be used to bring clarity on the law on FOBTs; even modest steps could be considered by the Assembly to introduce legislation that will start to regulate these in a similar manner to GB and the legislation that is proposed for the rest of Ireland. Regulating

²⁷ [The Categories of Gaming Machine Regulations 2007 \(legislation.gov.uk\)](https://legislation.gov.uk)

²⁸ Future regulation of gambling in Northern Ireland [consultation document](#), March 2011, page 25

²⁹ Regulation of Gambling in Northern Ireland [Consultation Document](#), December 2019, page 39

³⁰ Consultation on regulation of gambling in Northern Ireland, [Consultation survey report](#), November 2020, page 37

³¹ [Second Stage Debate, 27 September 2021](#), page 63

³² [AQW 20736/17-22](#), answered 9 July 2021

³³ <https://www.communities-ni.gov.uk/news/hargey-steps-underway-make-gambling-safer>, published 1 November 2021

³⁴ [Evidence](#) to the Committee for Communities, 9 September 2021, page 6

³⁵ The term is used in several news stories and academic papers on FOBTs see this 2018 article in the guardian [Fixed-odds betting terminals: 'It's a silent addiction but at its worst it takes lives' | Fixed-odds betting terminals | The Guardian](#)

FOTBs would not require a regulator to be in place and could have been included in this legislation by the Minister.

30. These changes *may* not be necessary but the Minister needs to urgently explain her understanding of the law and either publish her secondary legislation for detailed scrutiny or set out how she will deal with the issue (see above). CARE NI have drafted 16 clauses that would allow for regulation of FOTBs and bring Northern Ireland into line with the rest of the UK, which we would be happy to share with the Committee if the answers from the Minister do not provide enough reassurance that the law allows FOTBs to be regulated satisfactorily under the current legislation.

Lotteries

31. **Clauses 9 & 10** deal with very minor amendments to lotteries legislation in the 1985 Order. While lotteries are often thought of as a ‘soft’ form of gambling, we are concerned that lotteries nevertheless normalise risk and potentially harmful behaviours, particularly for young people, with associated development of problem gambling habits later in life.³⁶ Additionally, as with other forms of gambling, data indicates that people on lower incomes tend to - as a proportion of their income - spend more and spend more frequently than their wealthier counterparts.³⁷
32. Last year an academic study published in Australia found that one third of lottery ticket holders were at risk of gambling-related harm due to their use of lottery products (lotteries and scratch cards). The study also found that people who frequently bought lottery tickets were more likely to suffer from another type of addiction (such as drug or alcohol).³⁸
33. Whilst some charities, social/sports clubs, member organisations and good causes undoubtedly benefit from lotteries, it is nevertheless also true that lotteries can also be a readily available point of entry for young people into forms of commercial gambling.³⁹

CARE NI recommends:

34. Given the paucity of research on the effects of lotteries and scratch cards and gambling-related harm, the Department should undertake a review of the effects of lotteries and gambling-related harm, incidence of problem gambling and normalisation of potentially harmful behaviours amongst young people in particular. We note with interest the Department’s recent decision to permit charities and voluntary groups to sell tickets online.⁴⁰ Given the increased opportunity to participate in lotteries presented by this change, it is imperative that a study be conducted at the earliest opportunity.
35. Furthermore, as the Bill does not deal specifically with gambling harms, the Committee should consider amendments relating to tackling gambling harm. Please see paragraphs 54 to 58 below and Appendix 3. CARE NI proposes that a gambling strategy be put in place ensuring a multi-agency approach to dealing with gambling-related harm and that the Bill should be amended to ensure this strategy is put in place.

³⁶ Newall, Philip & Russell, Alex & Sharman, Steve & Walasek, Lukasz. (2020). *Associations between recalled use of legal UK youth gambling products and adult disordered gambling*. Journal of Behavioral Addictions. 9. 10.1556/2006.2020.00048.

https://www.researchgate.net/publication/343812305_Associations_between_recalled_use_of_legal_UK_youth_gambling_products_and_a_dult_disordered_gambling

³⁷ See: <https://www.theosthinktank.co.uk/comment/2019/11/25/the-problems-with-the-national-lottery>

³⁸ Booth et al (2020) *Gambling-related harms attributable to lotteries products* [Gambling-related harms attributable to lotteries products - PubMed \(nih.gov\)](https://pubmed.ncbi.nlm.nih.gov/)

³⁹ Macgregor, Andy & Elliott, Claire & Shields, Jessica. (2020). *The effect of marketing and advertising on children, young people and vulnerable people* Quantitative Research Report. 10.13140/RG.2.2.17126.16967. https://www.researchgate.net/publication/340233193_The_effect_of_marketing_and_advertising_on_children_young_people_and_vulnerable_people_Quantitative_Research_Report

More than half of 16-17 year-olds surveyed had spent their own money taking part in a lottery in the past month, as well as nearly one fifth of 11-15 year-olds

⁴⁰ [committee-28303.pdf \(niassembly.gov.uk\) page 4](https://www.niassembly.gov.uk/committees/committees/committee-28303.pdf)

Cheating

36. **Clause 12** - would appear to be an uncontroversial amendment, however, given people may be driven to extreme measures, which are often criminal, due to the effects of gambling harm, to introduce an additional criminal sanction, in the absence of help for gambling-related harm, could give rise to the perception that the Department are more concerned with protecting the gambling industry than helping those who have fallen victim to gambling-related harm.

