

***'Masked Morality, a new theory variant to explain the changes in British  
gambling policy 2005-2023'***

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# Abbreviations

ABB	Association of British Bookmakers
ABSG	Advisory Board on Safer Gambling
ACF	Advocacy Coalition Framework
AGRI	Alberta Gambling Research Institute
APPGBGG	All Party Parliamentary Group on Betting & Gaming
APPGFOBTs	All Party Parliamentary Group on Fixed Odds Betting Terminals
APPGGRH	All Party Parliamentary Group on Gambling Related Harm
BACTA	British Amusements and Catering Trades Association
BBC	British Broadcasting Corporation
BCA	British Casino Association
BGC	Betting & Gaming Council
BHA	British Horseracing Authority
CEO	Chief Executive Officer
CFFG	Campaign for Fairer Gambling
CIA	Cumulative Impact Assessment
CJEU	The Court of Justice of the European Union
COO	Chief Operating Officer
DALYs	Disability-Adjusted Life Years
DCMS	Department for Culture, Media & Sport
DSM-IV	Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition
DUP	Democratic Unionist Party
EBPM	Evidenced Based Policy Making
EEA	European Economic Area
EGM	Electronic Gaming Machines
EU	European Union
FOBMs	Fixed Odds Betting Machines
FOBTs	Fixed Odds Betting Terminals
FOIA	Freedom of Information Act
FTE	Full Time Employee Equivalents
GBGA	Gibraltar Betting and Gaming Association
GBGB	Gaming Board for Great Britain
GGY	Gross Gaming Yield
GRASP	Gambling Reform and Society Perception
GWL	Gambling With Lives
HALYs	Health-Adjusted Life Years
HSE	Health Survey England
HLSCSEIGI	House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry
HMRC	Her Majesty's Revenue & Customs (now His Majesty's)
HRQL	Health Related Quality of Life
ID	Identification Documents
IPPR	Institute for Public Policy Research

LA	Local Authorities
LCCP	Licence Conditions and Codes of Practice
LGA	Local Government Association
MBE	Member of the British Empire
MP	Member of Parliament
NAGL	National Anti-Gambling League
NHTPC	National Housing and Town Planning Council
OHID	Office for Health Improvement and Disparities
ONS	Office for National Statistics
PGSI	Problem Gambling Severity Index
PHAG	Public Health approach to gambling
PHE	Public Health England
PLC	Public Limited Company
PTES	PT Entertainment Services
QALYs	Quality-Adjusted Life Years
RET	Research, Education and Treatment
RG	Responsible Gambling
RGSB	Responsible Gambling Strategy Board
SCT	Spectrum Children's Trust
SCV	Single Customer View
SES	Socio-Economic Scale
SGHS	Short Gambling Harm Screen
SI	Statutory Instrument
SMF	Social Market Foundation
SR	Social Responsibility
TFEU	Treaty on the Functioning of the European Union
TTO	Time Trade-Off
UK	United Kingdom
ULEZ	Ultra Low Emissions Zone
USA	United States of America
VAS	Visual Analogue Scale
VLTs	Video Lottery Terminals
YGAM	Young Gamblers Education Trust

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Special mention must be given to Charles Cohen who came up with the term 'Masked Morality' and to Dan Waugh, who as the country's leading proponent of exposing the falsehoods in the Public Health approach to gambling, has been an invaluable source for this thesis.

I must also thank the following members of the Parliamentary All Party Parliamentary Group on Betting & Gaming, where I was Secretariat from 2007-2023: Chairs: Lord Lipsey, Baroness Golding, Philip Davies MP and Scott Benton MP. Vice-Chairs: Viscount Astor and Lord Mancroft. Their friendship and support provided me with a privileged insight into the Parliamentary politics of gambling.



## **Abstract**

This thesis considers British gambling policy since the passing of the Gambling Act 2005 until the publication of the Gambling White Paper on the 27th April 2023. It argues that overall, this policy has been a success but that vocal policy actors have successfully convinced the regulator and government that this has not been the case and that significant restrictions to gambling regulations in the supposed aim of preventing gambling harm. It further argues that the current methodology of analysing public policy about gambling, using either morality politics or advocacy coalition framework analysis, is not sufficient to consider British gambling politics as it fails to capture the range of ultimately commercial as well as ideological motivations of the policy actors lobbying for restrictions and proposes its own theory-variant, Masked Morality.

The thesis is structured around case studies that look at why gambling policy has changed over the time period. Moral panics and poor policy are found in the stopping of proposals for resort casinos, a well-funded effort by an industry competitor combined with a Minister who was no fan of gambling saw the effective abolition of fixed -odds betting terminals and the emergence of activist academics campaigning on the pretence of Public Health have caused the prohibitionist environment we find ourselves in now that the author believes will undoubtedly lead to an explosion in Black Market gambling.

## **The wit and wisdom of the late Professor Peter Collins (1945-2022), Director of the Centre for the Study of Gambling and Commercial Gaming, the University of Salford (2000-09):**

"It may in fact be the case that more people who drink in moderation, have temperate sex lives, and even enjoy the occasional game of chance have lives that are not only more enviable but also more admirable than those who eschew all such pleasures and play. Their obvious advantage over both the hedonist and the ascetic is that their wants are tempered to their ability to satisfy them...A less obvious advantage may be that they are psychologically healthier and more balanced than those who either deny themselves excessively..."

"Perhaps gambling accustoms us to sit more loosely than we otherwise would toward money and material possessions, and such a stance may be more morally desirable. Perhaps, too, gambling inculcates the virtues of courage, equanimity, and graciousness in adversity and good fortune alike."

"Gambling is an immensely interesting and rewarding subject to study much more interesting, as far as I'm concerned, than actually gambling. One thing that made it interesting was that, whatever your own discipline, you were forced to understand what people were contributing to the study of gambling as a whole from their own disciplines. Another factor was the sheer diversity of interesting questions to be explored."

"It would, of course, be easy to regulate the gambling industry to exclude the poor simply by requiring would be gamblers to furnish proof of income at a specified level or to prove creditworthiness in a specified amount." (2003)

"The more fundamental difficulty in trying to prevent the poor from gambling is a moral one, for it amounts to saying that poor people lack the intelligence and self-control to be able to decide for themselves how to spend their own time and money...Worse, it presupposes that poor people may legitimately be subject to paternalistic government that takes away their fundamental dignity as autonomous moral agents entitled to choose for themselves how to live even if they no less than richer people will often make bad choices."

# Chapter 1: Foundations

## Background

By way of introduction, the author of this thesis has been a management consultant specialising in the British gambling industry for the last 30 years. While my day job has involved advising gambling related companies on business strategy, licensing and compliance, I have been mostly focussed on the politics of gambling. This has involved as varied of tasks as helping to draft the Labour Party's gambling policy prior to the Blair administration, briefing the Budd gambling review board, providing evidence used in submissions on the Gambling Bill, advising various gambling trade associations, being a special advisor to the Culture, Media & Sport Select Committee inquiry into the Gambling Act and being Secretariat of the All Party Betting and Gaming Group from 2007-23.

After gaining an MBA from Durham University Business School in 1995 with a dissertation on the marketing of horseracing, I joined the nascent Centre for the Study of Gambling and Commercial Gaming at the University of Salford , where I was to spend a year studying for a PhD, under the tutelage of Professor Neville Topham, who preceded Prof. Peter Collins whose wit and wisdom opens this work. I found academic life unappealing and a better offer of becoming KPMG's gambling consultant took me into the world of commercial advisory work and from there to into self-employment, where I have been for the majority of my career. The idea of doing a PhD never left me, as like Prof. Collins states above, gambling is truly a fascinating subject to study as it is multi-disciplinary with opportunities in all of the social sciences as well as maths and computing.

Unfortunately, academia does not always embrace positively the opportunities of studying this field and much like Salford's Centre for the Study of Gambling and Commercial Gaming was eventually forced to close down

in 2009, so I felt the need to leave the University of Westminster a decade later, where I had been studying for a history PhD and move, serendipitously, back to the University of Salford's politics department to write a public policy PhD. This explains the historical approach found in much of the thesis, although it is obviously needed for context especially when providing case studies. An examination of public policy while aided by theory, in my humble belief, needs to be grounded in the events and times in which the policy exists.

At the beginning of my career I was fortunate enough to see a dramatic change in the way gambling was regulated in Britain. The Gambling Act 2005 got rid of outdated and outmoded legislation and overtly paternalistic methods for regulating gambling and brought in a more grown up approach that stopped infantilising gamblers. It recognised that gambling was a perfectly acceptable adult recreation which, like many others, was completely harmless for almost everyone. It also accepted that a tiny proportion would have problems with their gambling, mostly as result of other mental health issues that they were suffering. The new law would include for the first time requirements for gambling operators to ensure that when such problem gamblers were identified they would be identified and signposted for help. It was a brand new world but one that existed in many countries already, much of Europe, North America and Australasia. For land-based gambling, Britain would be catching up, but for the new online gambling phenomenon, it would be one of the first major jurisdictions to legalise and regulate it.

Since the introduction of Gambling Act 2005, opposition to the new world of gambling has grown in volume but not in numbers. Press campaigns and vocal pressure groups have all created a narrative grounded on ideas of gambling cliches from prohibition times and even different countries. Themes of criminality, corruption, class exploitation and everyone who gambles almost certainly becoming addicted have been used to shock and create fear in the public and politicians alike. The theme of my original history PhD was how moral

panics have been used throughout history by anti-gambling groups. The transition to a public policy PhD was made easier by this theme continuing through the timeframe of this work, from 2005 to 2023, from the launch of the Gambling Act to the publication of the Gambling White Paper.

A search of GaleOnefile, a newspaper database, from 1<sup>st</sup> May 2023, to the date of writing, 1<sup>st</sup> September 2023, shows 110 articles responding to the search term 'Gambling White Paper' in the whole document. The White Paper in question, *High stakes: gambling reform for the digital age* was launched on Thursday 27<sup>th</sup> April 2023 and the number of articles, even giving a few days for the weekend editions to cover the news of the preceding week, shows just how the gambling debate, as exemplified in this thesis's title, is still frenetic and ongoing.<sup>1</sup>

The articles reflect the narrative that has grown over the 18 years since the passing of the Gambling Act 2005, that the liberalisation of gambling has gone too far and that the country is suffering an epidemic of problem gambling and regulatory change is urgently needed. In July, the *Independent* quoted Dr Matthew Gaskell of the NHS Northern Gambling Service as saying:

'we expect to see a continuation of the culture of high frequency continuous gambling. Unaffordable losses look set to continue. There seems set to be a continuation of the business model of the industry which relies on disproportionate profits coming from those harmed and addicted from gambling'<sup>2</sup>

In June, the *Yorkshire Post* had quoted Charles Richie, co-founder of the charity Gambling With Lives, who, with his wife Liz, were receiving MBEs from Prince

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<sup>1</sup> Department for Culture Media & Sport. (2023b). *Policy paper High stakes: gambling reform for the digital age*. (CP 835). London: The Stationery Office, Retrieved from <https://www.gov.uk/government/publications/high-stakes-gambling-reform-for-the-digital-age/high-stakes-gambling-reform-for-the-digital-age#ministerial-foreword>

<sup>2</sup> Clarke, J. (2023, 18/07/23). Gambling White Paper a 'huge miss' that will not prevent harm, MPs told. *The Independent*. <https://www.independent.co.uk/business/gambling-white-paper-a-huge-miss-that-will-not-prevent-harm-mps-told-b2377240.html>

William for their charitable work He stated that the Prince had said "'He was not happy with it [gambling sponsorship of sport] and he thought that gambling sponsorship would be banned.'".<sup>3</sup> May had seen the *Guardian* purportedly expose Philip Davies MP (Conservative, Shipley) for having 'successfully lobbied Minister on behalf of casino over gambling laws'.<sup>4</sup> His alleged crime being to have received hospitality (dinner) from the Les Ambassadeurs casino and then have written to the Secretary of State asking that casinos be allowed to offer credit lines to ultra-high net-worth international customers in line with every major gambling jurisdiction in the world. This regulatory change was included in the White Paper which prompted the very vocal, but not on gambling issues, Jolyon Maugham, founder of the Good Law Project, to state: 'Why do the interests of the gambling industry seem always to trump the public interest, herein proper safeguards?'.<sup>5</sup>

This highlights the research puzzle that this thesis attempts to address. On the one hand, problem gambling rates are at the lowest that have ever been recorded, partly due to the regulations which are already the strictest ever imposed; there is no evidence that the gambling advertising/sponsorship of sport has ever caused problem gambling; there is no evidence that the administrative change that Philip Davies MP lobbied on behalf a high stakes Mayfair casino for would in any way be harmful to a single British (or even non-British) citizen, except through increasing the Exchequer's tax. Yet, on the other hand, there has been a continual drive to 'reform' gambling over a near 20 year period, as if the main piece of legislation regulating it (the Gambling Act 2005) had failed (and continues to fail). Indeed, not only is the success of that legislation rarely reported (even for the sake of 'balance') but (as this thesis will

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<sup>3</sup> Cameron Henderson, P. (2023, 28/06/2023). Prince William 'not happy' with gambling firm sponsoring Aston Villa, say Yorkshire campaigners. *Yorkshire Post*. <https://www.yorkshirepost.co.uk/sport/football/aston-villa/prince-william-not-happy-with-gambling-firm-sponsoring-aston-villa-say-yorkshire-campaigners-4200835>

<sup>4</sup> Davies, R. (2023, 03/05/2023). Tory MP lobbied minister on behalf of casino over gambling laws. *The Guardian*. <https://www.theguardian.com/politics/2023/may/03/tory-mp-casino-gambling-laws-philip-davies>

<sup>5</sup> Ibid

show) there has been a concerted campaign (by anti-gambling groups and the media) that has had the effect of maintaining a heightened state of moral panic about British gambling since the Gambling Act 2005 modernised our outdated gambling laws. In short, in the face of clear evidence of success of gambling policy, and a lack of evidence of policy failure, why has there been a continual drive to reform gambling policy in the past twenty years as if it were miserably failing?

This thesis attempts to solve this puzzle through public policy analysis and the theories of morality politics and advocacy coalition framework analysis. In doing so, it finds that while these theories are both useful, they are ultimately insufficient to account for the paradoxical development of UK gambling policy in the past twenty years and what is needed is a theoretical variant of the model, that this author calls 'Masked Morality'.

## **Introduction**

This thesis argues that a new theory variant is needed to explain how British gambling policy has been changed due to the framing of it as a policy failure by a coalition of anti-gambling groups. The subsequent chapters will provide the evidence for this in case studies of how regulatory change has already been forced by the influence of these groups and how, with the publication of the Gambling White Paper in 2023, further regulatory change will be happening due to their influence.

It is for this reason that the title of this thesis is 'Masked Morality, a new theory variant to explain the changes in British gambling policy 2005-2023'.

This thesis argues that if one uses the criteria set by the designers of the Gambling Act and then used by the regulator, the evidence clearly suggests that British gambling policy in this period has been a success. In that sense, there are valid questions as to the reasons why regulatory changes have been

called for by the coalition of anti-gambling groups, beyond those stated (protecting the populace from harm, unfairness or crime).

Masked Morality is proposed as this new theory variant as the existing public policy theories appear insufficient to capture some of the main features associated with the period of study, from the passing of the Gambling Act 2005 until the publication of the White Paper in 2023. In the next chapter, the basic tenets of public policy theory will be briefly considered and the most relevant existing theories, Morality Politics and Advocacy Coalition Framework Analysis, are examined and ultimately found wanting. Masked Morality is then proposed as a theory-variant in an attempt to fill the theoretical voids in explaining the paradox of a successful gambling policy being framed as a failure.

The key contribution that Masked Morality makes is that it argues that the anti-gambling groups are in fact motivated by ideology and self-interest rather than a desire to prevent harm as they claim. The explanation for this assertion is that the restrictions on gambling they campaign for will only go to push gamblers to the illegal market where they have no protection thus increasing the potential for gamblers to suffer harm. Masked Morality will hopefully provide policymakers with an understanding of the motivations of anti-gambling groups and so hopefully allow them to focus on evidence-based policy making that is as ideology free as possible.

Masked Morality also highlights the impact of political expediency which occurs usually after a moral panic has been caused by the campaigning of anti-gambling groups. Such moral panics are evidenced in the following case studies and show how by catastrophising the extent of gambling harms including suicides, they prompt the government and regulator to provide a solution by increasing gambling regulations. Political expediency is where the government does not have the political will to counter these demands for regulatory change due to the lack of overt public support for gambling. The



impact of political expediency is evidenced by the almost wholesale adoption of anti-gambling policies within the White Paper.

The importance of political expediency as a key part of Masked Morality is it provides explanatory leverage as to why, given the lack of evidence of actual harm, the government is willing to apparently U-turn on the liberalisations provided by the Gambling Act 2005. Furthermore, it adds to the debate of the extent of evidence-based policy making, which has so far been theorised to be subject to the personal influences of policy makers and now has the addition that these policy makers may have no personal view on gambling policy but just are afraid of the political consequences of being seen to 'stand up' for gambling.

The gambling debate in the U.K. and around the world is confronted with a balancing act between providing millions with the freedom to enjoy their gambling versus the need to protect the minority who suffer harm. In that context, theory variants like Masked Morality can help to make transparent the debate and highlight contributions whose motivations maybe 'masked' to achieve policy goals of restricting gambling to almost prohibition-like proportions.

Masked Morality constitutes an original addition to the scarce field of literature on British gambling policy and has the potential to be used as a tool for analysing changes in gambling policy around the world and maybe even in other areas where advocates of Public Health ideology have intervened in well-established recreational activities.

Before we look at why existing public policy theory is considered insufficient to evaluate what has happened to gambling policy in Great Britain over the last almost two decades, we first need to consider some of the research foundations of this thesis.

## **Research Methodology**

This thesis uses a mixture of research methodology elements. At its heart it is archival research from records and research primarily from the thesis timeframe of 2005-2023. A considerable amount of the work is based on primary research. However, this is combined with extensive secondary material. The latter's significance to this thesis should not be underestimated because it is often published research which has provided the bedrock for the exertion of influence or decision-making (by various policy actors), and it has been essential therefore to analyse it. The analysis, moreover, is at times of a forensic nature (fact-checking and source monitoring) precisely as a means of working along the variable of establishing whether the research stands up to scrutiny in relation to its claims and motivations.

The research does not include interviews. The original plan for the thesis was to include interviews as the author was acquainted with a number of the individuals mentioned. However, as time progressed and a number of preliminary conversations were held with potential interviewees, it became very apparent that the effort required to gain the interviews would not result in much added value to the research. The reason for this being twofold. Firstly, the gambling debate is still very much live and therefore while many a politician may be willing to provide insight off-the-record, they would be sticking to the 'party line' on-the-record or even just waiting until they published their own autobiographies first. Thus nothing extra would probably be gleaned than that which has been published already. There is also the factor of many key officials being subject to the Official Secrets Act and thus publication of meeting minutes etc. only likely to reveal themselves after 30 years, or as has been the case with the Gambling Commission, what records that are divulged are so heavily redacted to be almost meaningless.

Secondly and probably the main factor, is the author's public allegiance to the pro-gambling side of the debate after a 30 year career as management

consultant specialising in U.K. gambling. This has meant that the author has written publicly, been interviewed and debated on the pro-gambling side of what has become a rather toxic debate and many on the anti-gambling side would refuse to be interviewed. A number of academics have refused to answer even basic email requests for information and the author has experienced academics refusing to debate their research before the Parliamentary All Party Betting & Gaming Group (of which this author was the Secretariat from 2007-2023). This is because, even though arguably they were morally obliged to explain to Parliamentarians their state funded research, they believed that, since the Group was gambling friendly, it went against Public Health advocacy protocol to engage in debate.

Together this meant that if an interview approach was launched the result would undoubtedly be silence from the anti-gambling groups who make up the majority of this thesis's research and bland placations from friendly politicians unwilling and/or unable to give the inside story.

The approach in the thesis is inspired by, and uses, critical theory, which can be defined as:

Critical theory is not only about describing the way things are, but is about understanding why things are the way they are. It draws on an analysis of historical processes combined with observation and interpretation of primary sources and data to explore the structural relations, inequalities and repressions that have contributed to the establishment of the status quo.<sup>6</sup>

Implicit to Critical theory is the understanding that no research is ever purely objective and that the researcher's own ideological biases, history and culture may influence the conclusions drawn from their research. In Chapter five, where Reno IV is discussed, Prof. Peter Collins divides those in the gambling

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<sup>6</sup> *Research Methods - A Short Guide to Research Methods*. (2024). University of Sheffield. Retrieved 02072024 from <https://www.sheffield.ac.uk/academic-skills/study-skills-online/research-methods>

debate as either prohibitionists, who want gambling either banned or severely restricted, libertarians, who want gambling to have minimal regulation and restrictivists, who recognise that gambling has the potential to be harmful and thus needs extra regulation than any ordinary product or service. This author would claim to be firmly in the restrictivists camp, wholeheartedly acknowledging that gambling needs extra protections than a more benign product. It is very common for services that include an element of financial risk, such as share purchases or gaining insurance, to suffer a greater regulatory burden. Restrictivists, like this author, have no issue with this. The author also has little issue with prohibitionists who hold these beliefs for truly moralistic purposes, usually religious in nature. What the author questions, however, is the situation where some prohibitionists mask their positions as (at the more extreme end of) restrictivism.

Does such an obvious 'conflict' on the part of this author mean that this thesis and its proposed theory-variant should be dismissed as being overtly biased? This author would contend that one of the key arguments made in this thesis is that in many instances the evidential underpinning of the approach of the anti-gambling campaign is variously flawed and that this is revealed through the use of documentary evidence in the case studies and throughout this thesis. Furthermore, several academics, as discussed in chapter five and further below, are open in their allegiance to the Public Health model of public advocacy. This makes them effectively supporters of (some might argue political campaigners for) prohibition. The question is therefore raised as to whether this meets the expected norms in academia. This thesis is dedicated to using critical theory and evidence to highlight poor research and potential bias in key studies and political positions.

Critiques have been made of the Post Modernist/Marxist approach of some academics to gambling, which is undoubtedly permissible in the confines of academic debate and theorising. This author has an issue with this didactic

approach being used to advocate for the restriction in civil liberties, reduction in jobs and tax revenues and diminishment of the recreation of the general population, when successfully influencing policy making. The main theme of this thesis and why Masked Morality has been developed is that this approach appears to be more based on ideology and personal benefit rather than from an evidential need to protect the public. The value of Masked Morality is in its ability to highlight this and show policy makers that those advocating gambling reform do so, in many cases detailed below, for less than altruistic reasons.

### **Problem gambling research**

This thesis is also not about providing an examination of current problem gambling research and reviewing its latest findings, however some basic understanding of the topic is necessary as a foundation for many of the arguments made in this thesis. The main relevance of problem gambling research is in the way it has been used and misused in the policy making process, as part of supposed evidenced-based policy making.

There are thousands of academic research papers published on problem gambling.<sup>7</sup> This thesis does not question the methodology or veracity of the majority of their findings. Of all the many papers this author has read, they mostly accept the limitations of their study, that gambling jurisdictions differ quite considerably in their gambling provision, regulation, history and culture, so to argue, for example, that what is happening in Australia explains what is happening in the U.K. is definitely questionable. Also, that research methodologies often suffer from issues such as small numbers in samples of problem gamblers, or that samples are self-selecting.<sup>8</sup> Other methodological

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<sup>7</sup> A search of the Wiley Online Library (<https://onlinelibrary.wiley.com/action/doSearch?AllField=problem+gambling+>) using the search term Problem Gambling resulted in 290,334 articles and chapters.

<sup>8</sup> Small survey samples or self-selected samples suffer from the potential for bias. For example if your survey is made up mostly of people who have suffered gambling harm then your survey results will suggest that the majority of gamblers suffer harm, whereas the reality, if based on a truly representative survey (large sample, randomly selected) is the exact opposite.

issues include recreating gambling devices in research labs that don't appear anything like actual gambling devices or using only psychology students as test subjects. Then there are the issues of interpreting of results, such as mistaking correlation with causation or wrongly attributing causal factors to the act of gambling rather than other issues (e.g. other addictions/ co-morbidity) or confusing environmental factors as causes for problem gambling rather than examples of poverty, as found in Public Health approach to gambling reports on Wales mentioned below.<sup>9</sup>

As stated, by far the majority of academic articles accept the limitations of conducting research into subjects that are few in number, often reticent to agree to participate and suffer from very complex and mixed number of mental health issues. This means that for much of the research, the results are often inconclusive and as with all research would benefit from further research. What this thesis critiques, is the way in which certain anti-gambling groups have arguably abused this research by either not accepting its limitations or just not mentioning them and by making sweeping assertions for ideological reasons rather than accepting the basic scientific approach.<sup>10</sup>

Williams et al's, *Prevention of Problem Gambling: A Comprehensive Review of the Evidence, and Identified Best Practices* provides a good overview of the research into problem gambling.<sup>11</sup> It starts with a definition:

Essentially, a problem gambler is someone with a pattern of excessive gambling; impaired control over their gambling behaviour; significant negative consequences deriving from this impaired control; and persistence in excessive gambling despite these negative

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<sup>9</sup> See Rogers, R, Wardle, H, Sharp, C, Wood, S, Hughes, K, Davies, T, Dymond, S & Bellis, M (2019), *Gambling as a public health issue in Wales*. Bangor University.p.11

<sup>10</sup> Disley, E., Pollitt, A., Culley, A.M., Rubin, J. (2011). *Map the Gap a critical review of the literature on gambling-related harm*. R. Europe.

[https://www.rand.org/content/dam/rand/pubs/technical\\_reports/2011/RAND\\_TR1013.pdf](https://www.rand.org/content/dam/rand/pubs/technical_reports/2011/RAND_TR1013.pdf)

<sup>11</sup> Williams, R.J., West, B.L., & Simpson, R.I. (2012). *Prevention of Problem Gambling: A Comprehensive Review of the Evidence, and Identified Best Practices*. Report prepared for the Ontario Problem Gambling Research Centre and the Ontario Ministry of Health and Long Term Care. October 1, 2012

consequences. Problem gambling is assumed to have varying degrees of severity, ranging from mild, moderate to severe. The term 'pathological gambling' is synonymous with severe problem gambling<sup>12</sup>

The report then proposes an etiological framework for problem gambling. It caveats this by stating that to do this properly would need longitudinal studies and that what there are (e.g. Slutske, 2007) have a number of limitations due to sample size and make up, missing variables and poor sample retention.<sup>13</sup> It states that a number of research articles have been published that make it believe that it can put forward a tentative framework.<sup>14</sup> This framework takes a biopsychosocial approach:

Essentially, this approach posits that there are a large number of biological, psychological, experiential, and social factors which interact in complex ways to both contribute to and protect individuals from developing addictive behaviour.<sup>15</sup>

They categorise the factors that they believe cause problem gambling into indirect biological factors, indirect environmental factors and direct factors.

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<sup>12</sup> Ibid p.5

<sup>13</sup> Ibid p.7 citing Slutske, W. S. (2007). Longitudinal Studies of Gambling Behavior. In G. Smith, Hodgins, D., Williams, R. (Ed.), *Research and Measurement Issues in Gambling Studies*. Elsevier.

<sup>14</sup> It cites the following: Griffiths, M. (2005). A 'components' model of addiction within a biopsychosocial framework. *Journal of Substance Use*, 10(4), 191-197.

<https://www.tandfonline.com/doi/full/10.1080/14659890500114359> .Griffiths, M., Delfabbro, Paul. (2001). The Biopsychosocial Approach to Gambling: Contextual Factors in Research and Clinical Interventions. *Journal of Gambling Issues*, 5(5), 34.

[https://www.researchgate.net/publication/237248195\\_The\\_Biopsychosocial\\_Approach\\_to\\_Gambling\\_Contextual\\_Factors\\_in\\_Research\\_and\\_Clinical\\_Interventions](https://www.researchgate.net/publication/237248195_The_Biopsychosocial_Approach_to_Gambling_Contextual_Factors_in_Research_and_Clinical_Interventions) .Marlatt GA, B. J.,

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J., LaBrie, R. A., & LaPlante, D. . (2004). Laying the foundation for quantifying regional exposure to social phenomena: Considering the case of legalized gambling as a public health toxin. . *Psychology of Addictive Behaviors*, 18(1), 40-48.

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[https://www.tandfonline.com/doi/epdf/10.1300/J023v08n01\\_03?needAccess=true](https://www.tandfonline.com/doi/epdf/10.1300/J023v08n01_03?needAccess=true) .

<sup>15</sup> Ibid p.7

The first category considers factors that 'create vulnerabilities and tendencies which predispose people to gambling problems when later combined with more 'direct' factors'.<sup>16</sup> Twin studies show that 40-50% of the propensity to either be or not be a problem gambler is down to inherited genetics.<sup>17</sup> Genetic inheritability may be specific for problem gambling or for other conditions that have a high degree of co-morbidity, such as substance use and abuse, delinquency and/or antisocial personality and mood disorders.<sup>18</sup>

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<sup>16</sup> Ibid p.7

<sup>17</sup> Ibid p.7 citing Lin, S. A. E. N., Lyons, M.J., Scherrer, J.F., Griffith, K., True, W.R., Goldberg, J. and Tsuang, M.T. . (1998). Familial influences on gambling behavior: an analysis of 3359 twin pairs. *Addiction*, 93(9), 1375-1384. <https://onlinelibrary-wiley-com.salford.idm.oclc.org/doi/10.1046/j.1360-0443.1998.93913758.x> .Lobo, D. S., Kennedy, J.L. . (2006). The genetics of gambling and behavioral addictions. *CNS Spectrums*, 11(12), 931-939. <https://pubmed.ncbi.nlm.nih.gov/17146407/> .Lobo, D. S. S., Kennedy, J.L. . (2009). Genetic aspects of pathological gambling: a complex disorder with shared genetic vulnerabilities. *Addiction*, 104(9), 1439-1606. <https://onlinelibrary-wiley-com.salford.idm.oclc.org/doi/epdf/10.1111/j.1360-0443.2009.02671.x> .Shah, K. R., Eisen, S.A., Xian, H. et al. (2005). Genetic Studies of Pathological Gambling: A Review of Methodology and Analyses of Data from the Vietnam Era Twin Registry. *J Gambl Stud* 21(2), 179-203. <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s10899-005-3031-x> .Slutske, W., Zhu, G., Meier, M., Martin, N. (2010). Genetic and Environmental Influences on Disordered Gambling in Men and Women. *Archives of General Psychiatry*, 67(6), 624-630. [https://www.researchgate.net/publication/44655765\\_Genetic\\_and\\_Environmental\\_Influences\\_on\\_Disordered\\_Gambling\\_in\\_Men\\_and\\_Women](https://www.researchgate.net/publication/44655765_Genetic_and_Environmental_Influences_on_Disordered_Gambling_in_Men_and_Women) .

<sup>18</sup> Ibid p. 8 citing for substance use and abuse: Crockford, D. N., el-Guebaly, N. . (1998). Psychiatric Comorbidity in Pathological Gambling: A Critical Review. *The Canadian Journal of Psychiatry*, 43(1), 43-50. [https://journals.sagepub.com/doi/10.1177/070674379804300104?url\\_ver=Z39.88-2003&rft\\_id=ori:rid:crossref.org&rft\\_dat=cr\\_pub%20%20pubmed](https://journals.sagepub.com/doi/10.1177/070674379804300104?url_ver=Z39.88-2003&rft_id=ori:rid:crossref.org&rft_dat=cr_pub%20%20pubmed) .el-Guebaly, N., Patten, S.B., Currie, S. et al. . (2006). Epidemiological Associations between Gambling Behavior, Substance Use & Mood and Anxiety Disorders. *J Gambl Stud* 22(3), 275-287. <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s10899-006-9016-6> .Petry, M. (2007). Gambling and Substance Use Disorders: Current Status and Future Directions. *American Journal on Addictions*, 16(1), 1-9. <https://onlinelibrary-wiley-com.salford.idm.oclc.org/doi/epdf/10.1080/10550490601077668> .Petry, N. M., Stinson, F., Grant, B. (2005). Comorbidity of DSM-IV Pathological Gambling and Other Psychiatric Disorders: Results From the National Epidemiologic Survey on Alcohol and Related Conditions. *Journal of Clinical Psychiatry*, 66(5), 564-574. <https://www.psychiatrist.com/jcp/comorbidity-dsm-iv-pathological-gambling-psychiatric/> .Vitaro, F., Brendgen, M., Ladouceur, R. et al. . (2001). Gambling, Delinquency, and Drug Use During Adolescence: Mutual Influences and Common Risk Factors. *J Gambl Stud* 17(3), 171-190. <https://link-springer-com.salford.idm.oclc.org/article/10.1023/A:1012201221601> .Zimmerman, M., Chelminski, I. & Young, D. . (2006). Prevalence and Diagnostic Correlates of DSM-IV Pathological Gambling in Psychiatric Outpatients. Ibid., 22(2), 255-262 <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s10899-006-9014-8> . For delinquency and/or antisocial personality: Crockford, D. N., el-Guebaly, N. . (1998). Psychiatric Comorbidity in Pathological Gambling: A Critical Review. *The Canadian Journal of Psychiatry*, 43(1), 43-50.



Indirect environmental risk factors are primarily social experiences which shape the biological propensities mentioned above. These risk factors include:

having an abusive or neglectful upbringing, parental involvement or modelling of gambling, peer group involvement in gambling, lower income, less education, societal acceptance of gambling, gambling opportunities being readily available, the presence of significant ongoing stressors and/or poor support systems, and gambling being commercially provided in an unsafe manner<sup>19</sup>

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[https://journals.sagepub.com/doi/10.1177/070674379804300104?url\\_ver=Z39.88-2003&rft\\_id=ori:rid:crossref.org&rft\\_dat=cr\\_pub%20%200pubmed](https://journals.sagepub.com/doi/10.1177/070674379804300104?url_ver=Z39.88-2003&rft_id=ori:rid:crossref.org&rft_dat=cr_pub%20%200pubmed) .Petry, N. M., Stinson, F., Grant, B. (2005). Comorbidity of DSM-IV Pathological Gambling and Other Psychiatric Disorders: Results From the National Epidemiologic Survey on Alcohol and Related Conditions. *Journal of Clinical Psychiatry*, 66(5), 564-574.

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<sup>19</sup> Ibid p.9 citing Welte JW, B. G., Wieczorek WF, Tidwell MC, Parker JC. (2004). Risk factors for pathological gambling. *Addict Behav.* , 29(2), 323-335.

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Direct risk factors, primarily psychological, have a more immediate influence on whether someone becomes a problem gambler. The main one being erroneous cognition, more commonly known as the gamblers fallacy, where the gambler doesn't understand probability and randomness and/or has a fallacious belief in winning systems.<sup>20</sup> Other risks are where there is a

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and ethnic groups in the US: results from the national epidemiologic survey on alcohol and related conditions. *CNS Spectr.*, 14(3), 132-142. <https://pubmed.ncbi.nlm.nih.gov/19407710/>. Cunningham-Williams, R. M., Grucza, R.A., Cottler, L.B., Womack, S.B., Books, S.J., Przybeck, T.R., Spitznagel, E.L., Cloninger, C.R. (2005). Prevalence and predictors of pathological gambling: results from the St. Louis personality, health and lifestyle (SLPHL) study. *Journal of Psychiatric Research*, 39(4), 377-390. <https://www.sciencedirect-com.salford.idm.oclc.org/science/article/pii/S0022395604001293>. Grant, J. E., Kim, S.W., . (2001). Demographic and clinical features of 131 adult pathological gamblers. *J Clin Psychiatry*, 62(12), 957-962. <https://www.psychiatrist.com/jcp/demographic-clinical-features-adult-pathological-gamblers/>. Gupta, R., Derevensky, J.L. . (1998). Adolescent Gambling Behavior: A Prevalence Study and Examination of the Correlates Associated with Problem Gambling. *J Gambl Stud* 14(4), 319-345. <https://link-springer-com.salford.idm.oclc.org/article/10.1023/A:1023068925328>. Kausch, O., Rugle, L. and Rowland, D.Y. . (2006). Lifetime Histories of Trauma among Pathological Gamblers. . *The American Journal on Addictions*, 15(1), 35-43. <https://onlinelibrary-wiley-com.salford.idm.oclc.org/doi/epdf/10.1080/10550490500419045>. Langhinrichsen-Rohling, J., Rohde, P., Seeley, J.R. et al. (2004). Individual, Family, and Peer Correlates of Adolescent Gambling. *J Gambl Stud*, 20(1), 23-46. <https://link-springer-com.salford.idm.oclc.org/article/10.1023/B:JOGS.0000016702.69068.53>. Lester, D. (1994). Access to Gambling Opportunities and Compulsive Gambling. . *International Journal of the Addictions*, 29(12), 1611-1616. <https://www.tandfonline.com/doi/epdf/10.3109/10826089409047954?needAccess=true>. Loo, J. M. Y., Raylu N., Oei, T.P.S.,. (2008). Gambling among the Chinese: A comprehensive review, . *Clinical Psychology Review*, 28(7), 1152-1166. <https://www.sciencedirect-com.salford.idm.oclc.org/science/article/pii/S027273580800072X>. US Department of Justice. (1999). *National Gambling Impact Study Commission Final Report*. <https://govinfo.library.unt.edu/ngisc/reports/fullrpt.html>. Petry, N. M. (2005). *Pathological Gambling: Etiology, Comorbidity, and Treatment*. American Psychological Association. , Petry, N. M., & Steinberg, K. L. (2005). Childhood maltreatment in male and female treatment-seeking pathological gamblers. *Psychology of Addictive Behaviors*, 19(2), 226-229. <https://www.proquest.com/docview/614477296/F1CB27322E23467APQ/15?accountid=8058&sourcetype=Scholarly%20Journals>. Productivity Commission. (1999). *Australia's gambling industries*. (10). Canberra: AusInfo., Australian Government Productivity Commission. (2010). *Productivity Commission Inquiry Report Gambling Volume 1.* , Raylu, N., Oei, T.P.,. (2004). Role of culture in gambling and problem gambling. *Clinical Psychology Review*, 23(8), 1087-1114. <https://www.sciencedirect-com.salford.idm.oclc.org/science/article/pii/S0272735803001120>. Welte, J. W., Wieczorek, W.F., Barnes, G.M. et al. (2004). The Relationship of Ecological and Geographic Factors to Gambling Behavior and Pathology. *J Gambl Stud* 20(4), 405-423. <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s10899-004-4582-y> .  
<sup>20</sup> Ibid p.9 citing Chan, C. C., Ohtsuka, K. . (2009, 25/05/2009). Superstitions among Mahjong Players in Hong Kong: A Cultural Perspective on a Popular Chinese Gambling Game Played at Home. 14th International Conference on Gambling & Risk Taking, Nevada, Fortune, E. E., Goodie, A. S. . (2012). Cognitive distortions as a component and treatment focus of pathological gambling: A review. *Psychology of Addictive Behaviors*, 26(2), 298-310.