Industry Levy

37. **Clause 14** - introduces a statutory levy. The levy is broadly similar to that introduced in GB through the Gambling Act 2005⁴¹ While a levy is to be welcomed, the proposal in the Bill lacks ambition. The GB levy, which is largely mirrored by the Bill, has been ineffective in raising the money required to ensure gambling harms are addressed.

37.1. In 2018, the voluntary levy in GB raised less than £10 million a year missing the target of 0.1% of gross gambling yield.⁴² This has been increased to £100 million, over the period 2019-2023, by the large betting companies on a voluntary basis.⁴³

37.2. While £100 million, even spread over a number of years, seems a large sum of money, it does not scratch the surface of what is needed. At the House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry Committee, Dr Anna Van Der Gaag, Chair of the Advisory Board for Safer Gambling (ABSG) pointed out that the cost of treatment for problem gambling in the UK stood at £591 per person per year (that is a need of £200 million for GB).⁴⁴ Given the Department's own figures estimate that 2.6% of the NI population needs help (that is c.40,000) that would mean £23 million would be required for Northern Ireland alone each year, which is almost ¼ of the new GB voluntary levy.

37.3. The House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry, the Westminster All Party Parliamentary Group on Gambling-related Harm, the Social Market Foundation, the Gambling Commission and the Advisory Board for Safer Gambling have all recommended that the GB levy should become mandatory.⁴⁵ It is clear that a mandatory levy is needed for the whole of the UK and Ireland.

37.4. Due to the high incidence of gambling-related harm, money for research, education and treatment on gambling harms is needed more urgently in Northern Ireland than anywhere else in the UK. In 2018 the Northern Ireland Turf Guardians Association provided £24,000 to Dunlewey Addiction Service for help with gambling-related harm. Amusement Caterers Trade Association also provides funding (unspecified) to Dunlewey and a dedicated helpline through Gamcare.⁴⁶ It is clear the sums given by the gambling sector in Northern Ireland is derisory. Clause 14 of the Bill will do little to help. More robust action is needed. We note that officials said in September this Bill is only the start of getting a levy in place as the mechanics are yet to be worked out,

⁴¹ <https://www.legislation.gov.uk/ukpga/2005/19/section/123>

⁴² See 'How much should I donate to GambleAware', <https://www.begambleaware.org/donation-guidelines-202122-faqs>

⁴³ Cols 1071 and 1073, <https://hansard.parliament.uk/Commons/2019-07-02>

⁴⁴ Q31, [Evidence](#) to the Select Committee on the Social and Economic Impact of the Gambling Industry, Corrected oral evidence: The Social and Economic Impact of the Gambling Industry, 23 July 2019

⁴⁵ House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry: *Gambling Harm - Time for Action*, July 2020, para 557, <https://publications.parliament.uk/pa/ld5801/ldselect/ldgamb/79/79.pdf>
Gambling-related Harm All Party Parliamentary Group, *Online Gambling Harm Inquiry*, June 2020, page 5, <http://www.grh-appg.com/wp-content/uploads/2020/06/Online-report-Final-June16-2020.pdf>

Social Market Foundation, *Gambling Review and Reform, Towards a New Regulatory Framework*, August 2020, page 55, <https://www.smf.co.uk/wp-content/uploads/2020/08/Gambling-review-and-reform-August-2020.pdf>

Gambling Commission, *Strategy 2018-2021*, page 12, <http://www.gamblingcommission.gov.uk/PDF/Strategy-2018-2021.pdf> ;
Advisory Board for Safer Gambling *Progress Report on the National Strategy to Reduce Gambling Harms*, June 2020, page 1, <http://www.rgsb.org.uk/PDF/Progress-Report-on-the-National-Strategy-to-Reduce-Gambling-Harms.pdf>

⁴⁶ Report pursuant to section 3(11) of the Northern Ireland (Executive Formation etc) Act 2019 - Gambling, September 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/829465/To_publish_online_-_report_pursuant_to_section_3_11_Northern_Ireland_Executive_Formation_etc_Act_2019_-_Gambling.docx.pdf page 3

that a levy will need Treasury approval and that in the meantime, it “gives the industry an opportunity to get its house in order and work together to perhaps come up with a more substantial voluntary contribution to that in the South.”⁴⁷

- 37.5. The Committee should also be aware that, by definition, the levy can only apply to gambling operators which fall within the scope of the 1985 Order, i.e. not to online gambling as this is not covered in the 1985 Order. Furthermore, online gambling operators who advertise in Northern Ireland are required to have a licence under the Gambling Commission and make voluntary contributions to cover research education, treatment related to gambling harms. However, none of the GB funds from these licences appear to come to Northern Ireland.
38. CARE NI is concerned that the scope of the proposed levy is too narrow.
- 38.1. The levy proposal is a regulatory power rather a definite mandatory requirement. The evidence from GB is that a voluntary scheme is insufficient;
- 38.2. If the regulatory power remains, it should be required that the Department consult with organisations working with problem gamblers rather than only “such organisations as appear to the Department to represent the interests of the gambling industry in Northern Ireland” (new Article 172A(6)). This would mirror the requirements of clause 14(10)(b) on consulting those with “knowledge about social problems relating to gambling” about codes of practice.

CARE NI Recommends

39. The Bill should be amended to make the levy mandatory and meaningful. The current clause only applies to new or renewed licences. There is no power to ensure all persons and companies associated with gambling pay a prescribed annual levy to fund services to alleviate gambling-related harm.
40. The levy should be prescribed in a way that is meaningful and ensures that proper intervention for alleviating problem gambling can be undertaken. A levy based on a measure such as percentage of turnover should be considered. The sum is voluntary in GB but recommended as 0.1% of their annual gross gambling yield. A mandatory levy of all operators in the sector would provide certainty of funding to charities, health trusts and academic institutions undertaking treatment, support or research. This would allow for long-term planning and support.
41. A draft clause for a mandatory levy is at Appendix 2 below to substitute for the current new Article 172A which is proposed in the Bill.
42. CARE NI has also proposed other measures to support problem gamblers in Appendix 3 (see below).

Code of Practice

43. **Clause 15** introduces the power to issue one or more Codes of Practice in the legislation, which CARE NI welcomes. An extensive Code of Practice is already in place for GB.⁴⁸ The Minister has recently announced her intentions for a short consultation on the Mandatory code of Practice with key stakeholders.⁴⁹ This should include all those listed in new Article 180A(10) as introduced by clause 15.
44. While the legislation makes clear that a breach of the code is admissible in court, the provisions stop short of placing any sanction on a licence holder for the breach of the code. The Bill as currently drafted, means that a breach of the code would have ramifications for a person wishing to renew their licence or the code could be relied upon in civil proceedings as evidence, were the breach of the code gave rise to civil liability, such as negligence or breach of contract. It would be preferable if meaningful sanction for a breach of the code was included in the Bill.

⁴⁷ [Evidence](#) to the Committee for Communities, 9 September 2021, pages 4, 6, 7, 8, 9

⁴⁸ <https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/print>

⁴⁹ <https://www.communities-ni.gov.uk/news/hargey-steps-underway-make-gambling-safer>, published 1 November 2021

45. Clearly, those who operate any gambling service owe a duty of care to people who pay for their service. The duty of care owed should be set out in legislation to ensure that gambling companies comply. A simple amendment to new Article 180A(2) would require the Department to ensure the code set out fully what the duty of care is that is owed to consumers. Given the code is admissible in civil proceedings, cases that involve a breach of a duty of care or other tortious liability could use the code to assess the standard required of the licence holder and how far that duty was breached to assist the court in setting damages.
46. A new criminal offence for breach of the code would be preferable, but in the alternative a provision should be considered which would allow a licence holder to have their licence revoked for a serious or repeated breaches of the code.

CARE NI recommends:

47. An amendment to new article 180A(2) to cover the details of a duty of care to consumers.
48. That a clause be inserted into articles 27, 42,72,92,103 and 121 of the 1985 Order which allows for the breach of the code to be a reason for revocation or cancellation of a licence.
49. These amendments are set out in Appendix 4

Provisions that should be included in the Bill

50. While the Bill as a whole is disappointing and a much more comprehensive Bill should have been laid before the Assembly, there are a few minor amendments that could be included that would improve the Bill and in a small part alleviate gambling harm. These provisions in no way negate the need for a much more comprehensive Bill to be introduced to the Assembly early in the next mandate.

Ban on use of credit cards to gamble

51. A ban on gambling with credit cards was brought into effect in GB in April 2020.⁵⁰ This applies to online and in-person betting. The ban prevents problem gamblers from using credit cards to fund their gambling and to evade affordability checks and has proved popular with consumers.⁵¹

52. Given it is a condition of obtaining a licence through the Gambling Commission in GB, most companies have instituted a UK-wide policy on credit cards, so there is a de-facto rather than a legal prohibition on credit card use in NI. While it is currently unlikely, in theory, credit cards could be used online, as we are relying upon the Gambling Commission to ensure that credit card use is banned for the whole of the UK. Local licence holders that operate only in Northern Ireland can still accept credit cards for in-person betting. This legal anomaly could be tidied up.

53. The Minister has announced that a ban on credit cards will be included in the new code of practice.⁵² Given this code of practice cannot be enforced, outside of limited circumstances, it would be preferable for the ban on credit cards to be made statutory.

54. To amend the 1985 Order in this respect would be relatively simple. The Committee could consider amending the definition of money in the 1985 Order to exclude credit cards. An amendment is set out in Appendix 5.

Strategy to address gambling-related harm

55. Given the high prevalence of “problem gambling” in Northern Ireland, a strategy to reduce the high levels of gambling in society must be put in place. If the strategy has a statutory underpinning this will ensure that the issue is constantly reviewed and assessed. A statutory strategy will facilitate cross-departmental working to ensure that the issue of gambling-related harm is treated as a healthcare issue and people receive the care they need for their addiction.

56. Dealing with gambling-related harm will take a multiagency approach and a strategy provides the best possible way to map what is required and the obligations placed on each sector and Department. Currently, the Health and Social Care Board provides no funding to trusts for those suffering from gambling-related harm. The only means by which a person suffering from gambling-related harm can get treatment is through a mental health referral.⁵³ Based on FOI data obtained in 2019, in the previous five years, the Department of Health and the Public Health Agency have provided no funding for a public awareness campaign around gambling-related harm. Out of the five NHS Trusts operating in NI, only one collects data on the number of individuals suffering from gambling-related harm.⁵⁴ It is clear a strategy is needed to baseline the issue and set out the roadmap for tackling the issue.