psychological need for gambling, either as a means of escape or where the self-perception of being a gambler interlinked with the use of money is seen as positive by the gambler.<sup>21</sup> Finally, there are risks from winning big early on in a gambling career, which can give the gambler a misbelief that they are lucky or have skill and or the participation in 'continuous' forms of gambling that can provide a high frequency of reinforcement in a short period of time (i.e., electronic gambling machines, casino table games, 'continuous' lotteries').<sup>22</sup>

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- <https://www.proquest.com/docview/907039149/1B6D3BD55698454BPQ/14?accountid=8058&sourcetype=Scholarly%20Journals> .Gaboury, A., & Ladouceur, R. . (1989). Erroneous perceptions and gambling. *Journal of Social Behavior and Personality*, 4, 411-420. , Joukhador, J., Blaszczynski, A. & Maccallum, F. (2004). Superstitious Beliefs in Gambling Among Problem and Non-Problem Gamblers: Preliminary Data. . *J Gambl Stud* 20(2), 171-180. <https://link-springer-com.salford.idm.oclc.org/article/10.1023/B:JOGS.0000022308.27774.2b> .Joukhador, J., Maccallum, F., & Blaszczynski, A. . (2003). Differences in Cognitive Distortions between Problem and Social Gamblers. *Psychological Reports*, 92(3 Suppl), 1203-1214. <https://journals-sagepub-com.salford.idm.oclc.org/doi/abs/10.2466/pr0.2003.92.3c.1203> .Ladouceur, R., Sylvain, R., Boutin, C., Lachance, C., Doucet, S., Leblond, C., Christian, J. & J. (2001). Cognitive Treatment of Pathological Gambling. *Journal of Nervous & Mental Disease*, 189(11), 774-780. [https://ovidsp-dc1-ovid-com.salford.idm.oclc.org/ovid-new-a/ovidweb.cgi?&S=KDJEFPCCJCACPEMIKPJJGHNMLCEAA00&Link+Set=S.sh.22.23.27.31%7c7%7csl\\_10&Counter5=TOC\\_article%7c00005053-200111000-00007%7covft%7covftdb%7covfte](https://ovidsp-dc1-ovid-com.salford.idm.oclc.org/ovid-new-a/ovidweb.cgi?&S=KDJEFPCCJCACPEMIKPJJGHNMLCEAA00&Link+Set=S.sh.22.23.27.31%7c7%7csl_10&Counter5=TOC_article%7c00005053-200111000-00007%7covft%7covftdb%7covfte) .Ladouceur, R., & Walker, R. . (1996). A cognitive perspective on gambling. In P. M. Salkovskis (Ed.), *Trends in Cognitive and Behavioural Therapies* (pp. 89-120). John Wiley & Sons. , Miller, N. V., Currie, S.R. (2008). A Canadian Population Level Analysis of the Roles of Irrational Gambling Cognitions and Risky Gambling Practices as Correlates of Gambling Intensity and Pathological Gambling. . *J Gambl Stud* 24(3), 257-274. <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s10899-008-9089-5> .Toneatto, T., Blitz-Miller, T., Calderwood, K. et al. . (1997). Cognitive Distortions in Heavy Gambling. *J Gambl Stud*, 13(3), 253-266. <https://link-springer-com.salford.idm.oclc.org/article/10.1023/A:1024983300428> .<sup>21</sup> Ibid pp.9-10 citing Blaszczynski, A., Nower, L. . (2002). A pathways model of problem and pathological gambling. *Addiction*, 97(5), 487-499. <https://onlinelibrary-wiley-com.salford.idm.oclc.org/doi/10.1046/j.1360-0443.2002.00015.x> .Nixon, G., Solowoniuk, J. . (2009). Introducing the Hero Complex and the Mythic Iconic Pathway of Problem Gambling. *Int J Ment Health Addiction*, 7, 108–123. <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s11469-008-9153-5> .Nixon, G., Solowoniuk, J. & McGowan, V. . (2006). The Counterfeit Hero's Journey of the Pathological Gambler: A Phenomenological Hermeneutics Investigation. . *Int J Ment Health Addiction* 4(3), 217–232. <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s11469-006-9021-0> .Volberg, R. A., Reitzes, D. C., & Boles, J. (1997). Exploring the links between gambling, problem gambling, and self-esteem. *Deviant Behavior*, 18(4), 321–342. <https://www-tandfonline-com.salford.idm.oclc.org/doi/abs/10.1080/01639625.1997.9968065> <sup>22</sup> Ibid p.10 citing Turner, N. E., Zangeneh, M., & Littman-Sharp, N. . (2006). The Experience of Gambling and its Role in Problem Gambling. *International Gambling Studies*, 6(2), 237–266. <https://www-tandfonline-com.salford.idm.oclc.org/doi/full/10.1080/14459790600928793> .Weatherly, J. N., Sauter, J. M., & King, B. M. . (2004). The "Big Win" and Resistance to Extinction When Gambling. *The Journal of Psychology*, 138(6), 495–504. <https://www-tandfonline-com.salford.idm.oclc.org/doi/abs/10.3200/JRLP.138.6.495-504> .Dowling, N., Smith, D. and Thomas, T. . (2005). Electronic gaming machines: are they the 'crack-cocaine' of gambling?. *Addiction*, 100(1), 33-45. <https://onlinelibrary.wiley.com/doi/10.1111/j.1360-0443.2005.00962.x> .

As can be seen, Williams et al provides a comprehensive overview of the biopsychosocial approach to problem gambling. It stresses that:

- The effectiveness of any prevention initiative depends on its ability to modify one or more of these risk factors, particularly the direct risk factors.
- Because of the large number of risk factors as well as the biological basis of some of them, the risk of problem gambling in a population can be reduced, but is unlikely to ever be eliminated.
- Because many of the risk factors for problem gambling are the same risk factors for the development of substance abuse, psychopathology, and other problems, generic prevention initiatives targeting a wide range of problems (especially in youth) are likely both efficient and essential components for the prevention of problem gambling<sup>23</sup>

This suggests that to some extent problem gambling will always be an issue and looking at the apparent lack of success in significantly reducing alcoholism, drug abuse and even tobacco smoking, if you include vaping, that Public Health measures and restrictions will only be of limited effectiveness.<sup>24</sup> Although international comparisons are fraught with difficulties, if we look at one jurisdiction that has severe restrictions on gambling, China, we find:

The prevalence of gambling addiction in China is much higher than in any Western country, at 2.5–4% of the adult population. This is despite

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<sup>23</sup> Ibid p.11

<sup>24</sup> Alcohol consumption in the UK: In 2021, 21% of adults drank at increasing or higher risk of alcohol-related harm (more than 14 units per week). 5% of men drank over 50 units a week and 2% of women usually drank over 35 units a week (higher risk levels) in a week. Tobacco and Vaping: In 2021, 12% of adults were current smokers. More men (13%) than women (10%) reported that they currently smoked cigarettes. In 2021, similar proportions of men and women reported that they currently used e-cigarettes (6% and 5% respectively). Source: NHS Digital. (2022, 15/12/2022). *Health Survey for England, 2021 part 1 Official statistics, National statistics, Survey, Accredited official statistics*. NHS Digital,. Retrieved 01/01/2024 from <https://digital.nhs.uk/data-and-information/publications/statistical/health-survey-for-england/2021/adults-health-related-behaviours>. Illegal drug use: In the year ending March 2023, an estimated 9.5% of people aged 16 to 59 years (approximately 3.1 million people) reported using a drug in the last 12 months. Source: Office for National Statistics. (2023, 14/12/2023). *Drug misuse in England and Wales: year ending March 2023*. Retrieved 01/01/2024 from <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/drugmisuseinenglandandwales/yearendingmarch2023>

most forms of gambling being banned in mainland China, with the exception of state-run lotteries.<sup>25</sup>

In an attempt to find a more recent piece of research providing an overview of the state of problem gambling research, a search of the Web of Science database was made using the search term 'gambling' to find what the most cited papers have been, making the assumption that a high number of citations may equate in some way to academic credibility.<sup>26</sup> One of the most cited and relevant to this topic is Blaszczynski & Nower (2002), *A pathways model of problem and pathological gambling*, with 1,458 citations.<sup>27</sup> Since this is a decade older and cited by Williams et al (2012) it is fortunate that the authors have revised their pathways model in 2021. Nower et al (2021), *Clarifying gambling subtypes: the revised pathways model of problem gambling*, updates the 2002 model which identifies three subgroups of problem gamblers.<sup>28</sup> The original model is explained thus:

The pathway 1, 'behaviorally conditioned' subgroup is characterized by the absence of psychopathology, theorized to initiate gambling for recreation or socialization reasons and to increase the frequency and intensity of play in response to conditioning effects and distorted cognitions regarding the probability of winning and superstition. In contrast, the model asserts that 'emotionally vulnerable' individuals in pathway 2 gamble primarily to escape aversive mood states and evidence poor stress-coping and problem-solving skills, problematic family backgrounds and traumatic life events. Those in pathway 3, 'antisocial impulsivists', are considered by the model to be a subgroup of pathway 2, with the additive factors of heightened impulsivity,

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<sup>25</sup>Huang X, S. D., George S. . (2014). Gambling addiction in China: a survey of Chinese psychiatrists. *Int Psychiatry*, 11(4), 98-99.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6735141/#:~:text=The%20prevalence%20of%20gambling%20addiction,exception%20of%20state%20run%20lotteries.> .

<sup>26</sup> Web of Science. (2024). Web of Science. Clarivate. Retrieved 01/01/2024 from <https://www-webofscience-com.salford.idm.oclc.org/wos/woscc/basic-search>

<sup>27</sup> Blaszczynski, A., Nower, L. . (2002). A pathways model of problem and pathological gambling. *Addiction*, 97(5), 487-499. <https://onlinelibrary-wiley-com.salford.idm.oclc.org/doi/10.1046/j.1360-0443.2002.00015.x>

<sup>28</sup>Nower, L., Blaszczynski, A., Anthony, W.L. . (2022). Clarifying gambling subtypes: the revised pathways model of problem gambling. *Ibid.*, 117(7), 2000-2008. <https://onlinelibrary.wiley.com/doi/10.1111/add.15745>

antisocial personality traits and behaviors, attentional deficits and comorbid substance use.<sup>29</sup>

The original model was purely theoretical and based on the authors' clinical experience. The revised model is based on surveying a sample of patients seeking treatment for problem gambling. The result was that unlike the previous model, pathway 3 is separate and not a subgroup of pathway 2.

The authors stress that this typology only applies to problem gamblers and not recreational ones. It also argues that Pathway 1 members may become problem gamblers due to repeated and escalated exposure to gambling which may cause faulty cognitions, which may be solved by responsible gambling strategies. Pathway 2 and 3 members with deeper psychological issues need to have these issues addressed in their treatment as well as their gambling.

Key arguments in this thesis are that problem gambling is centred on the individual, as asserted by responsible gambling advocates and the most cited of the scientific research, as shown above, and not primarily due to the actions of the gambling industry, as argued by the Public Health approach to gambling, which is discussed in chapter five. A corollary of this is the associated argument in this thesis that no single gambling device causes problem gambling.

Problem gamblers are attracted to gambling games that appeal to them. Problem gamblers also gamble on these games far more than non-problem gamblers.<sup>30</sup> Research, such as La Plante et al (2011)'s study of the 2007 British Gambling Prevalence Study, shows that problem gamblers prefer: 'virtual gaming machines, spread betting, Internet gambling, betting on dogs, and

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<sup>29</sup> Ibid p.2001

<sup>30</sup> Wardle, H., Moody, A., Spence, S., Orford, J., Volberg, R., Jotangia, D., Griffiths, M., Hussey, D., Dobbie, F. (2011). *British Gambling Prevalence Survey 2010*. The Stationery Office. p.95

casino table games' and that 'involvement [number of types of games played in the past 12 months] contributed significantly to the prediction of gambling-related problems in all models'.<sup>31</sup> This leads them to state:

Virtual gaming machines had the strongest association with gambling-related problems, but few people (i.e. 2.6%) endorsed that they had played these games during the past 12 months. These findings suggest that popular perceptions of risk associated with specific types of gambling for the development of gambling-related problems might misrepresent actual risk<sup>32</sup>

And they suggest that

researchers and others use caution when interpreting results showing that people who play specific types of games have a higher rate of gambling related problems than others. In fact, these studies reveal that some games might be indicators of unhealthy involvement, rather than critical factors for gambling-related problems themselves<sup>33</sup>

Linked to the assertion that certain gambling devices cause problem gambling, is the notion that increasing the accessibility and availability of gambling also increases the amount of problem gambling. An example of this can be found in Chóliz, M. (2016), '*The Challenge of Online Gambling: The Effect of Legalization on the Increase in Online Gambling Addiction*'.<sup>34</sup> This Spanish research interviewed pathological gamblers seeking treatment from the time that online gambling was legalised in Spain and then annually for three further years. What he found was over this time period the number of young (under 26) gamblers in the sample increased from 4% to 16% and that online gambling, as the main form of gambling for the treatment seekers, went from 2.53% to 24.21% of the types of gambling. The research was based on the

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LaPlante, D. A., Nelson, S. E., LaBrie, R.A., Shaffer, H.J. (2011). Disordered gambling, type of gambling and gambling involvement in the British Gambling Prevalence Survey 2007. *European Journal of Public Health*, 21(4), 532-537. .p.535

<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup>Chóliz, M. (2016). The Challenge of Online Gambling: The Effect of Legalization on the Increase in Online Gambling Addiction. *J Gambl Stud* 32(2), 749–756. <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s10899-015-9558-6> .

hypothesis that 'It is possible that the growth and promotion of online gambling will result in substantially increased use of these types of games in countries where they are legal. This may be especially true for young people due to their interest in such games'.<sup>35</sup> This research does not show that online gambling is inherently addictive just that a channel switch has occurred. Online gambling has been legalised so more people use it and so more pathological gamblers also use it. Whereas once a gambler would have to seek out a gambling venue, that may not be of their liking, or not be provided with the type of gambling they desire (e.g. sports betting in Spain), with the legalisation of online gambling this problem becomes solved. Also, with the internet being associated with younger users means it would be logical that if there are more pathological gamblers using the internet, then there would be more younger pathological gamblers. This is a structural issue and not causality. Of more interest is the tone taken by Chóliz in his article. He states:

This is highly relevant because online gambling is more addictive than any other type of game<sup>36</sup>

His citations to back up this assertion are a good example of the research methodology issues mentioned throughout this work:

In Griffiths' 2003 paper, he uses his experience of slot play to argue that the features of internet gambling (accessibility, affordability, anonymity, convenience, escape immersion/dissociation, disinhibition, event frequency, associability, interactivity, and simulation) could be problematic but nowhere states online gambling is more addictive.<sup>37</sup> Griffiths et al is an expanded version

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<sup>35</sup> Ibid p.749

<sup>36</sup> Ibid p.750

<sup>37</sup> Griffiths, M. (2003). Internet Gambling: Issues, Concerns, and Recommendations *Cyberpsychology & Behavior*, 6(6), 557-568. <https://typeset.io/pdf/internet-gambling-issues-concerns-and-recommendations-1uksvoxn6.pdf>



of the previously mentioned paper.<sup>38</sup> The extent to which the paper supports Chóliz's assertion is to simply state:

Early prevalence studies of Internet gambling in the UK, Canada and the US have shown that Internet gambling is not a cause for concern at present. However, this seems likely to change as more people start to use the Internet for leisure activities<sup>39</sup>

Next cited by Chóliz is La Brie et al, which concludes:

The findings reported here do not support the speculation that Internet gambling has an inherent propensity to encourage excessive gambling among a large proportion of players.<sup>40</sup>

McBride et al goes closer to supporting Chóliz's assertion by finding that of their survey of 563 gamblers:

Among the entire sample, 23% were identified as problem gamblers; when the online gamblers are considered specifically the rate is 29%.<sup>41</sup>

The authors argue that the features of internet gambling, as mentioned by Griffiths above, do make it a cause for concern but makes the caveat about the research:

One limitation of this study is the correlational nature of the data makes it impossible to determine if Internet gambling is more likely than land-based gambling to lead to a gambling problem, or if problem gamblers are using the Internet as an accessible opportunity to gamble. Another limitation is that due to the sampling procedure, the data may be more reflective of the respondents in particular than of Internet gamblers in general, though this is always a risk with self-report.<sup>42</sup>

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<sup>38</sup>Griffiths, M. D., Parke, A., Wood, R., & Parke, J. . (2006). Internet Gambling: An Overview of Psychosocial Impacts. . *UNLV Gaming Research & Review Journal*, 10(1), 27-39. <https://digitalscholarship.unlv.edu/grrj/vol10/iss1/4/> .