57. The Westminster Government is working on an addiction strategy to be published in 2022, which will include drugs, alcohol and gambling addiction.⁵⁵ Currently in England, gambling is one of the NHS

⁵⁰ <https://www.gamblingcommission.gov.uk/news/article/gambling-on-credit-cards-to-be-banned-from-april-2020>

⁵¹ <https://www.gamblingcommission.gov.uk/news/article/gambling-commission-publishes-interim-evaluation-on-the-successful> Published 2 November 2021

⁵² <https://www.communities-ni.gov.uk/news/hargey-steps-underway-make-gambling-safer>, published 1 November 2021

⁵³ 2019 Exec Report, *Op Cit*, page 2

⁵⁴ [AQW 10234/17-22](https://www.parliament-ni.gov.uk/committees/assembly-committees/assembly-committee-on-the-economy-and-employment) answered 26 November 2020

⁵⁴ “Revealed: alarming lack of problem gambling data across NI,” CARE, accessed 12 August 2019 <https://www.care.org.uk/news/latest-news/revealed-alarming-lack-problem-gambling-data-across-ni>

⁵⁵ PQ [HL1947](https://www.parliament-ni.gov.uk/committees/assembly-committees/assembly-committee-on-the-economy-and-employment), answered 20 July 2021

Long Term Plan: 10 key public health points. “NHS specialist clinics will be expanded to help more people with serious gambling problems. Therefore, helping more people than can currently access support through one national clinic.”⁵⁶ The NHS committed to fund 15 clinics by 2023/2 for individuals suffering from gambling addiction;⁵⁷ two of these have opened;⁵⁸ one will focus on children and young people.⁵⁹ In NI, there is not one single clinic aimed at helping those who are suffering from gambling harm. While we appreciate the health trusts are under considerable strain at the current time, failing to treat gambling addiction can prove to be a false economy, especially as rates of gambling may have increased during the lockdown and furlough.

58. In the absence of a strategy and targeted help, the services a person can access will largely depend on a person's own individual wealth and resources. In other words, those who have means can access help, those who do not receive no treatment. While some voluntary sector organisations do provide support and advice with managing debt, this is just a drop in the ocean of what is required to deal with addiction in Northern Ireland. We commend the work of Gamblers Anonymous, Addiction NI, Gamcare and Dunlewey Addiction Service.⁶⁰ However, it is widely acknowledged that while voluntary sector organisations do good work in this field, they are unable to provide the full support necessary to help individuals suffering from gambling addiction. A strategy with joined up public sector/3rd sector coordination and support is urgently needed if gambling-related harm is going to be tackled in Northern Ireland.
59. **CARE NI supports a statutory strategy to prevent gambling harms** and a potential amendment is set out in Appendix 3 below.

Outstanding issues that need to be addressed

Independent Regulation

⁵⁶ <https://publichealthmatters.blog.gov.uk/2019/01/08/the-nhs-long-term-plan-10-key-public-health-points/>
 “We will invest in expanding NHS specialist clinics to help more people with serious gambling problems. Over 400,000 people in England are problem gamblers and two million people are at risk, but current treatment only reaches a small number through one national clinic. We will therefore expand geographical coverage of NHS services for people with serious gambling problems, and work with partners to tackle the problem at source.” Para 2.36 of [Long Term Plan](#), August 2019

⁵⁷ PQ [27154](#), answered 8 July 2021

⁵⁸ See PQ [5578](#), answered 29 January 2020. Note that these seem to be the National Problem Gambling Clinic (not clear if this treats children or not) and the Northern Gambling Clinic.

⁵⁹ <https://www.longtermplan.nhs.uk/nhs-to-launch-young-peoples-gambling-addiction-service/>

⁶⁰ Dunlewey reports that in 2018, 82 users accessed their gambling addiction support services. 2019 Report, *Op Cit*, page 3

60. The Gambling Commission was established through the 2005 Act in GB. This body, while having had an impact on the sector, is not without its flaws and CARE NI would contend it is in need of reform and review. CARE NI submits that it would be a mistake for Northern Ireland to simply fall under the remit of the Gambling Commission and a Northern Ireland specific regulator should be established.
61. A number of highly reputable sources raised serious concerns during 2020 about the effectiveness of the work of the Gambling Commission:
- 61.1.1. The House of Commons Public Accounts Committee (PAC) said in June, the “*Gambling Commission have failed to adequately protect consumers at a time of considerable change in the sector, as gambling increasingly moves online and new games become popular.*”⁶¹
- 61.1.2. The House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry (HLSC) said the Commission and the Government department overseeing it had “*seldom been proactive*”.⁶²
- 61.1.3. The National Audit Office (NAO) has argued “*The Commission is unlikely to be fully effective in addressing risks and harms to consumers within the current arrangements.*”⁶³
- 61.1.4. The Westminster Gambling Harm APPG says the Commission is “*not fit for purpose*”.⁶⁴
62. It is hoped that the Commission will be reformed as part of the UK government’s gambling law review.⁶⁵ Without such reforms, CARE NI would have grave reservations about Northern Ireland being regulated by the Commission and would recommend the introduction of Northern Ireland’s own independent regulator. A new Northern Ireland regulator would, of course, need to have close contact with the Gambling Commission, but also with the proposed regulatory body for the Republic of Ireland. This would ensure a joined up approach across the UK and Ireland to share best practice.
63. An NI regulator could bring a greater consumer-based focus to regulation. One of the deficiencies of the Gambling Commission is the lack of power to help individuals who are in dispute with the powerful gambling operators. The PAC raised this lack of consumer support and recommended reform of the gambling commission to ensure a consumer focus.⁶⁶ The Westminster Gambling Harm APPG⁶⁷ and the HLSC⁶⁸ have advocated for a Gambling Ombudsman. We recommend that the new Northern Ireland framework should include a Gambling Ombudsman.
64. CARE NI strongly recommends that a body be established which is bespoke to Northern Ireland. It may also be worth considering how the proposed body will be established and operate in the Republic of Ireland to ensure a synergy in approach across the island. The body should also align with the Gambling Commission and could establish itself as a blueprint for the rest of the UK, should Westminster reform the Gambling Commission in GB,
65. It is disappointing that the Bill currently before the Assembly has no independent regulator designated. CARE NI recommends that the establishment of a regulator is made a priority for the next mandate.

Reform of Online Gambling

66. The current law in Northern Ireland is inadequate since the 1985 Order “*contains no provisions which*

⁶¹ House of Commons Public Accounts Committee, Gambling regulation: problem gambling and protecting vulnerable people, July 2020, page 3, <https://committees.parliament.uk/publications/1626/documents/19602/default/>

⁶² HLSC, July 2020, *Op Cit*, para 294, page 80

⁶³ NAO, February 2020, *Op Cit*, page 43

⁶⁴ Gambling-related Harm All Party Parliamentary Group, *Online Gambling Harm Inquiry*, June 2020, page 5, <http://www.grh-appg.com/wp-content/uploads/2020/06/Online-report-Final-June16-2020.pdf>

⁶⁵ <https://www.gov.uk/government/publications/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence>

⁶⁶ PAC, July 2020, *Op Cit*, para 5, page 7; para 7, page 8 and para 21, page 14

⁶⁷ Online Gambling Harm Inquiry Interim Report November 2019, page 10

⁶⁸ <http://www.grh-appg.com/wp-content/uploads/2019/11/Interim-APPG-Report-November-final-1.pdf>

⁶⁸ HLSC, July 2020, *Op Cit*, para 413, page 107

relate to online gambling".⁶⁹ When the 1985 Order was drafted, no one could have predicted how the gambling market would evolve and the effects of the internet. Online gambling presents special challenges to consumers because unlike betting shops, gambling is available 24 hours a day, 7 days a week from a multitude of different websites.

67. Online gambling is now a substantial part of the gambling market and growing. Approximately 40% of the gambling market in GB is remote (online gambling).⁷⁰ 50% of online gambling is via mobile phones; and 96% takes place at home.⁷¹ No recent figures are available for this jurisdiction, although we would submit the figures would not be significantly different here than they are in the rest of Great Britain⁷². The 2018 Gambling Commission Review of Online Gambling suggested that this will rise to 50% over the next few years.⁷³
68. Regulation should cover those who wish to provide remote gambling services to consumers in Northern Ireland. While operators may not be physically present in Northern Ireland, any gambling website should be required to operate in a manner that ensures that consumers are protected and treated fairly. The law should cover consumer protection matters and extend to skins gambling and loot boxes (which will be considered further below and are primarily aimed at children and young people). Websites that are operating without a license in Northern Ireland should be subject to financial transaction blocking, with transparent reporting on the number of sites that are being blocked.
69. Online gambling presents particular harm for children and young people. It is essential that new remote gambling legislation in NI tackles young people gambling within online video games using so-called "skins" and "loot boxes" - whereby in-game purchases become a source of virtual currency and can be used to gamble as virtual currency. As virtual currency is regarded as having value as "money's worth", the Gambling Commission advice to operators on skins gambling is, "*Where facilities for gambling are offered using such items, a licence is required in exactly the same manner as would be expected in circumstances where somebody uses or receives casino chips as a method of payment for gambling, which can later be exchanged for cash*" but notes that many of the sites are 'unregulated'.⁷⁴ While the Commission says that it has "*carried out extensive actions to disrupt and deter unlawful activity, which might present a risk to children and young people*", skins gambling continues. A Westminster Select Committee argued that there needs to be changes to how the existing legal concept of 'money's worth' is defined so that the existence of virtual currencies can be properly regulated.⁷⁵
70. The Gambling Commission has published data on the involvement of young people and so called "skins gambling" in Great Britain. While we have no data on this in Northern Ireland, we again would posit the data here would be similar to the rest of Great Britain. The Young People and Gambling 2017 report showed that 20% of boys said that they have engaged with skins gambling.⁷⁶ The 2018 data

⁶⁹ http://www.niassembly.gov.uk/globalassets/documents/official-reports/social-dev/2012-2013/130207_bettinggaminglotteriesamusementsbill_dsdbriefing.pdf page 2

⁷⁰ Taking a more in-depth look at online gambling, Gambling Commission, 7 June 2021, <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/taking-a-more-in-depth-look-at-online-gambling>

⁷¹ *Ibid*, See Table "Places where gambled online in the last four weeks". Taking a more in-depth look at online gambling, Gambling Commission, 7 June 2021, <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/taking-a-more-in-depth-look-at-online-gambling>