<sup>39</sup> Ibid p.27

<sup>40</sup> Ibid p.358

<sup>41</sup>McBride, J., Derevensky, J. . (2009). Internet Gambling Behavior in a Sample of Online Gamblers. *Int J Ment Health Addiction*, 7(1), 149–167. <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s11469-008-9169-x> .p.162

<sup>42</sup> Ibid p.164

Meyer et al refers to a Delphi Study using German speaking experts combined with a survey of gamblers, over 50% being problem gamblers, to develop 'an assessment tool to evaluate the risk potential of available and planned gambling types'.<sup>43</sup> The research develops clusters of gambling types according to the 'potential' for problem gambling. The highest risk was slot machines (in casinos) and gaming machines (in arcades).<sup>44</sup> The second highest included internet based gambling – 'online poker, live sports betting using the internet and roulette in casinos'.<sup>45</sup> Apart from their appearance in the cluster, online gambling is not mentioned in the article. Of interest and unmentioned in the article is at this time online gambling, apart from very limited (by loss amount) horserace betting, was illegal in Germany. Chóliz then cites Monaghan who caveats:

A direct causal connection has not yet been established to determine whether Internet gambling leads to increased problem gambling, or whether problem gamblers seek out online gambling opportunities; however there are sufficient indicators that online gambling is used by individuals who would not otherwise gamble, for example those who dislike or who cannot physically patronise land-based venues (Wood & Griffiths, 2005; Wood, Griffiths, & Parke, 2007).<sup>46</sup>

Petry surveyed 1,414 mostly females (70%) in medical and dental waiting rooms in Connecticut, USA about their gambling behaviour in 2004 and 2005. The research showed that only 7% had ever gambled on the internet. Petry's conclusion was that her study:

found that Internet gambling is closely related to pathological gambling behaviors. Almost half of those who had ever gambled on the Internet

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<sup>43</sup>Meyer, G., Fiebig, M., Häfeli, J., & Mörsen, C. (2011). Development of an assessment tool to evaluate the risk potential of different gambling types. *International Gambling Studies*, 11(2), 221–236. <https://www.tandfonline-com.salford.idm.oclc.org/doi/full/10.1080/14459795.2011.584890#d1e361> .p.221

<sup>44</sup> Ibid p.231

<sup>45</sup> Ibid p.231

<sup>46</sup>Monaghan, S. (2009). Editorial: Internet gambling – not just a fad. *International Gambling Studies*, 9(1), 1-4. <https://www.tandfonline-com.salford.idm.oclc.org/doi/full/10.1080/14459790902793077> , p.2

in this study were classified as probable pathological gamblers. These data may suggest that either Internet gambling leads to problem gambling behaviors or individuals who gamble problematically are prone to gamble on the Internet.<sup>47</sup>

What this article doesn't mention is that at this time internet gambling was illegal in the USA and thus the motivation to seek out internet gambling and commit an illegal act does suggest something about the respondents. Smith et al is probably the most bizarre of all of Chóliz's citations. This article is from the *Service Marketing Quarterly*, a journal 'directed at academicians and practitioners who are involved in the development and application of services marketing concepts to the wide spectrum of sectors that constitute the service economy'.<sup>48</sup> It has some relevance to the services marketing industry as it highlights the problems credit card companies faced when dealing with the then illegal status of online gambling in the USA. The majority of the article is however, an anti-gambling diatribe, as exemplified by the following:

Until there is an absolute ban on the use of these websites, e-gambling will continue to flourish. Now is the time for serious academic and practitioner research on the topic of e-gambling—the stakes are simply too great to ignore by mainstream e-commerce scholars.<sup>49</sup>

It argues that the lack of supervision by the church, family and school and the use of fancy graphics will entice children and young adults to gamble illegally. It does suggest that online gambling is addictive but provides no evidence at all. Chóliz's last citation, Wood et al, states: 'it remains unclear the extent to which Internet gambling is an inherently more risky form of gambling, or

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<sup>47</sup>Petry, N. M. (2006). Internet gambling: an emerging concern in family practice medicine? *Family Practice*, 23(4), 421–426. <https://academic-oup-com.salford.idm.oclc.org/fampra/article/23/4/421/2367223> .p.424

<sup>48</sup> Taylor Francis Online. (2024). *Services Marketing Quarterly*. Taylor Francis,. Retrieved 01/01/2024 from <https://www.tandfonline.com/journals/wsmq20/about-this-journal#aims-and-scope>

<sup>49</sup>Smith, A. D., Rupp, W. (2005). Service Marketing Aspects Associated with the Allure of E-Gambling. . *Services Marketing Quarterly*, 26(3), 83-103. [https://www.tandfonline.com/doi/abs/10.1300/J396v26n03\\_06](https://www.tandfonline.com/doi/abs/10.1300/J396v26n03_06) .p.102

whether other variables associated with Internet gambling are the primary causes'.<sup>50</sup>

It is fair to suggest that Chóliz undermines his claims and departs from the normal expectations of research methods in this paper by using references that simply do not support his assertion that internet gambling is the most addictive form of gambling.

Chóliz repeats his assertion about online gambling and the associated references in his 2021 work, *The Risk of Online Gambling: a Study of Gambling Disorder Prevalence Rates in Spain*.<sup>51</sup> This is an interesting piece of research due to the questions it poses.

Firstly, it uses the NODS screen as its method for screening for problem gambling.<sup>52</sup> This screen was developed by the University of Chicago in the late 1990s to reflect the update in how problem gambling was diagnosed in the fourth version of The Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) in 1994.<sup>53</sup> Whilst it is outside the remit of this thesis to pass comment on which problem gambling screening tool is superior if at all, it is worth noting that British researchers moved to their own creation of a DSM-IV screening tool and also used the Canadian Problem Gambling Severity Index (PGSI) for the British Gambling Prevalence Surveys in 2007 and 2010 and Gambling behaviour in

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<sup>50</sup>Wood, R. T., Williams, R. J., & Parke, J. (2012). The relationship between problem gambling and Internet gambling. In R. T. Wood, Williams, R. J., & Parke, J., (Ed.), *Routledge international handbook of Internet gambling* (pp. 200-211). Routledge. [https://www.researchgate.net/profile/Robert-Williams-74/publication/289267914\\_The\\_relationship\\_between\\_problem\\_gambling\\_and\\_Internet\\_gambling/links/5bbcf036a6fdcc9552dcf59f/The-relationship-between-problem-gambling-and-Internet-gambling.pdf](https://www.researchgate.net/profile/Robert-Williams-74/publication/289267914_The_relationship_between_problem_gambling_and_Internet_gambling/links/5bbcf036a6fdcc9552dcf59f/The-relationship-between-problem-gambling-and-Internet-gambling.pdf) .p.200

<sup>51</sup> Chóliz, M., Marcos, M. & Lázaro-Mateo, J. (2021). The Risk of Online Gambling: a Study of Gambling Disorder Prevalence Rates in Spain. *International Journal of Mental Health and Addiction* 19, 404–417 (2021).

<sup>52</sup> NODS = The National Opinion Research Center (NORC) Diagnostic Screen for Gambling Problems

<sup>53</sup> Gerstein, D., Hoffmann, J., Larison, C., Engelman, L., Murphy, S., Palmer, A., ... & Hill, M.A. (1999). Gambling impact and behavior study. Report to the National Gambling Impact Study Commission. National Opinion Research Center at the University of Chicago, Chicago, National Opinion Research Center.

Great Britain in 2015 and 2016. There is some evidence that NODS over reports problem gambling compared to PGSI.<sup>54</sup>

Secondly, Cholíiz et al (2021) provide tables to show the percentage of young people (18-25 years) and young adults (26-35 years) who had gambled in the last year, 51.5% and 68% respectively.<sup>55</sup> They also provide tables on the percentage that the NODS screen had deemed pathological gamblers, 1.04% and 1.19% respectively.<sup>56</sup> They then divide these into those who had gambled online and those who had not.<sup>57</sup> Of interest and worthy of question is that in the group that had never gambled online and were young people, there were zero pathological gamblers. Even though 41% of them had only ever gambled offline.

Equally, in the group that had gambled online in the elderly age group (>65 years) there were also zero pathological gamblers. Which was more likely as only 0.53% of them had done.

Cholíiz et al (2021) explains this away as structural, young people not liking land-based venues and old people not using the internet. For a survey conducted in 2015, when internet gambling had been available illegally in Spain for c.20 years and legally in Spain for three years and arguably ubiquitous on smart phones since 2013 and land based gambling venues available in Spain for decades that include slot arcades that are more prone to problem gamblers, this structural division seems very odd and is not replicated in the UK. Zero

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<sup>54</sup> Brad W. Brazeau, David C. Hodgins, Psychometric evaluation of the NORC diagnostic screen for gambling problems (NODS) for the assessment of DSM-5 gambling disorder, *Addictive Behaviors*, Volume 130, 2022, 107310, p.3

<sup>55</sup> Cholíiz, M., Marcos, M. & Lázaro-Mateo, J. (2021). The Risk of Online Gambling: a Study of Gambling Disorder Prevalence Rates in Spain. *International Journal of Mental Health and Addiction* 19, 404–417 (2021). p.410

<sup>56</sup> *Ibid* p.410

<sup>57</sup> *Ibid* p.411

problem gamblers in either category does pose some questions about research methodology.

Choliz et al (2021) uses this anomaly to re-affirm the assertion that he made in his 2016 paper that 'online gambling is a major cause of pathological gambling for pathological gamblers in treatment who are younger than 26 years old'.<sup>58</sup> While, as with the 2016 paper, it is undeniable that there will be more pathological gamblers amongst young people who gamble online because more young people gamble online, Choliz et al (2021) overlooks the actual substantive content of the references he uses. This argues, in fact, that there is no evidence that online gambling is more addictive or that it causes problem gambling as opposed to being sought out by problem gamblers.

Even though Choliz et al (2021) admits that 'it was a correlational study, and causal relationships between online gambling and pathological gambling can therefore not be established' they go on, referencing his 2016 work and some of the references highlighted above for not supporting his assertions and proposes strict regulations on online gambling and for the adoption of 'ethical' gambling policies as per those proposed in his own 2018 paper, *Ethical Gambling: A Necessary New Point of View of Gambling in Public Health Policies*.<sup>59</sup> These include banning gambling advertising apart from at the gambling venues or websites, banning bonuses and incentives, reducing the number of gambling venues and having mandatory minimum distances between them, requiring ID for access to all venues, mandatory pre-commitment on all games, reductions in spin speeds etc. and alterations to games to prevent potentially addictive behaviour and removing light and sound cues. In essence, ethical gambling is the Public Health approach to gambling as considered in chapter five. As will be seen, there is a tendency for

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<sup>58</sup> Ibid p.412

<sup>59</sup> Ibid p.414 citing Choliz, M. (2018), *Ethical Gambling: A Necessary New Point of View of Gambling in Public Health Policies*, Front. Public Health, 31 January 2018, Sec. Public Health Policy, Volume 6 - 2018

some academic studies to seem to favour ideology over evidence when it comes to gambling.

In his 2018 paper, *Ethical Gambling: A Necessary New Point of View of Gambling in Public Health Policies*, Chóliz would demand a raft of gambling restrictions similar to those demanded by the Public Health approach to gambling (PHAG) academics discussed later, with scarce evidence provided to substantiate their need.<sup>60</sup>

Fixed Odds Betting Terminals (FOBTs), the topic of chapter four, have been argued to be an exception to the rule when it comes to the assertion that specific games/devices are not the cause of problem gambling. This can be seen in La Plante et al referenced above which is also referenced in Ronzitti et al who, upon inspection, suggest nothing more than it may be the reason that over half the males receiving treatment at the National Problem Gambling Clinic in London had played them in the last week.<sup>61</sup> In 2016, the Gambling Commission used data from the British Gambling Prevalence Survey 2010 and combined data from the Health Survey for England 2012 and the Scottish Health Survey 2012 in an attempt to replicate La Plante and found:

- The original conclusion that there is no consistent evidence that particular gambling activities are predictive of problem gambling, after controlling for the level of involvement, holds true in 2010 and 2012.
- The 2007 finding that machines in bookmakers are the exception does not persist into 2010 and 2012.
- It appears that any 'significant' effects borne out of the results are most likely an unexplained variation in the sample.<sup>62</sup>

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<sup>60</sup> Ibid p.414 citing Chóliz, M. (2018). *Ethical Gambling: A Necessary New Point of View of Gambling in Public Health Policies*. *Front. Public Health* 6(12). <https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2018.00012/full>

<sup>61</sup> Ronzitti, S., Lutri, V., Smith, N., Clerici, M., & Bowden-Jones, H. (2016). Gender Differences in Treatment-Seeking British Pathological Gamblers. *Journal of Behavioral Addictions*, 5(2), 231-238. <https://akjournals.com/view/journals/2006/5/2/article-p231.xml>

<sup>62</sup> Gambling Commission. (2018e). *Types of gambling and gambling involvement*. Gambling Commission,. Retrieved 01/01/2024 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/types-of-gambling-and-gambling-involvement>

This is why, as pointed out in chapter four, DCMS move away from arguing that restrictions on FOBTs were about preventing problem gambling to arguing that they would reduce financial losses.<sup>63</sup>

This is arguably at the very heart of the gambling debate, anti-gamblers wish to frame gambling games/devices as inherently addictive and therefore in need of regulation, restriction and prohibition. As of yet there is no evidence to argue that specific gambling games/devices are inherently addictive. What there is, is certain gambling games/devices that get played by problem gamblers more than others, which suggests that it is the features of these games that are attractive to problem gamblers. These features are also attractive to non-problem gamblers and here lies one of the policy problems. By restricting features of a gambling game/device to make them less appealing to a very small number of problem gamblers, you reduce the enjoyment of the far majority of gamblers who have no issue with their gambling.

An analogy could be vodka: alcoholics like vodka because of its high ABV thus giving them 'more bang for their buck', so should vodka be banned on this basis and have the millions who enjoy it without problems made to suffer? Coherent with this analogy is what happens when you ban vodka or alcohol in general: a rise in black market dealing, with all the criminality and associated social externalities.

### **Problem Gambling Research and its methodology issues**

One of the main arguments used in this thesis is that the quality of academic research used by the anti-gambling groups, as exemplified throughout this thesis, is in some cases either flawed or of low quality. Criticisms of research

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<sup>63</sup> Department for Culture Media & Sport. (2017). *Consultation on proposals for changes to Gaming Machines and Social Responsibility Measures*. London: DCMS, Retrieved from [https://assets.publishing.service.gov.uk/media/5a757480ed915d6faf2b31dc/Consultation\\_on\\_proposals\\_for\\_changes\\_to\\_Gaming\\_Machines\\_and\\_Social\\_Responsibility\\_Measures.pdf](https://assets.publishing.service.gov.uk/media/5a757480ed915d6faf2b31dc/Consultation_on_proposals_for_changes_to_Gaming_Machines_and_Social_Responsibility_Measures.pdf)



quality into gambling go back to the RAND Corporation's *Map the Gap - a critical review of the literature on gambling-related harm*, published in 2011 and commissioned by the Responsible Gambling Fund (RGF), a long defunct body that raised voluntary funding from the gambling industry for research, education and treatment, now replaced by GambleAware.<sup>64</sup> This stated:

Across the eight issues of interest to the RGF the evidence on problem gambling is limited and patchy. The research has largely been conducted in North America, New Zealand and Australia, and findings from these countries are not necessarily transferable to Britain, given variations in the number and type of gambling opportunities, and difference in the public and cultural acceptability of gambling. Also, much of the empirical research into problem gambling included in this REA [Rapid Evidence Assessment] suffers from methodological weaknesses, which means findings are inconclusive.<sup>65</sup>

Specific to this thesis, we discuss the more egregious examples in the relevant chapters, such as the Campaign for Fairer Gambling getting the Guardian newspaper to publish hugely inflated figures for the amount supposedly spent on fixed odds betting terminals and the way the charity/pressure group Gambling With Lives extrapolated from suicide data an enlarged estimate for the number for gambling related suicide numbers.

It could be argued that these pressure groups are not expected to observe an adherence to factual testimony as they are politically campaigning. Even if this is agreed on, the issue arises when these mistruths are taken by policy makers as factual. In this thesis we give evidence of this happening, the most illustrative case probably being Public Health England adopting the Gambling With Lives methodology and presenting, as officially sanctioned, flawed numbers for estimating the number and related costs of gambling related suicide (as examined in chapter six).

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<sup>64</sup> Disley, E., Pollitt, A., Culley, A.M., Rubin, J. (2011). *Map the Gap a critical review of the literature on gambling-related harm*. R. Europe.  
[https://www.rand.org/content/dam/rand/pubs/technical\\_reports/2011/RAND\\_TR1013.pdf](https://www.rand.org/content/dam/rand/pubs/technical_reports/2011/RAND_TR1013.pdf)

<sup>65</sup> Ibid.

Word limit restrictions to this thesis has meant that an extensive investigation into the academic output of the key proponents of the Public Health approach to gambling could not be included. Nevertheless, several significant examples are provided of poor research. As per the criticism of the RAND report, the first instances of poor research emanate from the Commonwealth. As explained in detail in chapter five, one of the most extensively cited pieces of research, Browne et al's 2016, *Assessing gambling-related harm in Victoria: a public health perspective*, argues that a low risk gambler suffers the same harm as someone who has had an arm amputated.<sup>66</sup> Also examined in the same chapter, Australian Linda Hancock and Canadian Garry Smith's 2017 attack on responsible gambling, proposing a Public Health approach to gambling makes some problematic claims.<sup>67</sup> They argue that gambling is legalised purely for tax raising purposes, which while definitely a factor ignores the main and most obvious reason that when gambling has been prohibited there has been endemic illegal gambling and the influence of organised crime and all that involves. They make statements about gambling being intrinsically linked to crime, gaming machines being specifically designed to be addictive and gambling's expansion being imposed on an unwilling populace. The citations used to back up these statements do not support these assertions on detailed investigation. They put forward a theme found in many authors who adopt the Public Health approach to gambling: that the global gambling industry acts as an enormous political influence behemoth. This has no evidential foundation, as the increasing regulation of gambling shows.<sup>68</sup>

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<sup>66</sup> Browne, M., Langham, E., Rawat, V., Greer, N., Li, E., Rose, J., Rockloff, M., Donaldson, P., Thorne, H., Goodwin, B., Bryden, G., Best, T. (2016). *Assessing gambling-related harm in Victoria: a public health perspective*. Melbourne, Australia: Victorian Responsible Gambling Foundation, Retrieved from <https://responsiblegambling.vic.gov.au/resources/publications/assessing-gambling-related-harm-in-victoria-a-public-health-perspective-69/>

<sup>67</sup> Hancock, L., Smith, G. (2017). Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of "Responsible Gambling". *International Journal of Mental Health and Addiction*, 16(6), 25.

<sup>68</sup> See Adams, P. J. (2004). Minimising the impact of gambling in the subtle degradation of democratic systems *Journal of Gambling Issues*(11), 18. , Orford, J. (2019). *The Gambling*

Examples of poor research methodology include a preponderance of citations from either their own work, or references to works that do not support their assertions.<sup>69</sup>

Worthy of attention is sociologist, Gerda Reith, who takes a Marxist/Foucauldian approach which leads her to the rather bizarre assumption that the issue with problem gambling is that it is:

'seldom couched in terms of consumer behaviour but were rather discussed within a reductive, materialistic epistemology of sickness and disease'.<sup>70</sup>

Reith does not state whether she thinks pathological gamblers should be treated by sociologists instead of psychiatrists. What is apparent from her work is that Reith starts off critiquing gambling very much from a consumer behaviour perspective and then takes up the Public Health approach to gambling mantle and its methodological approach in citing academic research that doesn't entirely back up her statements when she states that: 'a clear, albeit complex, relationship exists between increasing availability and/or density of gambling opportunities and increased levels of problems associated with gambling'.<sup>71</sup> Here she cites La Plante and Shaffer and Storer, Abbott and Stubbs.<sup>72</sup> La Plante and Shaffer do suggest that there may a

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*Establishment: Challenging the Power of the Modern Gambling Industry and Its Allies.* Routledge.