<https://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-participation-in-2019-behaviour-awareness-and-attitudes.pdf>

⁷² Notwithstanding that internet access levels are lower in NI compared to GB

⁷³ Gambling Commission, Review of Online Gambling, March 2018, <http://www.gamblingcommission.gov.uk/PDF/Online-review-March-2018.pdf>

⁷⁴ Virtual currencies, eSports and social casino gaming - position paper, March 2017, paras 3.8, 3.12-3.16, <http://www.gamblingcommission.gov.uk/PDF/Virtual-currencies-eSports-and-social-casino-gaming.pdf>

⁷⁵ House of Commons, Digital, Culture, Media and Sport Committee, Immersive and addictive technologies, September 2019, HC 1846, paragraph 97, <https://publications.parliament.uk/pa/cm201719/cmselect/cmcmds/1846/1846.pdf>

⁷⁶ Young People and Gambling 2017, Gambling Commission, page 5, <https://www.gamblingcommission.gov.uk/PDF/survey-data/Young-People-and-Gambling-2017-Report.pdf>,

suggests that only 3% of young people (figures not broken down by gender in 2018) were involved in skins gambling.⁷⁷ The 2019 data (the latest available) suggests that of those who are aware of in-game purchases, 6% gamble with skins (which is 3% of all young people).⁷⁸ The Parent Zone Report on skins gambling published in June 2018 suggest that 10% of 13-18-year-olds have gambled with skins.⁷⁹ In 2019, the Royal Society for Public Health (RSPH) called for skins gambling to be a clearly recognised form of gambling under the law.⁸⁰ CARE Northern Ireland agrees that there should be no uncertainty for licensing authorities, websites or video game producers about the status of skins gambling.⁸¹ The protection of young people needs to be a priority of gambling reform in Northern Ireland.

71. There has also been increasing attention on loot boxes where gamers can purchase “mystery” items that can improve a player’s appearance (i.e. skins) or the player’s performance in a particular game but with no transparency of the odds of being successful. The contents of boxes can be gambled or, in some cases, traded in for cash. Loot boxes are a way of video game companies increasing revenue. It has been estimated that the global spend on loot boxes will be \$22 billion by 2022.⁸² One of the most popular loot boxes is the EA Sports FIFA franchise which made over \$6 billion in loot box sales from 2015 to 2020⁸³. The Gambling Commission reported that in 2019, 44% of 11-16-year olds in Great Britain were aware of loot boxes and had bought one.⁸⁴ In a survey conducted by the Royal Society for Public Health, twice as many 11-14 year olds said they had bought a loot box in the previous week compared to 22-24 year olds, A similar figure was found for those who had taken part in skins betting.⁸⁵ Since what is contained in a loot box is dependent upon chance, there is an argument that the purchase is effectively gambling. A 2018 academic paper states “*loot-box systems share important structural and psychological similarities with gambling.*”⁸⁶ Indeed, a number of US States have considered or are considering legislation to outlaw loot boxes.⁸⁷ Belgium has outlawed them.⁸⁸ The Netherlands has ruled that loot boxes in certain games have been illegal.⁸⁹ These types of in-game purchases introduce children to chance and gambling environments and should be regulated. This should be a priority for the next mandate.
72. Given the technological advances since the introduction of the 1985 Order, a new Bill, dealing with online and technological advances is urgently required. This should also be a priority for the next mandate.

Advertising

73. In recent years, there has been much discussion about the impact of gambling advertising on gambling behaviour. Prevalence and the way advertising is undertaken has radically changed since 1985, particularly with gambling and its relationship with sport.

⁷⁷ Young People and Gambling 2018, Gambling Commission, *Op Cit* page 28

⁷⁸ Young People and Gambling 2019, *Op Cit*, page 40,

⁷⁹ https://parentzone.org.uk/system/files/attachments/Skin_Gambling_Report_June_2018.pdf, page 5

⁸⁰ Skins in the Game, Royal Society for Public Health, December 2019, <https://www.rsph.org.uk/static/uploaded/be3b9ba8-ea4d-403c-a1cee2ec75dcefe7.pdf> page 32

⁸¹ House of Commons, Digital, Culture, Media and Sport Committee, September 2019, *Op Cit*, paragraphs 96 and 97

⁸² <https://www.juniperresearch.com/press/press-releases/loot-boxes-and-skins-gambling>

⁸³ [FIFA Ultimate Team Has Made EA Over \\$6 Billion Dollars Since 2015 \(screenrant.com\)](https://www.screenrant.com)

⁸⁴ Young People and Gambling 2019, *Op Cit*, page 40

⁸⁵ Skins in the Game, Royal Society for Public Health, December 2019, *Op Cit*, page 23

⁸⁶ Drummond A, Sauer D, Video game loot boxes are psychologically akin to gambling, *Nature Human Behaviour*, Vol 2, August 2018, pages 530-532, <https://www.nature.com/articles/s41562-018-0360-1>

⁸⁷ <https://www.nytimes.com/2018/04/24/business/loot-boxes-video-games.html>

⁸⁸ <https://www.theguardian.com/games/2018/nov/21/square-enix-pulls-games-mobius-final-fantasy-belgium-loot-box-ban>

⁸⁹ <https://www.thetimes.co.uk/article/no-curbs-for-gambling-on-rare-items-in-video-games-m68wzb3f0>

74. The 1985 Order regulates local gambling advertising only on radio, television and on billboards.⁹⁰ The only regulation relating to online gambling is section 5 of the Gambling (Licensing and Advertising) Act 2014,⁹¹ which makes it an offence to advertise unlicensed remote gambling in NI. It means that only an organisation that holds a remote gambling license with the Gambling Commission can advertise in NI, without committing an offence.⁹² *“As a result, consumers here can be assured that they will continue to have the same protection as consumers in GB from the advertising of remote gambling.”*⁹³ A 2016 PQ made it clear that advertising on the radio, TV and billboards is covered by the 1985 Order but internet advertising is covered by the 2014 Act.⁹⁴ In the absence of a regulator the PSNI are responsible for enforcement, which is clearly an outdated model.⁹⁵
75. In our response to the Department of Communities consultation, CARE NI recommended there should be alignment with the current standards in GB but also recommended there should be further restrictions, beyond those in GB, to limit gambling advertising, especially at sporting events. The relationship of local sport and gambling has made recent headlines with a ‘landmark’ deal, which mirrors stadium naming rights in GB.⁹⁶ We have also suggested that there should be no gambling adverts during sporting events before 9pm. The HLSC made a number of recommendations on advertising related to sporting events, which we urge the Committee to consider.⁹⁷ The Westminster Gambling-related Harm APPG has called for a ban on all gambling advertising.⁹⁸
76. The July 2020 Report by the Money and Mental Health Policy Institute also advocated for being able to self-exclude from online gambling adverts. They cited their own research with individuals suffering from mental health problems of whom 85% said it was impossible to avoid seeing online gambling adverts.⁹⁹ The new framework should ensure that individuals who have self-excluded are not targeted by adverts.
77. CARE Northern Ireland is particularly concerned about the impact on gambling advertising on young people. The Gambling Commission publishes data on young people and gambling. The 2019 data is the last data set covering advertising. It showed that in 2019, for 11-16-year-olds in Great Britain:¹⁰⁰
- 77.1. 49% have seen gambling advertisements on social media, compared with 58% on television.¹⁰¹ 11% have ever received direct marketing from gambling companies.¹⁰²
 - 77.2. 7% said that adverts had prompted them to spend money on gambling.¹⁰³
 - 77.3. 12% follow gambling companies on social media (14% of boys).¹⁰⁴ The 2018 data suggested that those who follow gambling companies on social media were three times more likely to have spent money on gambling in the previous seven days than young people who do not follow

⁹⁰ <http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=307781>

⁹¹ <http://www.legislation.gov.uk/ukpga/2014/17/section/5>

⁹² See <http://www.legislation.gov.uk/ukpga/2014/17/notes/division/5/5>. The section 5 offence is under the jurisdiction of the Gambling Commission, but it is not clear whether any operators have been prosecuted. See footnote 12

⁹³ <https://www.gamblingcommission.gov.uk/PDF/Statement-of-principles-for-licensing-and-regulation.pdf>

⁹⁴ <http://www.niassembly.gov.uk/globalassets/documents/official-reports/plenary/2012-13/monday-17-june-2013-revised.pdf> page 4. The NI Executive who, having delegated powers on gambling, made the decision about this particular piece of regulation on online gambling. The legislative consent motion for application in NI was agreed on 17 June 2013.

⁹⁵ <http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=267880>

⁹⁶ <http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=307781>

⁹⁷ <https://www.belfasttelegraph.co.uk/sport/football/irish-league/glentoran/betmclean-oval-glentoran-stadium-renamed-in-250000-sponsorship-deal-40786311.html>

⁹⁸ HLSC, July 2020, *Op Cit*, paras 517, 518 and 524, pages 132-133

⁹⁹ APPG, June 2020, *Op Cit*, page 12

¹⁰⁰ Page 28, <https://www.moneyandmentalhealth.org/online-gambling/>

¹⁰¹ Young People and Gambling 2019, A research study among 11-16 year olds in England and Wales, November 2019

¹⁰² <https://www.gamblingcommission.gov.uk/PDF/Young-People-Gambling-Report-2019.pdf>

¹⁰³ *Ibid*, page 51

¹⁰⁴ *Ibid*, page 55

¹⁰⁵ *Ibid*, page 54

¹⁰⁶ *Ibid*, page 54

gambling companies on social media.¹⁰⁵

77.4. 14% of boys have received direct marketing from gambling companies.¹⁰⁶

78. The recent publicity surrounding the use of advertising by enticements and free bets has led to calls for the introduction of Luke's law.¹⁰⁷ This has highlighted the practices of gambling companies that target people who have stopped gambling and entice them to start.¹⁰⁸ This highlights the need for greater self-exclusion measures such as GAMSTOP and a legislative provision that requires all gambling licence holders to ensure that those who wish to stop gambling are allowed to do so. Recently it has been reported that people in GB who have attempted to self-exclude have been contacted by gambling companies with incentives to entice them to reopen accounts.¹⁰⁹ Self-exclusion must be implemented and underpinned with legislation to ensure gambling companies comply.
79. Given the prevalence of gambling-related harm, it is clear that regulation of gambling advertising should be a priority for the next mandate.