<sup>69</sup>See note 656

<sup>70</sup> Reith, G. (2007) Gambling and the contradictions of consumption - A genealogy of the 'Pathological' subject. *American Behavioral Scientist*, 51(1), p.36

<sup>71</sup> Reith, G. (2012). Beyond addiction or compulsion: the continuing role of environment in the case of pathological gambling. *Addiction*, 107(10), 1736-1737. <https://onlinelibrary-wiley-com.salford.idm.oclc.org/doi/10.1111/j.1360-0443.2012.03669.x> .p.1736

<sup>72</sup>LaPlante, D. A., & Shaffer, H. J. (2007). Understanding the influence of gambling opportunities: Expanding exposure models to include adaptation. *American Journal of Orthopsychiatry*, 77(4), 616-623.

<https://www.proquest.com/docview/1038624355/11C5C2303F5B4B07PQ/13?accountid=8058&sourcetype=Scholarly%20Journals> , Storer, J., Abbott, M., & Stubbs, J. (2009). Access or adaptation? A meta-analysis of surveys of problem gambling prevalence in Australia and New Zealand with respect to concentration of electronic gaming machines. *International Gambling Studies*, 9(3), 225-244. <https://www-tandfonline-com.salford.idm.oclc.org/doi/full/10.1080/14459790903257981>

geographical factor but that: 'This body of research fails to include investigative designs that actually can detect causal relationships between proximity and problems'.<sup>73</sup> They go on to state that the available evidence about exposure to gambling, which is Reith's argument about increasing availability and/or availability of gambling opportunities, does suggest it plays a role, but:

available research also indicates that exposure does not necessarily provide a direct path to addiction or even to gambling related problems.<sup>74</sup>

Storer, Abbott and Stubbs 2009 paper, *Access or adaptation? A meta-analysis of surveys of problem gambling prevalence in Australia and New Zealand with respect to concentration of electronic gaming machines*, agrees with Reith that exposure to gambling devices causes increases in problem gambling.<sup>75</sup> Using various problem gambling screen surveys mapped on to areas of EGM density they find a correlation. What does appear to be missing from this paper is the question of whether finding such a correlation is a sophisticated enough method to provide evidence for public policy. Questions arise such as, what is the influence of non-EGM forms of gambling? EGMs exist in defined locations but these surveys cover vast geographies (whole States) so how do the problem gambling rates apply? It does seem that in this case the unanswered question is whether correlation means causation.

Reith partnered with Fiona Dobbie for a series of articles based on a longitudinal, qualitative study of a cohort of 50 gamblers who were interviewed

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<sup>73</sup> LaPlante, D. A., & Shaffer, H. J. (2007). Understanding the influence of gambling opportunities: Expanding exposure models to include adaptation. *American Journal of Orthopsychiatry*, 77(4), 616-623.  
<https://www.proquest.com/docview/1038624355/11C5C2303F5B4B07PQ/13?accountid=8058&sourcetype=Scholarly%20Journals> .p.618

<sup>74</sup> Ibid p.622

<sup>75</sup> Storer, J., Abbott, M., & Stubbs, J. (2009). Access or adaptation? A meta-analysis of surveys of problem gambling prevalence in Australia and New Zealand with respect to concentration of electronic gaming machines. *International Gambling Studies*, 9(3), 225-244. <https://www-tandfonline-com.salford.idm.oclc.org/doi/full/10.1080/14459790903257981>

three times between 2006 and 2009. The first by date of publication is *Beginning gambling: The role of social networks and environment*.<sup>76</sup> The research showed that these gamblers, recruited solely from Glasgow, were socialised into gambling by friends and family. Of note is that their gambling happened between 1960 -1990, well before the current regulatory regime or with online gambling and not under the 1968 Gambling Act as they suggest.<sup>77</sup> The second article, *Gambling careers: A longitudinal, qualitative study of gambling behaviour*, follows on from the first and shows the variability of gambling careers, with those surveyed dipping in and out of problem gambling, thus suggesting that linear progression of at-risk gamblers is not a reality.<sup>78</sup> At the end of their study, when the number of respondents had almost halved, they concluded:

the very small number of individuals who gambled consistently problematically over the fieldwork period. Despite high initial numbers of individuals with gambling problems, only two respondents experienced consistently problematic behaviour over five years.<sup>79</sup>

Thus suggesting that problem gambling for many is a temporary problem. Reith and Dobbie conclude that the main factors in their gamblers getting worse was alcohol use, playing machines and unstable employment. Those who remained consistent or had reduced problem gambling benefited from social support and stable employment. Which does suggest to this author that employment is key to preventing gambling problems as it improves mental health, reduces boredom and need for alcohol and machine play. It also

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<sup>76</sup>Reith, G., Dobbie, F. *Beginning gambling: The role of social networks and environment* *Addiction Research and Theory* 19(6), 483-493.

[https://www.researchgate.net/publication/232078031\\_Beginning\\_gambling\\_The\\_role\\_of\\_social\\_networks\\_and\\_environment](https://www.researchgate.net/publication/232078031_Beginning_gambling_The_role_of_social_networks_and_environment).

<sup>77</sup> It may have been a typo but the fact that the Gaming Act 1968 is misspelt epitomises this author's accusation of at times less than the highest achievements in methodology

<sup>78</sup>Reith, G., Dobbie, F. *Gambling careers: A longitudinal, qualitative study of gambling behaviour*

*Addiction Research & Theory*, 21(5), 376-390.

[https://www.researchgate.net/publication/262823599\\_Gambling\\_careers\\_A\\_longitudinal\\_qualitative\\_study\\_of\\_gambling\\_behaviour](https://www.researchgate.net/publication/262823599_Gambling_careers_A_longitudinal_qualitative_study_of_gambling_behaviour)

<sup>79</sup> Ibid p.386

suggests that the arguments Reith would make later on, as seen in the Public Health approach to gambling, about the gambling industry being the cause of problem gambling cannot be justified by her only work with actual problem gamblers.

Space does not permit the analysis of further examples of Prof Reith's methodological approach. If we move to her colleague, Prof Heather Wardle, we can see some similarities.

In her 2012 article, *Gambling in Britain: A Time of Change? Health Implications from the British Gambling Prevalence Survey 2010*, authored with her fellow British Gambling Prevalence Survey 2010 authors Jim Orford, Mark Griffiths, Alison Moody and Rachel Volberg, we see examples of Public Health scientific methodology at work. For example, the articles states in its introduction:

The social and health costs of problem gambling are potentially large at both individual and societal levels. For instance, adverse health consequences for problem gamblers and their partners include depression, anxiety, insomnia, gastric/intestinal disorders, migraine, and other stress-related disorders<sup>80</sup>

This cites a 2004 article by one of the authors, Mark Griffiths, called *Betting your life on it: problem gambling has clear health related consequences*.<sup>81</sup> This argues that problem gambling, amongst other things causes 'intestinal disorders'. This article in turn quotes a 1986 article by Lorenz and Yaffee which used surveys of problem gamblers to show that they suffered from stomach problems which had been translated to intestinal disorders by Griffiths and

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<sup>80</sup>Wardle, H., Griffiths, M.D., Orford, J. et al. . (2012). Gambling in Britain: A Time of Change? Health Implications from the British Gambling Prevalence Survey 2010. . *Int J Ment Health Addiction* 10(2), 273–277. <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s11469-011-9319-4> .p.273

<sup>81</sup> Griffiths, M. (2004). Editorial: Betting your life on it. *BMJ* 329, 1055-1056. <https://www-bmj-com.salford.idm.oclc.org/content/329/7474/1055>

gastric/intestinal disorders by Wardle et al.<sup>82</sup> Lorenz and Yaffee's article clearly states that these self-reported symptoms as: 'knotted stomach, loose bowels, excessive gas, constipation or colitis' which most disappeared when they stopped problematic gambling.<sup>83</sup> This maybe a case of 'Chinese whispers' or a more sinister exaggeration of the facts.

Wardle is one of the academics who effectively launches the Public Health approach to gambling in the UK with two reports that are almost identical; *Gambling as a public health issue in Wales* and *Framing a public health approach to gambling harms in Wales: Challenges and opportunities*.<sup>84</sup> In both reports there is a persistent conflation of problem gambling with gambling.<sup>85</sup> An example is when discussing the health of gamblers, where they state:

gamblers are more likely to avoid exercise and have a higher body mass index than non-gamblers<sup>86</sup>

For this they cite Black, Shaw & McCormick et al (2013) who interviewed 95 Americans who weren't problem gamblers and 95 who were.<sup>87</sup> Interviewing them about their health and lifestyle, they came to the conclusion that:

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<sup>82</sup>Lorenz, V. C., Yaffee, R.A. (1986). Pathological Gambling: Psychosomatic, emotional and marital difficulties as reported by the Gambler. *J Gambling Stud*, 2(1), 40–49 <https://link.springer.com/article/10.1007/BF01019933> , p.43

<sup>83</sup> Ibid.

<sup>84</sup>Rogers, R., Wardle, H., Sharp, C., Wood, S., Hughes, K., Davies, T., Dymond, S., Bellis, M. (2019). *Gambling as a public health issue in Wales*. Bangor University. [https://research.bangor.ac.uk/portal/files/22557880/Gambling\\_as\\_Public\\_Health\\_Issue\\_Wales\\_Eng2.pdf](https://research.bangor.ac.uk/portal/files/22557880/Gambling_as_Public_Health_Issue_Wales_Eng2.pdf). Rogers, R., Wardle, H., Sharp, C., Dymond, S., Davies, T., Hughes, K., Astbury, G. (2019). *Framing a public health approach to gambling harms in Wales: Challenges and opportunities*. Bangor University. [https://research.bangor.ac.uk/portal/files/22557842/Public\\_Health\\_Approach\\_to\\_Gambling\\_in\\_Wales\\_ENG\\_2\\_1\\_.pdf](https://research.bangor.ac.uk/portal/files/22557842/Public_Health_Approach_to_Gambling_in_Wales_ENG_2_1_.pdf).

<sup>85</sup> This conflation happens throughout both reports

<sup>86</sup>Rogers, R., Wardle, H., Sharp, C., Wood, S., Hughes, K., Davies, T., Dymond, S., Bellis, M. (2019). *Gambling as a public health issue in Wales*. Bangor University. [https://research.bangor.ac.uk/portal/files/22557880/Gambling\\_as\\_Public\\_Health\\_Issue\\_Wales\\_Eng2.pdf](https://research.bangor.ac.uk/portal/files/22557880/Gambling_as_Public_Health_Issue_Wales_Eng2.pdf).p.6

<sup>87</sup>Black, D. W., Shaw, M., McCormick, B., et al. . (2013). Pathological gambling: relationship to obesity, self-reported chronic medical conditions, poor lifestyle choices, and impaired quality of life. *Comprehensive Psychiatry*, 54(2), 97-104. [https://www.sciencedirect-com.salford.idm.oclc.org/science/article/pii/S0010440X12001307](https://www.sciencedirect.com.salford.idm.oclc.org/science/article/pii/S0010440X12001307)

The results show that persons with PG [problem gambling] are at increased risk for chronic medical conditions, obesity, increased health service utilization, and poor lifestyle choices, such as avoiding exercise<sup>88</sup>

Of importance here is that this study looks at problem gamblers whereas Rogers, Wardle et al state all gamblers. Black, Shaw & McCormick et al were, however, professional enough to ask whether gambling causes the ill health because it is mostly sedentary or whether that those people with ill health choose to gamble because it is a non-physical recreational activity. They also cite Desai et al. (2004) who found that elderly gamblers (not problem gamblers) were healthier than comparable non-gamblers and had better social adjustment.<sup>89</sup>

Rogers, Wardle et al go on to cite Algren, Ekholm & Davidsen et al which used the results of the Danish Health and Morbidity Survey 2005 and 2010. <sup>90</sup> The results of this study were:

marked differences between past year problem gamblers and nonproblem gamblers regarding their health behaviour and BMI, as past year problem gamblers have an unhealthier behaviour than non-problem gamblers<sup>91</sup>

Even though it is very apparent from all the research they cite that it is only problem gamblers who suffer, throughout both reports, every harm associated with problem gambling is attributed to all gambling. This may in part be due to their belief that gambling causes harms that most people would consider inconveniences or just personal choices. They cite a 2017 Australian paper by

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<sup>88</sup> Ibid. p.102

<sup>89</sup> Ibid. p.102 citing Desai, R. A., Maciejewski, P. K., Dausey, D. J., Caldarone, B. J., & Potenza, M. N. (2004). Health Correlates of Recreational Gambling in Older Adults. *American Journal of Psychiatry*, 161(9), 1672–1679.

[https://psychiatryonline.org/doi/10.1176/appi.ajp.161.9.1672?url\\_ver=Z39.88-2003&rft\\_id=ori:rid:crossref.org&rft\\_dat=cr\\_pub%20%20pubmed#bibliography](https://psychiatryonline.org/doi/10.1176/appi.ajp.161.9.1672?url_ver=Z39.88-2003&rft_id=ori:rid:crossref.org&rft_dat=cr_pub%20%20pubmed#bibliography)

<sup>90</sup> Algren, M. H., Ekholm, O., Davidsen, M. et al. . (2015). Health Behaviour and Body Mass Index Among Problem Gamblers: Results from a Nationwide Survey. . *J Gamb Stud* 31(2), 547–556 <https://link-springer-com.salford.idm.oclc.org/article/10.1007/s10899-013-9437-y> .

<sup>91</sup> Ibid. p.551



Goodwin et al. called, *A typical problem gambler affects six others*.<sup>92</sup> This not only states that examples of harms are 'Less spending on recreational expenses such as eating out, going to the movies or other entertainment', 'Spent less time with people I care about', 'Reduced physical activity due to my gambling' and 'Was late for work or study' but as the threshold for what was considered a harm is so low, this meant that they could estimate that six people apart from the gambler also suffered harm, although give no indication of the severity of the harm suffered. By increasing the supposed number of people suffering a supposed amount of harm due to gambling, it strengthens the argument for its restriction.

Another example in *Gambling as a public health issue in Wales* where problem gambling is confused with non-problem gambling is with the following statements:

- The harms to individuals from gambling (see Box 4) include health, relationship and financial difficulties such as loss of money, debt and occasionally bankruptcy<sup>93</sup>

Box 4 is a list of gambling harms but these are not experienced by non-problem gamblers

- Many of the harms experienced by gamblers extend to their families and friends (see Box 5). These include relationship breakdown, stress, anxiety and financial pressures<sup>94</sup>

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<sup>92</sup>Goodwin, B. C., Browne, M., Rockloff, M., & Rose, J. . (2017). A typical problem gambler affects six others. . *International Gambling Studies*, 17(2), 276–289. <https://www-tandfonline-com.salford.idm.oclc.org/doi/full/10.1080/14459795.2017.1331252> .

<sup>93</sup>Rogers, R., Wardle, H., Sharp, C., Wood, S., Hughes, K., Davies, T., Dymond, S., Bellis, M. (2019). *Gambling as a public health issue in Wales*. Bangor University. [https://research.bangor.ac.uk/portal/files/22557880/Gambling\\_as\\_Public\\_Health\\_Issue\\_Wales\\_Eng2.pdf.p.6](https://research.bangor.ac.uk/portal/files/22557880/Gambling_as_Public_Health_Issue_Wales_Eng2.pdf.p.6)

<sup>94</sup> *ibid*.p.6

Box 5 is titled Concerns of gamblers and family/friends calling GamCare - people who call GamCare, a charity for problem gamblers, are doing so because of problem gambling – not non-problem gambling

As always , the constraints of space preclude a further examination of these reports on the Public Health approach to gambling in Wales or indeed more of Prof. Wardle's work, but examples will be considered later. What can be concluded from the illustrations given above is at the very least questions should be asked about the methodology used in numerous instances in these studies and the meaning of the term methodology being used here, is the basic academic practice of using citations that support the assertion made in the research rather than citing articles that either don't support it, have nothing to do with it or support the assertion but later caveat it so much that the assertion shouldn't be made.

### **Activist Academic Research**

Throughout this thesis the term activist academic research (or studies) is used to designate those studies authored by a small number of academics who support the Public Health approach to gambling (PHAG) and wish to have the amount of gambling in the UK reduced significantly.<sup>95</sup>

PHAG is discussed in detail in chapter five. In summary, PHAG believes that all gambling is harmful and that the best preventative method to prevent such harm, is to restrict the supply of gambling via regulation and the demand for it by seeking behavioural change.<sup>96</sup>

Whereas Public Health used to be about preventing disease, in its current paradigm, Public Health is about resolving health disparities that are primarily caused by social, political and economic reasons:

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<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

Most health disparities affect groups marginalized because of socioeconomic status, race/ethnicity, sexual orientation, gender, disability status, geographic location, or some combination of these. People in such groups not only experience worse health but also tend to have less access to the social determinants or conditions (e.g., healthy food, good housing, good education, safe neighborhoods, freedom from racism and other forms of discrimination) that support health.<sup>97</sup>

Public Health advocacy is inherently political as it seeks to influence the policy process to further its goals of reducing health inequalities. It is a growing area of research with Cohen and Marshall identifying 183 pieces of empirical public health literature published between 2000 and 2015.<sup>98</sup> As will be discussed in chapters 5 & 6, some aspects of Public Health rely on the construct that health inequalities are mostly due to rapacious capitalism, supported by government, force feeding unhealthy products to a consumerist population, similar to the work of Gerda Reith discussed above and below. From their study, Chapman and Marshall consider on of the main obstacles for Public Health is:

A preoccupation with individual responsibilities for healthy lifestyles and behaviours, consistent with the emergence of neoliberal governance.<sup>99</sup>

A key Public Health strategy is to empower communities to campaign for social change to reduce these inequalities.<sup>100</sup> A key component of this is the need for political advocacy because, integral to the philosophy of Public Health is the belief that there will always be political opposition by vested interests into reducing health inequalities and therefore there has to be health promotion/political advocacy function to lobby for the regulatory changes

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<sup>97</sup> Altman, D. G., Balcazar, F. E., Fawcett, S. B., Seeking, T. and Young, J. Q. . (1994). *Public Health Advocacy: Creating Community Change to Improve Health*. Stanford Center for Research in Disease Prevention. p.6

<sup>98</sup> Cohen, B. E., Marshall, S.G. (2017). Does public health advocacy seek to redress health inequities? A scoping review. . *Health Soc Care Community*, 25, 309-328. <https://onlinelibrary.wiley.com/doi/epdf/10.1111/hsc.12320>

<sup>99</sup> Ibid. p.309

<sup>100</sup> Altman, D. G., Balcazar, F. E., Fawcett, S. B., Seeking, T. and Young, J. Q. . (1994). *Public Health Advocacy: Creating Community Change to Improve Health*. Stanford Center for Research in Disease Prevention. p.12

needed to pursue health equilibrium. There have even been calls for all Public Health professionals to be trained in political advocacy to ensure there are sufficient numbers to undertake the campaigning.<sup>101</sup>

The nature and impact of effective opposition to new public health laws, regulations, taxes, and policies and to greater resource allocation deserves both analysis and potent responses. Public health advocacy, particularly through media advocacy, is the strategic use of news media to advance a public policy initiative, often in the face of such opposition. Media advocacy seeks to develop and shape ("frame") news stories in ways that build support for public policies and ultimately influence those who have the power to change or preserve laws, enact policies, and fund interventions that can influence whole populations.<sup>102</sup>

Academics are required as they provide the expertise about the topic, to inform the media and educate other campaigners. Chapman argues that in doing so, academics get the chance to go beyond just publishing work in academic journals which nobody reads, but get to 'influence political or institutional policy and practice'.<sup>103</sup> Masked Morality suggests that this motivation should not automatically be assumed to be concerns about public health, but may be more to do with other factors such as academic self-interest and personal ideology.