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Appendix 1:

Sunday Opening Amendments

¹⁰⁵ Young People and Gambling 2018, *Op Cit*, page 36 <https://www.gamblingcommission.gov.uk/PDF/Gambling-and-children-and-young-people-response-2018.pdf>

¹⁰⁶ Young People and Gambling Report 2019, *Op Cit*, pages 54-55

¹⁰⁷ [Luke's Law: Ban 'free bets' and emails that entice gamblers to place 'free bets' - Petitions \(parliament.uk\)](#)

¹⁰⁸ ['My husband took his life after a free bet bonus sparked a gambling spiral during lockdown' \(inews.co.uk\)](#)

¹⁰⁹ [Gambling addicts who banned themselves from betting website were offered freebies at online casino | Daily Mail Online](#)

The effect of these amendments is to ensure that any additional Sunday opening may only be permitted by regulation with further scrutiny by the Assembly before coming into effect. The text of both clauses 2 and 6 would be added to by the following amendments.

Clause 2, page 1, line 6, at start insert, ‘Regulation for’

Clause 2, page 1, line 8, at end insert—

‘(2) At the end of Article 31(3) of the 1985 Order, insert—

- ‘(4) The Department may by regulations make provision for a licensed office to open or be kept open for the transaction of business on a Sunday or Good Friday
- (5) No regulation of Sunday or Good Friday opening under paragraph (4) may be made unless a draft of the regulations have been laid before and passed by affirmative resolution of the Assembly.’.’

Clause 6, page 3, line 1, at start insert, ‘Regulation for’

Clause 6, page 3, line 5, at end insert—

‘(1A) At the end of Article 76(8) (regulations) of the 1985 Order, insert —

- ‘(f) make provision for bingo to take place on any bingo club premises on any Sunday or Good Friday.
- (9) No regulation of Sunday or Good Friday opening under paragraph (8)(f) may be made unless a draft of the regulations have been laid before and passed by affirmative resolution of the Assembly.’.’

Clause 6, page 3, line 8, at end insert—

‘(2A) At the end of Article 108(3) of the 1985 Order, insert —

- ‘(3A) The Department may by regulations make provision for gaming machines to be available on any Sunday or Good Friday
- (3B) No regulation of Sunday or Good Friday opening under paragraph (3A) may be made unless a draft of the regulations have been laid before and passed by affirmative resolution of the Assembly.’.’

Appendix 2:

Mandatory Statutory Levy

The effect of this amendment would be to substitute the proposed new Article 172A with a requirement that in **any** licence etc, there must be a condition that the holder of the licence etc must make an annual financial contribution to one or more organisation(s) to support those prevent/treatment gambling-related harm.

This requirement is based on the Gambling Commission’s Licence Conditions and Codes of Practice¹¹⁰ and the current contribution levels expected in GB.¹¹¹

Clause 14, page 6, leave out line 9 to line 15 on page 10 and insert—

“172A.— It shall be a condition of all relevant licences, certificate or permits that the holder of a relevant licence, certificate or permit must make an annual financial contribution of 0.1% of their annual gross gambling yield to one or more organisation(s) approved by the Department, which between them deliver or support research into the prevention and treatment of gambling-related harm, harm prevention approaches and treatment for those harmed by gambling.”.

¹¹⁰ Gambling Commission, Licence Conditions and Codes of Practice, [Version effective from 31 October 2020](#), Section 3.1.1, paragraph 2

¹¹¹ See ‘How much should I donate to GambleAware’, <https://www.begambleaware.org/donation-guidelines-202122-faqs>

Appendix 3

Strategy to address problem gambling

New Clause

After clause 14 insert—

“Strategy to address problem gambling

- 14A.**—(1) The Department shall publish a strategy on making assistance available to persons who are or may be affected by problems related to gambling—
- (a) in the year the Act comes into operation; and
 - (b) at least once every subsequent three years.
- (2) In drawing up the strategy the Department must—
- (a) consult with other relevant organisations; and
 - (b) have regard to views expressed by such organisations.
- (3) The purpose of the strategy is to—
- (a) raise awareness of problems related to gambling in Northern Ireland;
 - (b) contribute to a reduction in number of persons affected by problems related to gambling.
- (4) In this section “relevant organisation” means any body, agency or other organisation with functions or activities relating to gambling or the support of persons who are or may be affected by problems related to gambling.”.

New Clause

After clause 14 insert—

“Duty to undertake research on problems related to gambling.

14B.—As part of the strategy to be drawn up under section 16A, the Department shall undertake research on the problems related to gambling in the year the Act comes into operation, every subsequent three years or as requested.”.

Appendix 4

Amendments related to Code of Practice

The effect of this amendment would be to require the codes to set out the duty of care of gambling providers.

Clause 15, page 7, line 24, leave out “for the purposes of” and insert “to meet an expected duty of care to those using the facilities to include, but not be limited to”

The effect of this amendment would be to allow the code to be enforceable so that a licence could be revoked if there were serious or continuing breaches of the code.

Clause 15, page 8, line 22, at end insert—:

“(10A) A serious, significant, continuing or multiple breaches of a code is a ground of revocation or cancellation of a licence registration or permit under articles 27, 42, 92, 103 or, 121.”.

Appendix 5

Ban on Credit Cards

The effect of this amendment would be to ensure that the definition of money excludes credit cards.

New Clause

After clause 15 insert—

“Ban on credit cards

15A.—In paragraph 2 of Article 2 of the 1985 Order at the end of the definition of “money”, there shall be added “but not a credit card.”