In 2016, the Responsible Gambling Strategy Board, the precursor to the Advisory Board for Safer Gambling, a panel of academics who advise the regulator, upon which both Wardle and Reith have sat, published a position paper where its stated they were adopting PHAG. They state:

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<sup>101</sup> Hearne, S., Jernigan, D.H. (2024). Who Will Advocate to Keep the Public Healthy? Establishing Competency-Based Advocacy Training for the Public Health Field. *Journal of Public Health Management and Practice*, 30(1), 3-7. [https://journals.lww.com/jphmp/fulltext/2024/01000/who\\_will\\_advocate\\_to\\_keep\\_the\\_public\\_healthy\\_.2.aspx](https://journals.lww.com/jphmp/fulltext/2024/01000/who_will_advocate_to_keep_the_public_healthy_.2.aspx)

<sup>102</sup> Chapman, S. (2004). Advocacy for public health: a primer. *Journal of Epidemiology & Community Health*, 58(5), 361-365. <https://jech-bmj-com.salford.idm.oclc.org/content/58/5/361>

<sup>103</sup> Chapman, S. (2001). Advocacy in public health: roles and challenges. *International Journal of Epidemiology*, 30(6), 1226-1232. <https://academic-oup-com.salford.idm.oclc.org/ije/article/30/6/1226/651750> ,p.1226

It makes use of a wide range of measures – including advocacy, information, regulation and prohibition – in a coordinated way to address any identified harms.<sup>104</sup>

As evidenced below, activist academic research has been accused of favouring the advocacy role more than the traditional academic approach of being a neutral interpreter of evidence. This thesis is not arguing that this is the rule, rather that certain research is less than cautious in the way it portrays the situation of gambling, problem gambling and gambling harms, and that this may result from the 'activist' stance of the research. 'Activism' and generating 'impact' in society and politics has become integral to academic career success across all disciplines in the past two decades, meaning that the balance between the search for truth and advocacy has become more strained.

Examples include under-reporting the caveats, the inconclusiveness of results, cherry picking the research they cite, supporting flawed research, citing research in a questionable manner and in some cases being overtly biased against gambling. This chapter, as do all the chapters, gives numerous examples of where 'truth' and 'reality' about gambling end up being 'stretched'. A Masked Morality framework facilitates the dissection of this research to raise questions about the motives.

Delfabbro and King have raised similar concerns:

advocacy can play an important and valid role in the scientific community and can be important for public policy reform, it can also raise concerns about the objectivity of scientific endeavors, how evidence is used and applied and the way in which scientific findings are communicated. In particular, we draw attention to the potentially

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<sup>104</sup> Responsible Gambling Strategy Board. (2016a). *Gambling-related harm as a public health issue Position paper December 2016*. RGSB, Retrieved from [https://www.yhphnetwork.co.uk/media/1591/gambling\\_related\\_harm\\_as\\_a\\_public\\_health\\_issue.pdf](https://www.yhphnetwork.co.uk/media/1591/gambling_related_harm_as_a_public_health_issue.pdf).1

problematic synergies between advocacy-informed research and ideological perspectives (e.g. Marxism, strong public health agendas) and political activism that may not be conducive to balanced, objective and balanced appraisals of evidence relating to the costs and benefits of gambling.<sup>105</sup>

They refer to the term 'advocacy research' and cite the 2018 paper of David et al, '*The role of public health advocacy in preventing and reducing gambling related harm: challenges, facilitators, and opportunities for change*'.<sup>106</sup> This research drew on the experience of a panel of 'experts' from the gambling harms advocacy community around the world and provides a strategic 'play book' which appears to have been adopted in activist academic studies in the U.K.

It first condemns the gambling industry involvement in sponsoring research, as it supposedly 'made it very difficult for researchers and services to speak out about the harms perpetuated by the gambling industry and its products'.<sup>107</sup> As shown elsewhere, several British academics have repeatedly called for an end to the British gambling industry funding research, education and treatment via GambleAware, which is independent of all industry interference. No evidence has ever been supplied of where so called industry influence has happened but this is still a demand.

Next, David et al recommends reframing the debate, with problem gambling no longer to be seen as an individual's problem but where gambling harms are seen to impact the whole population and therefore make it is a Public Health matter. The way this can best be achieved, they suggest, is by forming

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<sup>105</sup> Delfabbro, P., & King, D. L. . (2020). 'It's concerning', but is it your concern? Objectivity, advocacy and activism in gambling research. *International Gambling Studies*, 21(1), 168–179. <https://www.tandfonline.com/salford.idm.oclc.org/doi/full/10.1080/14459795.2020.1791221>

<sup>106</sup> David, J. L., Thomas, S. L., Randle, M., Daube, M., & Balandin, S. . (2018). The role of public health advocacy in preventing and reducing gambling related harm: challenges, facilitators, and opportunities for change. *Addiction Research & Theory*, 27(3), 210–219. <https://www.tandfonline.com/doi/full/10.1080/16066359.2018.1490410>

<sup>107</sup> Ibid. p.214

a coalition of like-minded groups, such as working with pressure groups, and supplying them with relevant research to be used in campaigning. Then those with a lived experience of harm are to be given advocacy roles as it is accepted that personal stories have far more emotional weight and cut through from a PR perspective than research data. As chapters five and six show, this approach has been adopted in the U.K. and successfully achieved.

The paper considers the role of academics as activists:

[expert panel] participants particularly commented on the ideological differences relating to the involvement of academics in advocacy. A few participants questioned whether academics should have, or felt comfortable with, a role in advocacy. One participant commented that academics did not 'like to consider' themselves advocates, that research needed to be purely empirically driven, and that agendas ran the risk of being motivated 'purely by ideology' and 'not evidence'. Others were concerned about the impact of the involvement in advocacy on the reputations of academics, with a few commenting that when researchers became involved in advocacy their work was often 'tarnished as unscientific', or that their objective could be described as 'propaganda'<sup>108</sup>

The majority of David et al's panel didn't seem too concerned about academic involvement, which as 38% of them were academics/researchers seems very plausible. The apparent ethical compromise for academics being involved in advocacy appears to be the sole use of empirical evidence and a scientific approach, something that we show has not always the case in the U.K.

When considering non-gambling-specific Public Health advocacy, Smith & Stewart recognise that one of the risks for Public Health advocates is that:

once a researcher has spent time developing and expressing a clear policy position, it may be difficult to consider (or acknowledge) other points of view, even as the research evidence evolves. Likewise, it has

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<sup>108</sup> Ibid. p.217

been suggested that advocates 'tend to cite only the data supporting their position, while ignoring or actively disparaging contradictory evidence'.<sup>109</sup>

Shaffer, Blaszczyński and Ladouceur, key proponents of the Reno model also highlight the issue:

To assure objectivity, public health workers examine scientific evidence with an impartial and detached eye; advocates, however, often use only the scientific evidence that supports their firmly held and often immutable position and political agendas. This unfortunate circumstance provides the context for the emergence of the antithesis of science, that is, pseudo or junk science, promoting a moral stance masked in the guise of public health endeavors.<sup>110</sup>

Smith & Stewart in their 2017 paper, '*Academic advocacy in public health: Disciplinary 'duty' or political 'propaganda'?*', having also undertaken an expert panel (but not about gambling) and argue that one of the risks of advocate academics:

were not simply that academic advocates might 'go beyond' the available research evidence but that the research outputs these

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<sup>109</sup> Smith, K., Stewart, E. (2014). Influencing policy – public health advocacy and health inequalities. *J R Coll Physicians Edinb*, 44(4), 316-321.  
<https://www.rcpe.ac.uk/journal/influencing-policy-public-health-advocacy-and-health-inequalities#text.p.319> citing: Cruz, V., Walt, G. . (2013). Brokering the boundary between science and advocacy: the case of intermittent preventive treatment among infants. *Health Policy Plan*, 28(6), 616-625. [https://ovidsp-dc1-ovid-com.salford.idm.oclc.org/ovid-new-a/ovidweb.cgi?WebLinkFrameset=1&S=OPBLFPDHFFACEECOKPJJBFE MDBEBAA00&returnUrl=ovidweb.cgi%3f%26TOC%3dS.sh.22.23.27.31%257c5%257c50%26FORMAT%3dtoc%26FIELDS%3dTOC%26S%3dOPBLFPDHFFACEECOKPJJBFE MDBEBAA00&fromjumpstart=0&directlink=https%3a%2f%2fovidsp.dc1.ovid.com%2fovftpdfs%2fPACKPEMBFCOFF00%2ffs046%2fovft%2flive%2fv023%2f00003845%2f00003845-201309000-00005.pdf&filename=Brokering+the+boundary+between+science+and+advocacy%3a++the+case+of+intermittent+preventive+treatment+among+infants.&PDFIdLinkField=%2ffs046%2fovft%2flive%2fgv023%2f00003845%2f00003845-201309000-00005&link\\_from=S.sh.22.23.27.31%7c5&pdf\\_key=B&pdf\\_index=S.sh.22.23.27.31&D=ovft](https://ovidsp-dc1-ovid-com.salford.idm.oclc.org/ovid-new-a/ovidweb.cgi?WebLinkFrameset=1&S=OPBLFPDHFFACEECOKPJJBFE MDBEBAA00&returnUrl=ovidweb.cgi%3f%26TOC%3dS.sh.22.23.27.31%257c5%257c50%26FORMAT%3dtoc%26FIELDS%3dTOC%26S%3dOPBLFPDHFFACEECOKPJJBFE MDBEBAA00&fromjumpstart=0&directlink=https%3a%2f%2fovidsp.dc1.ovid.com%2fovftpdfs%2fPACKPEMBFCOFF00%2ffs046%2fovft%2flive%2fv023%2f00003845%2f00003845-201309000-00005.pdf&filename=Brokering+the+boundary+between+science+and+advocacy%3a++the+case+of+intermittent+preventive+treatment+among+infants.&PDFIdLinkField=%2ffs046%2fovft%2flive%2fgv023%2f00003845%2f00003845-201309000-00005&link_from=S.sh.22.23.27.31%7c5&pdf_key=B&pdf_index=S.sh.22.23.27.31&D=ovft) and Carr-Gregg, M. (1993). Interaction of public policy advocacy and research in the passage of New Zealand's Smoke-free Environments Act 1990. *Addiction*, 88(s1), 35s-41s.  
<https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1360-0443.1993.tb02160.x>

<sup>110</sup>Shaffer, H. J., Blaszczyński, A., Ladouceur, R. (2020). Considering the Public Health and Reno Models: Strategic and Tactical Approaches for Dealing with Gambling-Related Harms. *International Journal of Mental Health and Addiction*, 18, 12. p.810



individuals produced were so heavily shaped by their personal-political positions that this undermined the credibility of their research.<sup>111</sup>

Their panel members warned that advocate activists risked their usefulness in their traditional role as neutral arbiters in policy debates. Policy makers have traditionally relied on academics to provide a neutral approach to policy problems unlike the other stakeholders who have public biases.<sup>112</sup> Fabbro & King conclude:

A challenge occurs, however, when one attempts to adopt the role of both researcher and advocate; in effect, when one tries to 'wear two hats'. When the advocate role arises from broader ideological positions that consider gambling inherently exploitative or morally bad, a question should be raised about the impartiality or objectivity of research evidence or how it is interpreted and applied.<sup>113</sup>

The following chapters of this thesis will show how a combination of activist academic research and anti-gambling pressure groups have managed to get British gambling policy radically changed. Throughout, numerous examples are given where less than the highest standards of academic research and basic methodology have been used as evidence to portray gambling as a danger to all and in need of urgent regulatory change. One of key features of the proposed new theory-variant Masked Morality is how it highlights the role of activist academic research in influencing the gambling debate with presumably many policy brokers not knowing which hat these academics are wearing when dealing with them. This thesis cannot comment on the influence of academics in other areas of study or in other countries, a number of articles have been published exhorting academics to become activists in such areas as climate change (Thierry et al, Zourou et al), conservation and

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<sup>111</sup>Smith, K. E., Stewart, E.A. . (2017). Academic advocacy in public health: Disciplinary 'duty' or political 'propaganda'? *Social Science & Medicine*, 189, 35-43. <https://www-sciencedirect-com.salford.idm.oclc.org/science/article/pii/S0277953617304471> ,p.40

<sup>112</sup> Ibid. p.40

<sup>113</sup>Delfabbro, P., & King, D. L. . (2020). 'It's concerning', but is it your concern? Objectivity, advocacy and activism in gambling research. *International Gambling Studies*, 21(1), 168–179. <https://www-tandfonline-com.salford.idm.oclc.org/doi/full/10.1080/14459795.2020.1791221> . p.175

environmentalism (Parsons, Meyer et al) and acting as political campaigners in policies such as alcohol (Savell et al) and even recreational drug use (Harris & Luongo) but as the following chapters will show, the impact of their research in the British gambling debate has been significant.<sup>114</sup>

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<sup>114</sup>Savell, E., Fooks, G., Gilmore, A. B. . (2016). How does the alcohol industry attempt to influence marketing regulations? A systematic review. *Addiction*, 111, 18-32. <https://onlinelibrary.wiley.com/doi/epdf/10.1111/add.13048>

Thierry A, H. L., von Hellermann P and Gardner CJ (2023). "No research on a dead planet": preserving the socio-ecological conditions for academia. . *Front. Educ.*, 8, 1237076. <https://www.frontiersin.org/journals/education/articles/10.3389/feduc.2023.1237076/full>

Meyer, J. L., Frumhoff, P.C., Hamburg, S.P., de la Rosa, C. (2010). Above the din but in the fray: environmental scientists as effective advocates. *Frontiers in Ecology and the Environment*, 8, 299-305. <https://esajournals.onlinelibrary.wiley.com/doi/epdf/10.1890/090143> , Parsons, E. (2016). "Advocacy" and "Activism" Are Not Dirty Words—How Activists Can Better Help Conservation Scientists. *Front. Mar. Sci.* , 3, 229. <https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2016.00229/full>

, Savell, E., Fooks, G., Gilmore, A. B. . (2016). How does the alcohol industry attempt to influence marketing regulations? A systematic review. *Addiction*, 111, 18-32. <https://onlinelibrary.wiley.com/doi/epdf/10.1111/add.13048>

, ibid., Zourou, K., Potolia, A., Oikonomou, S... (2024). Academic activism: learning and self-transformation through collective action taking. *Front. Educ.* , 9, 1215522. <https://www.frontiersin.org/journals/education/articles/10.3389/feduc.2024.1215522/full>

## Chapter 2: Towards a new model of public policy analysis for gambling in the UK

The period covered by the thesis starts with the passing of the politically contentious Gambling Act on the 1<sup>st</sup> April 2005 and ends with the outcome of the Gambling Act Review published on the 27<sup>th</sup> April 2023. In essence, this period stems from the creation of a new public policy for regulating gambling through to its first comprehensive review eighteen years later. Within this period, I provide examples of where it has been alleged that there has been policy failure and consider the actions of the government in response. The examples I use are the government's turnaround on land based casinos, the campaign against Fixed Odds Betting Terminals (FOBTs) and then the adoption of a Public Health approach to gambling which has ongoing implications for the industry, which may very well lead indirectly to actual policy failure.

For this thesis I use the definition of policy failure to be a failure of the policy objectives set out first in 2001 in the Gambling Act's White Paper, known as the Budd Review after its Chairman Sir Alan Budd, then in the legislation and then as the founding objectives of the gambling regulator, the Gambling Commission;

- to ensure that gambling is crime free
- to protect children and the vulnerable
- to keep the games fair.<sup>115</sup>

I argue that for British gambling policy to have failed, then any one of these objectives should be proved to have not been achieved. This does not mean on an individual scale, because any industry that has 40% of the U.K. adult

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<sup>115</sup> Sir Alan Budd (Chairman). (2001). *Gambling Review report* (Cm 5206). HMSO. p.10, Gambling Act 2005, s.1, Gambling Commission. (2006b). *Report of the Gambling Commission 2005 | 06*,. London: HMSO, Sir Alan Budd (Chairman). (2001). *Gambling Review report* (Cm 5206). HMSO. , p.4, Ibid

population participating at least once per month, and where Gross Gaming Yield (stakes minus winnings) for April 2019 – March 2020 was no less than £14.2 billion, is bound to have individual instances of failure. Rather, this is about systemic policy failure.<sup>116</sup> I argue that this is not, in fact, the case. The evidence simply does not back up the contention of failure, despite the fact that different policy actors have campaigned for regulatory change on this basis. As chapter five, will show, and chapter six will discuss, this strategy appears to have worked, for the Gambling Act 2005 is now due for serious regulatory change.

In reviewing this period from a public policy analysis perspective, two things become apparent: first, that traditional public policy analysis does not work well in analysing the politics of gambling; and second, that even the more appropriate subfields of policy analysis, Morality Politics and Advocacy Coalition Framework analysis don't do justice to the particularly British aspects of the gambling policy milieu.

As highlighted in the previous chapter, I provide my own new theory variant which I have called 'Masked Morality', which argues that certain actors in the policy debate, have campaigned, often successfully, for regulatory change on the basis that they saw policy failure, mostly in the objective of protecting the vulnerable, which for this period is to do with problem gambling. My assertion is that the 'morality' of these actors is 'masked' because not only is there scant evidence to support their arguments of policy failure but that their motivations are rarely to do with enhancing the protection of the vulnerable.

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<sup>116</sup> Gambling Commission. (2020h). *Industry Statistics - November 2020*. Gambling Commission,. Retrieved 09/01/2024 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/industry-statistics-november-2020#notes>, Gambling Commission. (2022c). *Gambling behaviour in 2021: Findings from the quarterly telephone survey*. Gambling Commission,. Retrieved 06/03/2022 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/gambling-behaviour-in-2021-findings-from-the-quarterly-telephone-survey> .

My 'Masked Morality' variant can be summarised as policy actors/activists, who for generally commercial, emotional or ideological reasons use the argument of policy failure to further their own ends while using the pretence of seeking enhanced protection for the vulnerable. As my analysis shows, these actors can be successful politically due to the moralistic aspect of gambling as a public policy. It also shows that this is where the danger lies, because, as with all vice-related issues such as drugs, pornography, prostitution (and even with the more American-centric morality issues of abortion and even homosexuality), prohibition only leads to an un-regulated black market where the vulnerable are entirely un-protected.

This chapter will consider the fundamentals of public policy analysis and consider why it is unsuitable as a theoretical basis for analysing British gambling policy. Following this, it will examine Morality Politics and Advocacy Coalition Framework analysis and critique them as also not being suitable. I will then put forward my own suggestion for a theory-variant, Masked Morality as a possible solution. The remaining chapters are case studies of where the evidence suggests that government policy has been changed by such 'Masked Morality' actors, concluding with the results of Gambling White Paper which appears to be evidence of the case.

### **The Basics of Public Policy**

Space does not allow all but the most briefest of forays into the basics of public policy. One of the subject's founding fathers, Harold D. Laswell defined it as, fundamentally, being about the distribution of resources and how the decision makers who distribute these resources are influenced by other actors, be they public (the civil service, parliamentarians, government departments, political parties) or private (interest groups, academia, the media).<sup>117</sup>

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<sup>117</sup> Lasswell, H. D. (1936). *Politics: Who Gets What, When, How*. Whittlesey House.

Academia has been mostly split about which 'shape' best fits the policy process. Is it linear as suggested by Lasswell's 'rationalist approach', with defined stages happening in progression upon completion, or is it more circular as in Lindblom's 'incrementalist approach' which accepts the limitations in knowledge and competence of decision makers and the need to negotiate with policy actors thus causing iterative 'loops', or is it purely abstract, as advanced by Cohen & Olsen's 'garbage can model', where problems, solutions and participants can all meet up almost randomly with the consequent results?<sup>118</sup>

Of these analytical models, it is arguable that it was a mixture of all three approaches that explain how the Gambling Act 2005 came into being. Considered in detail in the next chapter, the Bill was written on the basis of the Budd report which had involved a lengthy process of evidence collection, policy options being discussed and then a majority view putting forward policy recommendations. The actual Bill that would become the Gambling Act would need to include a number of elements not covered by the Budd Report. This was the detail needed to make effective legislation. This was in the majority, an Incrementalist approach as not only were many of the elements of the previous gambling legislation to be found in the 'DNA' of the Bill but also elements from the Licensing Act 2003. The weakest analogy is that of the Garbage Can Model for how governments have responded to private political actors proposing policy failure. While such actions, as detailed in later chapters, may imply that policy decisions have almost been made randomly, it could be argued that this is not the case and that political expedience, as discussed previously as a component of Masked Morality, is the more likely reason.

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<sup>118</sup> Lasswell, H. D. (1956). *The Decision Process: Seven Categories of Functional Analysis*. Bureau of Governmental Research, College of Business and Public Administration, University of Maryland,. Lindblom, C. E. (1959). The Science of 'Muddling Through'. *Public Administration Review* 19(2), 9. Cohen, M. D., March, J.G., Olsen, J.P. (1972). "A Garbage Can Model of Organizational Choice." *Administrative Science Quarterly* 17(1), 25. .

Of most relevance to this thesis is the concept of policy framing. Framing is how institutions deal with problems. Ward et al describe framing as:

the crucial process of interpretation. It connotes the standard way that problems and their contexts are characterised and understood. Policy framing involves the selective use of knowledge and information about a problem and the causal relationships surrounding it, to give it meaning and render it manageable.<sup>119</sup>

Ward et al use the example of the British government's response to the UK's foot and mouth disease crisis in 2001. They argue that because the government framed the issue as purely an agricultural problem, their response ignored the needs of the wider rural community. Framing also dictates which actors are listened to and which are not. In Ward et al's case study, the government through the Ministry of Agriculture, Fisheries and Food was in constant contact with the National Farmers Union but not with those organisations representing the wider rural economy.

I will argue in the case studies regarding land-based casinos, FOBTs and the adoption of a Public Health approach to gambling that private policy actors; pressure groups and activist academics, and public ones, the regulator, have sought to frame British gambling policy as flawed and causing an epidemic of problem gambling. This is an attempt to reframe or enact a shift in framing about gambling policy from what was an almost 'normal' policy to one of 'morality', and I will examine the tools used to do this.

Linked to policy framing, the creation of an impression of policy failure is the creation of a policy problem, and how these arise is called 'problem definition'. Rochefort & Cobb's, *The Politics of Problem Definition – Shaping the Policy Agenda* argues that with the process of defining a policy problem:

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<sup>119</sup>Ward, N., Donaldson, A., Lowe, P. . (2004). Policy Framing and Learning the Lessons from the UK's Foot and Mouth Disease Crisis  
*Environment and Planning Politics and Space*, 22(2), 15. , p.292

Cultural values, interest group advocacy, scientific information and professional advice all help to shape the content of problem definition . Once crystallised, some definitions will remain long-term fixtures of the policymaking landscape; other definitions may undergo constant revision or be replaced altogether by competing formulations.<sup>120</sup>

This is expanded on by Deborah Stone in her 1989 article, *Causal Stories and the Formation of Policy Agendas*:

Problem definition is a process of image making, where the images have to do fundamentally with attributing cause, blame, and responsibility. Conditions, difficulties, or issues thus do not have inherent properties that make them more or less likely to be seen as problems or to be expanded. Rather, political actors deliberately portray them in ways calculated to gain support for their side.<sup>121</sup>

Stone argues that it is political actors who create a story whereby the difficulty they have identified, regardless of fact, causes harm due to the actions of those to be blamed and needs resolution by the government in actions that will benefit the actor. This is very much the case, as is seen with PHAG, where the Public Health strategy is to reframe the issue to one of a population suffering (albeit admittedly) small amounts of harm is considered to outweigh the actuality of a small number of problem gamblers suffering large amounts of harm. The blame being firmly placed on the rapacious epitomes of neoliberalism, the gambling industry. Reframing from the individual to population level, the 'frame' of the problem moves from individuals suffering personal issues to a population suffering from a 'disease'. Even though the same logic could be applied to outlawing cycling or football, due to the large number of minor injuries received, it has proved sufficient to convince policymakers to increase restrictions on gambling in order to prevent 'disease'.

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<sup>120</sup> Rochefort, D., Cobb, R. (1994). *The Politics of Problem Definition – Shaping the Policy Agenda*. University Press of Kansas, p.4

<sup>121</sup> Stone, D. A. (1989). *Causal Stories and the Formation of Policy Agendas*. *Political Science Quarterly*, 104(2). p.282



Pertinent to the gambling debate, is Stone's comment:

Finding the true or ultimate cause of harms in these policy areas is not what is at issue. Rather, the fight is about locating moral responsibility and real economic costs on a chain of possible causes. The location is dictated more by the political strength of different groups (tobacco growers, the gun lobby) than by any statistical proof or causal logic.<sup>122</sup>

The weakness of the gambling industry as a policy stakeholder is considered elsewhere in this thesis and is a factor in Masked Morality. Space does not allow for consideration of the theories regarding interest groups, but pertinent to the issue of framing is Dür's assertion that people tend to trust non-business interest groups more than business ones.<sup>123</sup> This could mean that even if the Betting and Gaming Council, the main industry trade body, had put up a more vocal defence of their industry's actions, policy brokers would have sided with the anti-gambling groups anyway.

Dür, nor other interest group theoreticians, or even the wider canon of public policy doesn't mention the specific issue of gambling and its emotive baggage, which arguably allows for negative framing by anti-gambling groups, as people consider the industry to be crime filled, corrupt and exploitative.

This imbalance in credibility between policy actors in the gambling debate is something that conventional public policy theory doesn't consider thoroughly and is why the focus for policy theory moved towards that of Morality Politics, which considers 'sin' topics and Advocacy Coalition Framework Analysis which focuses on how interest groups will band together to achieve policy change.

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<sup>122</sup>Ibid., p.297

<sup>123</sup>DÜR, A. (2019). How interest groups influence public opinion: Arguments matter more than the sources. *European Journal of Political Research*, 58(2), 514-535. <https://ejpr-onlinelibrary-wiley-com.salford.idm.oclc.org/doi/10.1111/1475-6765.12298>.

## Morality Politics

The definition of Morality Politics below explains why Morality Politics in and of itself cannot sufficiently explain the politics of British gambling, and why, therefore, there is a need for a new theory, or at least a new variant:

The important distinction between morality policy and nonmorality policy is that at least a significant minority of citizens has a fundamental, first-principled conflict with the values embodied in some aspect of a morality policy. The level of public consensus on these values may vary, and this indeed may affect the politics of morality policy<sup>124</sup>

The concept is based on the idea that when it comes to certain policies (chiefly, those dealing with so-called 'sin' topics like pornography, prostitution and even abortion and gay marriage), a much higher proportion of the public than usual have an opinion on whether the 'sin' should be permitted to be practiced and, if so, to what extent. Furthermore, morality politics always features conflict because there are always groups who support and groups who are against whatever policy is being considered. As Mooney states:

Morality policy is, therefore, no less than the legal sanction of right and wrong, the validation of a particular set of basic values. While much criminal law defines right and wrong, what sets morality policy apart is that it deals with subjects on which there exists no complete consensus in a polity on these values.<sup>125</sup>

In Mooney's later work, he lists the authors who he considers created the field of morality politics, and gambling is not included.<sup>126</sup> Analysis of the research in

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<sup>124</sup> Meier, K. J. (1999). Sex, drugs, rock, and roll: A theory of morality politics. *Policy Studies Journal*, 27(4), 14.

<sup>125</sup> Mooney, C. Z. Ibid. The Politics of Morality Policy: Symposium Editor's Introduction. p.675

<sup>126</sup> *The public clash of private values: the politics of morality policy*. (1999). (C. Z. Mooney, Ed.). Seven Bridges Press. , p.17. Tatalovich, R., Daynes, B.W. (1998). *Social Regulatory Policy - Moral Controversies In American Politics*. M.E. Sharpe., only considers abortion, pornography, death penalty, gun control, affirmative action, church-state separation, official English, and gay rights. Meier, K. J. (1994). *The Politics of Sin: Drugs, Alcohol and Public Policy*. Routledge. only looks at drugs and alcohol. Nice, D. C. (1992). The States and the Death Penalty. *The Western Political Quarterly*, 45(4), 11. , considers only the death penalty. Mooney, C. Z., Lee, M. (1995). Legislative Morality in the American States: The Case of Pre-Roe Abortion Regulation Reform. *American Journal of Political Science* 39(3), 28. only considers abortion. Haider-Markel, D. P.,

the Morality Politics canon that is related to gambling shows that it either considers American fundamentalist Christian objections to legalising gambling or exploring how gambling becomes legal from State to State.<sup>127</sup> In practically all cases the term 'gambling' applies to the adoption of a State lottery and not the full panoply of issues concerning commercial gambling -- that has been legal in the UK since 1960.

American politics and American gambling are both completely different to their equivalents in the United Kingdom. That America is more religious is definitely a factor in both cases, as seen by the research of Fairbanks.<sup>128</sup> In addition, America has been identified as having a deep political cleavage based on this religiosity. Layman & Carmines state that:

the religion-based cultural cleavage already has a notable influence on American politics, it also provides evidence that the political impact of this division may be even greater in the future.<sup>129</sup>

The American-centric nature of the field of study suggests it has limited application, as Mooney recognises:

Unfortunately, most studies of morality policy politics have examined them in only one country – the United States.<sup>130</sup>

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Meier, K.J. (1996). The Politics of Gay and Lesbian Rights: Expanding the Scope of the Conflict. *The Journal Of Politics*, 58(2), 17. , pp. 332-49. Only looks at gay and lesbian rights.

<sup>127</sup> Considers American fundamentalist Christian objections to legalising gambling: Fairbanks, D. (1977). Religious Forces and "Morality" Policies in the American States. *Western Political Quarterly*, 30(3), 6. , pp. 411–417. How gambling becomes legal from State to State: Mooney, C. Z. (2001). Modeling Regional Effects on State Policy Diffusion. *Political Research Quarterly*, 54(1), 21. , 103-124. Berry, F. S., & Berry, W. D. . (1990). State lottery adoptions as policy innovations: An event history analysis. *American political science review*, 84(2), 20. , 395-415.

<sup>128</sup>Fairbanks, D. (1977). Religious Forces and "Morality" Policies in the American States. *Western Political Quarterly*, 30(3), 6. , pp. 411–417

<sup>129</sup>Layman, G. C., Carmines, E.G. (1977). Cultural Conflict in American Politics: Religious Traditionalism, Postmaterialism, and U.S. Political Behavior. *The Journal Of Politics*, 59(3), 26. , pp. 751-777

<sup>130</sup>*The public clash of private values: the politics of morality policy.* (1999). (C. Z. Mooney, Ed.). Seven Bridges Press. , p.15

One of the few British academics who has worked in this sub-field is Philip Cowley. He argues that the difference between the UK and the US is that in Britain we have a tradition of allowing free votes on conscience issues so that no one group (the government or even the political parties) takes responsibility. This means that it is near impossible for voters to choose how to vote on the basis of a morality issue.<sup>131</sup> In Cowley's chapter in Mooney's 2001 book, *The public clash of private values: the politics of morality policy*, entitled 'Morality Policy Without Politics', Cowley surveys the policy issues covered in the media over five general elections and surmises:

British elections remain primarily national-level events. As we have seen, morality issues play but a small part at the national level. Thus, the most striking feature about morality policy in general elections in Britain is its lack of importance. With one or two minor exceptions, morality issues simply do not register during elections.<sup>132</sup>

Cowley does argue, however, that political party allegiance is important in the way that MPs use their free votes; they are more likely to vote in the way of their party colleagues than not. Which arguably can be explained by the fact that many morality policy issues do come with a pre-allotted political allegiance; in the UK most morality issues are quite clearly issues of left or right, with social liberalising measures in general being supported by the left. It should be said that gambling is the opposite, with most opposition coming from the left, as if it was an economic liberalisation that is favoured by the right. Cowley adds that the influence of the executive is also not absent, in so far as how free votes are dealt with: it still controls the Parliamentary timetable and procedures and can use this to the advantage of whichever stance it privately takes on the issue. Cowley's conclusion is that if the question is whether the

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<sup>131</sup>Cowley, P. (1998). Unbridled passions? Free votes, issues of conscience and the accountability of British members of parliament. *The Journal of Legislative Studies*, 4(2), 18. . A free vote is where the political party that a member of Parliament belongs to does not tell him which way to vote.

<sup>132</sup>*The public clash of private values: the politics of morality policy*. (1999). (C. Z. Mooney, Ed.). Seven Bridges Press. , pp.217-218

politics of morality issues is different to non-morality policies in the UK then the answer is yes:

The majority of issues of morality – certainly nearly all that excite scholars and observers in other polities – are treated in Britain as a breed apart. In a political system dominated by party and executive, the issues are treated as nonpartisan and are dealt with by the legislature.<sup>133</sup>

The response of the legislature being critical to a government policy can be seen in a number of the case studies considered in this thesis, with legislative power being exerted when it came to secondary legislation. As with the land-based casinos, it was the government's defeat of the Gambling (Geographical Distribution of Casino Premises Licences) Order 2007 which killed off the Resort Casino destined for Manchester. With FOBTs, the numbers were not there for the government to get through the Statutory Instrument which sets stake limits on anything else but a £2 stake.<sup>134</sup>

An important point to make is that on none of these occasions, or during the passing of the Gambling Act 2005, were any of the votes a free vote.<sup>135</sup> It was the legislature rebelling against the wishes of the executive that caused a change in government policy, which supports Cowley's exception to his rule, and Studlar's (1996) argument that:

if social regulatory issues become whipped votes, the strains within political parties are likely to be so great that party discipline in the division (voting) lobbies may break down.<sup>136</sup>

This is where it can be argued that government gambling policy has faltered but not failed. MPs have caused the government to change direction in their

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<sup>133</sup>Ibid., pp.224-225

<sup>134</sup> The Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018 (2018). <https://www.legislation.gov.uk/uksi/2018/1402/made>

<sup>135</sup> House of Commons Library. (2020). *Free Votes in the House of Commons since 1979*. (04793). London Retrieved from <https://commonslibrary.parliament.uk/research-briefings/sn04793/>

<sup>136</sup>Studlar, D. T. (2018). *Great Britain: Decline Or Renewal?* Taylor and Francis. .

policy. How the MPs have been influenced to make these stands will be examined in the case studies, but the overall policy objectives have remained in place, and have been successful.

This may be explained by one of the rare examples of European research into gambling from a morality policy perspective. Euchner, Heichel, Nebel & Raschzok's 2013 investigation into drug consumption and gambling in Germany and the Netherlands showed that:

policies that are often labelled as 'moral' in the American literature are not coherently framed that way in the European countries we analysed. Drug and gambling policies shifted from morality policies to so-called 'normal' policies or – as in one case – were never discussed as morally wrong. Therefore, we argue that framing analysis is essential for the identification of morality policies, particularly in the European context.<sup>137</sup>

This can be considered another reason that Morality Politics is not sufficient to understand British gambling policy. Gambling can be argued to still be a first principled conflict, with the majority of the public having a view on it. These views are not religious based and/or about whether gambling should be legal or not (aside of a vocal minority), but more an argument about the extent that gambling should be allowed or rather visible. This is of course not the case if you look at British gambling policy historically, as mentioned elsewhere regarding the work of Dixon.<sup>138</sup>

The public's views on gambling in the UK have been shown to be generally negative over the last few years. The YouGov monthly tracker of opinions on gambling, since June 2019, shows a fairly consistent 40% being very unfavourable, 20% being somewhat unfavourable, 20% being neither favourable or unfavourable, 5% being somewhat favourable, 2% very

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<sup>137</sup> Euchner, E. M., Heichel, S., Nebel, K., Raschzok, A. (2013). From Morality Policy to Normal Policy: Framing of Drug Consumption and Gambling in Germany and the Netherlands and their Regulatory Consequences. *Journal of European Public Policy* 20(3), 17.

<sup>138</sup> Dixon, D. (1991). *From prohibition to regulation: bookmaking, anti-gambling, and the law*. Clarendon Press.

favourable and 11% don't know.<sup>139</sup> The Gambling Commission commissioned surveys into the public's attitudes about gambling for the years 2010-2019 and they too showed negative responses. When asked whether gambling in the UK is conducted fairly and can be trusted, the percentage agreeing peaked in 2011 & 2012 with 49% and declined to 29% by 2019.<sup>140</sup> When asked whether they agreed with the statement that gambling in this country is associated with criminal activity, the percentage agreeing rose from a low in 2010 of 37% to a high of 43% in 2019.<sup>141</sup>

What is interesting about these surveys is that there has been no major incidence of criminal activity or lack of game integrity issues (rigging) throughout this period nor have participation rates reduced due to poor customer perception. What has occurred is an increase in anti-gambling campaigning initiated by the Campaign for Fairer Gambling which was launched in 2013, as will be discussed in chapter four. Anecdotally it can also be argued that the amount of negative press comment over this period has appeared to increase, but without further research this cannot be proven. The next chapter will show that negative press on gambling does appear to change government policy.

According to a 2021 study by Delfabbro & King:

despite high rates of participation and expenditure on gambling around the world, a consistent finding from research is that the public are generally negatively disposed toward gambling or, at best, ambivalent<sup>142</sup>

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<sup>139</sup>YouGov. (2023). *How Brits feel about the gambling industry*. Retrieved 18/10/23 from <https://yougov.co.uk/topics/lifestyle/trackers/how-brits-feel-about-the-gambling-industry>. Numbers don't equal 100% due to averages over time

<sup>140</sup> Gambling Commission. (2020f). *Gambling participation in 2019: behaviour, awareness and attitudes*. Gambling Commission. [https://www.gamblingcommission.gov.uk/print/gambling-participation-in-2019-behaviour-awareness-and-attitudes#:~:text=Our%20research%20found%20that%20overall,\(46%25%20in%202018\).](https://www.gamblingcommission.gov.uk/print/gambling-participation-in-2019-behaviour-awareness-and-attitudes#:~:text=Our%20research%20found%20that%20overall,(46%25%20in%202018).)

<sup>141</sup> Ibid

<sup>142</sup>Delfabbro, P. H., King, D.L. (2021). The behaviour-attitude divide: understanding public attitudes towards gambling. *International Gambling Studies*, 21(1)., p.158

They suggest that part of this paradox (high participation but low appreciation) can be down to the way researchers have asked questions about consumer attitudes, in a way that delivers negative answers and also how the press reports gambling stories, which is mostly negatively. They also argue that most surveys fail to pick up on nuances, such as: consumers wanting gambling but just not in their own neighbourhoods; consumers conflating gambling with problem gambling; many respondents potentially having little knowledge of gambling; or respondents' lack of awareness that the gambling they indulge in (e.g. lotteries or bingo), is in fact gambling. They recommend that more emphasis needs to be given to question design and even to respondents' knowledge of gambling. They conclude that:

people's views are generally consistent with what Collins et al. (2015) refer to as a 'restrictivists model' that is positioned somewhere at the mid-point of full liberalism and prohibition. Such views also accord with the so-called 'Las Vegas model' (Schwartz, 2006) in which gambling is 'quarantined' to certain locations (e.g., large casinos away from homes)<sup>143</sup>

Such a conclusion does appear to concur with the Gambling Commission's own research into public opinion into gambling policy conducted in 2019. They first asked a sample of 2,078 members of the public what they knew about various gambling policies, such as the controls in place to ensure that children and young people are not exposed to gambling and the maximum amount that can be bet on machines in bookmakers. They were given the option of three answers: know a lot about, know a little about and don't know anything about. The average percentage response was: 3% knew a lot about the gambling policies, 28% knew something about the gambling policies and 68%

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<sup>143</sup> Ibid p.163. Papers cited: Collins, P., Blaszczynski, A., Ladouceur, R., Shaffer, H., Shaffer, J., Fong, D., & Venisse, J.L. . (2015). Responsible gambling: Conceptual considerations. *Gaming Law Review and Economics*, 19(8), 6. . Schwartz, D. G. (2006). *Roll the bones: The history of gambling*. Gotham Books.



did not know anything about the gambling policies.<sup>144</sup> Respondents were then asked to rank the gambling policies in order of importance to them: 'Having controls in place to ensure that children and young people are not exposed to gambling' was by far the most important, with 32% ranking it first; the next was 'Setting a stake limit on machines in bookmakers' with 13% ranking it first.<sup>145</sup> As will be discussed in chapter four, stake limits were a big press story in 2019. It does appear that public opinion on gambling is based on little actual knowledge and influenced heavily by media comment.

### **Policy Framing**

Attitudes to gambling change over time. Cairney & Studlar call this a 'blended policy' where the framing of a policy changes according to the policy actors involved at the time.<sup>146</sup> In their work on US tobacco policy, they state that over time, three different policy frames have existed. First there was the frame of political economy, where tobacco was sanctioned due to the jobs and taxes it created and the commercial revenue generated for retailers and advertisers. In response almost, came the first wave frame of Morality Politics, where smoking was seen as associated with 'sinful' pursuits including gambling and therefore morally damaging, especially for young people. The third frame is that of Public Health which saw the scientific research undertaken post-war into how damaging smoking was to people's health and how the costs of this outweighed the benefits found in the political economy frame. As this research became more prominent in the public sphere it began to dominate the framing of tobacco policy.

Of interest to this thesis is Cairney & Studlar's assertion that the Public Health approach has, from the 1980s, been supported by a second wave of morality

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<sup>144</sup> Gambling Commission. (2020f). *Gambling participation in 2019: behaviour, awareness and attitudes*. Gambling Commission. [https://www.gamblingcommission.gov.uk/print/gambling-participation-in-2019-behaviour-awareness-and-attitudes#:~:text=Our%20research%20found%20that%20overall,\(46%25%20in%202018\).](https://www.gamblingcommission.gov.uk/print/gambling-participation-in-2019-behaviour-awareness-and-attitudes#:~:text=Our%20research%20found%20that%20overall,(46%25%20in%202018).)

<sup>145</sup> Ibid

<sup>146</sup> Cairney, P., Studlar, D., Mamudu, H. (2012). *Global Tobacco Control: Power, Policy, Governance and Transfer*. Palgrave Macmillan,.

politics which is focussed on the moralisation of health. In essence, this approach is based on the premise that Public Health is a set of policies to improve the health of the public, that, following the conquest of a disease, is based on reducing risky behaviour, and that this is not just economically beneficial but morally good. It follows, therefore, that not enacting public health policies would be morally bad. Cairney & Studlar state:

While some religious groups continue to oppose smoking on principle, most of the moral zeal of the anti-tobacco movement is based on a 'secular morality' valuing physical health rather than religious precepts.<sup>147</sup>

Of relevance to the policy actors identified in the case studies is Solomon Katz's essay on *Secular Morality* in Brandt & Rozin's (1997) *Morality and Health*. He writes this in describing health and disease advocacy groups that promote secular morality:

Their modus operandi includes support networking, activist forums, public education programs, and even dramatic hyperbole. They have come to provide a stimulus to the activation of the government bureaucracy, first demanding attention to the problem and eventually becoming part of the support underlying the actions and decisions of the Surgeon General.<sup>148</sup>

In the chapter on the Public Health approach to gambling, we will see many similarities, apart from the lack of evidence of the harms (population-wide) gambling apparently causes. As will be shown, the same zealotry exists, and what might be dubbed 'activist academics' (Public Health approach to gambling advocacy groups), are seeking to create this evidence of harm, even if the science or the methodology does not quite stand up. What they have in common is their ideological approach to the gambling industry, as Cairney & Studlar relates in relation to the tobacco industry's experience:

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<sup>147</sup> Ibid.p. 58.

<sup>148</sup> *Morality and health: interdisciplinary perspectives*. (1997). (A. Brandt, Rozin, P., Ed.). Routledge. , p.308

Morality framing operates in concert with public health, acting as a simplifying and mobilising force by demonising the opposition.<sup>149</sup>

There is also a difference in the moralization framing. As Brandt & Rozin argue, the consumers of cigarettes were demonized due to creating second hand smoke and thus were portrayed as a health hazard to others. With gambling in Britain, consumers have not been demonised, in fact the reverse: they have been portrayed as innocent victims of an exploitative industry, almost without any agency, and deemed to be in need of enormous protections due to their inability to gamble safely -- even though all the evidence suggests that 99.6% of adults can, in fact, do precisely that.<sup>150</sup>

Euchner et al identify four different policy frames. The morality frame which considers drug use and gambling 'as generally contrary to (traditional) norms and values. Their spread is seen as a threat to society's value system that must be prevented'.<sup>151</sup> The other three are less values based, but in the case of the second frame, health and social, Euchner et al ignore the moralisation of a public health approach as seen by Cairney & Studler and evidenced in the chapter on the Public Health approach. Euchner et al do state that the health and social approach does consider gambling and drugs to have negative social consequences due to the risk of addiction and addictive behaviour being considered a disease, which does echo the Public Health approach. The third frame is security and public order and is more relevant to drugs and the criminal element associated with their supply. The final frame is to economic and fiscal and is more to do with gambling due to the state taxing legal gambling. They argue, backed up by empirical evidence of drug and

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<sup>149</sup> Cairney, P., Studlar, D., Mamudu, H. (2012). *Global Tobacco Control: Power, Policy, Governance and Transfer*. Palgrave Macmillan., pp. 141-142.

<sup>150</sup> See Hansard, House of Commons, January 6<sup>th</sup> 2021, Vol. 706 Col. 135 where both the Gambling Minister and Opposition Spokesperson reference gambling as purely about the industry exploiting its customers

<sup>151</sup> Euchner, E. M., Heichel, S., Nebel, K., Raschzok, A. (2013). From Morality Policy to Normal Policy: Framing of Drug Consumption and Gambling in Germany and the Netherlands and their Regulatory Consequences. *Journal of European Public Policy* 20(3), 17. 377

gambling policies in Germany and the Netherlands, that due to secularization and value shifts, morality framing of policy (and therefore regulation) started to decline in the 1960s, and that by the 1980s & 1990s the other frames were dominant, with the consequence that regulations were liberalised.

This matches the analysis of Dixon mentioned elsewhere, although arguably, the British moved from morality framing to a combination of economic and fiscal, and security and public order framing, and that this happened earlier than in Germany and the Netherlands. It could be argued that both of these countries were more religious than Britain, as they have political parties based on religious affiliation, something absent from British politics and that this is why secularization and value shift happened earlier. In 1960, the legalisation of gambling in Britain was due to a policy frame of security and public order as the legislation was primarily brought in to end the endemic illegal gambling that had been prominent over the previous century of prohibition. The economic and fiscal element came a few years later when in 1966 gambling taxes were first imposed. Economics and public order were the framing for the next few decades as government policy was about preventing criminality in gambling and ensuring tax revenue. The health and social approach occurred with the introduction of the Gambling Act 2005 as this is the first time regulations were imposed to prevent problem gambling. The argument made in the Public Health chapter echoes that of Cairney & Studlar that this health and social approach has become 'moralised' since the adoption of a public health approach.

Knill identifies that morality framing can also shift between parties, since it is ultimately about the imposition of one set of values by one group upon another.<sup>152</sup> Knill uses the example of New York Mayor Michael Bloomberg's proposal to ban oversized servings of sugary drinks in New York's food-service

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<sup>152</sup>Knill, C. (2013). The study of morality policy: analytical implications from a public policy perspective. *Journal of European Public Policy*, 20(3), p.315

establishments. This was based on scientific research that there was a link between such drinks and childhood obesity, and the proposal was a Public Health strategy. The proposal was condemned by the drinks industry as an attack on individual freedoms. Thus what was a non-morality frame from Bloomberg was reacted to with a morality frame from the drinks industry. Similar arguments have been made currently in British gambling.

As discussed later, the issue of Affordability, where gambling operators are expected to consider what a customer can afford to gamble based on an estimation of their disposable income is considered by many as an affront to civil liberties. In both cases, the argument of the regulated is that what the regulator was imposing not only was morally wrong but would not solve the problem that was being highlighted. Banning large size drinks by itself would not solve childhood obesity and imposing limits on how much people could gamble would not solve problem gambling. Both issues are highly complex and caused by a myriad of reasons. Those for who the regulations are imposed on suffer direct financial consequences of a policy decision that is arguably a gesture. To reduce motor car fatalities, it took decades and involved the redesign of cars and roads and the imposition of different regulations such as mandatory seat belts and banning drink driving. To reduce obesity or problem gambling will take equally varied and timely measures.

Knill also argues that a policy considered instrumental (non-morality) can become morality based either with the introduction of new evidence (as with the link with obesity above) or with the emergence of a moral panic, where the media provide an exaggerated response to what they consider a threat to society, as identified in the work of Cohen.<sup>153</sup> Each of our case studies has a moral panic that initiates the policy response and will be considered in more detailed in the individual chapters.

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<sup>153</sup>Ibid., p.315 citing Cohen, S. (1971a). *Folk devils and moral panics : The creation of the Mods and Rockers*. MacGibbon and Kee Ltd., .

Knill's reference to Cohen's work is the only source that can be found in the searchable morality politics lexicon. This academic vacuum is odd as moral panics and morality politics seem well suited to each other.

### **Gambling and Moral Panics**

Moral panic is a relatively new academic concept, being the product of work by Jock Young and Stanley Cohen undertaken in 1971 in *Images of Deviance*, with Cohen producing the first book solely on the subject the following year: *Moral Panics and Folk Devils: The Creation of the Mods and Rockers*, where Cohen analyzed the media, public, and state responses to clashes between the youth gangs that took place along England's south eastern coast in 1964.<sup>154</sup> Their work looked at how society deals with what it considers to be deviant behaviour and how the mass media exacerbates the situation, calling for stricter enforcement of restrictions on this type of behaviour, thus making it more deviant and in some cases more attractive. Krinsky provides the following definition of a moral panic:

A moral panic may be defined as an episode, often triggered by alarming media stories and reinforced by reactive laws and public policy, of exaggerated or misdirected public concern, anxiety, fear, or anger over a perceived threat to social order.<sup>155</sup>

This definition fits partially when applied to Britain's gambling history. Worthy of more research is the hypothesis that the trigger appears to be some form of poor law-making, that causes gambling to become visible in the popular sphere. This is then followed by moral panic, created by a policy actor or actors calling for change, which in turn causes government investigation followed by action followed by some equally poor law-making

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<sup>154</sup>Cohen, S. (1971b). *Images of deviance*. Penguin. .Cohen, S. (1971a). *Folk devils and moral panics : The creation of the Mods and Rockers*. MacGibbon and Kee Ltd.,

<sup>155</sup>Krinsky, C. (2013). *The Ashgate Research Companion to Moral Panics*. Ashgate Publishing. , p.1

This is most obvious with the prohibitions of the 1850s and the consequent growth of illegal betting – the results of poor law-making (prohibition). In this case, the campaigning policy actors were the National Anti-Gambling League (NAGL), various Bishops, such as the Bishop of Hereford (who would initiate a Select Committee into betting), and dissenters such as Benjamin Seebohm Rowntree (who would publish, *Betting and Gambling - A National Evil*).<sup>156</sup> Charles Booth, a social reformer like Rowntree, would write in his *Life and Labour of the People in London*, 'All must bet. Women as well as men. Bookies stand about and meet men as they come to and from their work'.<sup>157</sup> There would be House of Lords and House of Commons Select Committee inquiries into Betting in the same year 1902 – the government investigation – which was then followed by the *Street Betting Act 1906*. This failed to end street betting and instead turned the police, the Metropolitan Police mostly, into a supporter of legalisation due to their officers being corrupted to 'turn a blind eye'.<sup>158</sup> It was also considered extremely classist as only the poor were betting on the streets.<sup>159</sup>

A generation later, concern about the explosion in the number of dog racing tracks around the country from the 1920s and the introduction of the Irish Hospitals Sweepstake, the first quasi-National Lottery for a century, led to the Royal Commission on Lotteries and Betting 1932-1933 being set up. Those campaigning against the alleged expansion in gambling were the Christian Social Committee representing the Protestant Churches and a competitor to the now waning NAGL.<sup>160</sup> This was arguably the last Royal Commission where

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<sup>156</sup> Rowntree, B. S. (1905). *Betting and Gambling - A National Evil*. MacMillan & Co.

<sup>157</sup> Cited by McKibbin, R. (1979). Working-Class Gambling in Britain 1880-1939. *Past and Present*, 82, 31. , p.149

<sup>158</sup> S. Rowlatt (Chairman). (1933). *Final Report of the Royal Commission on Lotteries and Betting 1932-33* (Cmnd. 4341). London: HMSO, pp.38-39. See also Laybourn, K. (2007). *Working-class gambling in Britain, c. 1906-1960s: the stages of the political debate*. Edwin Mellen Press. , p.47 and pp.118-120

<sup>159</sup> H.S. Cautley (Chairman). (1923). *Report from the Select Committee on Betting Duty* London: HMSO, p.27

<sup>160</sup> Dixon, D. (1991). *From prohibition to regulation: bookmaking, anti-gambling, and the law*. Clarendon Press. , p.302

there was a strong religious element seeking to restrict gambling, while the Commission was more interested in trying to resolve the complex and often conflicting legislative environment for gambling. It would become infamous for recommending the use of a post box for betting so that customers did not have to interact with a bookmaker.<sup>161</sup> The consequential law, the Betting and Lotteries Act 1934, would ban tote clubs, strengthen the law against semi-public and public lotteries, ban the Irish Hospitals Sweepstake and introduced a system of control over betting facilities at dog tracks. It, however, failed again to address the issue of widespread illegal betting.

A new variant of moral panics when applied to gambling should include as the trigger, that the poor law-making should be defined more as a liberalising law that does not fully allow commercial gambling. As can be seen in all the later examples of where government appreciates that prohibition does not work, attempts to allow limited gambling is circumvented by the ingenuity of gambling operators, and this in turn leads to the moral panic as gambling becomes more public.

The Royal Commission of 1949-51 was not due to any moral panic, just a rational realisation that legal overhaul was necessary due to the growth of legal gambling (on-course horse and dogs, football pools) and the need to resolve the issue of illegal off-course betting. Gambling was no longer completely under the gaze of moralists. An editorial in the Times prior to the launch of the Commission stated, 'The morality of gambling is a matter of individual conscience, and only an austere minority would argue that to put money on a horse or dog or to follow the complicated ups and downs of professional footballers are activities wrong in themselves'.<sup>162</sup> The Commission recommended the legalisation of licensed betting offices and its consequent legislation, the *Betting and Gaming Act 1960*, whose poor draughtsmanship

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<sup>161</sup>S. Rowlatt (Chairman). (1933). *Final Report of the Royal Commission on Lotteries and Betting 1932-33* (Cmnd. 4341). London: HMSO, pp.92-93

<sup>162</sup> Editorial. (1949, 11/02/1949). The Gambling Industry. *The Times*, 1.



led to an explosion in gaming.<sup>163</sup> This in turn would cause moral panics about casinos and bingo.

For casinos, this was focussed on concerns about the infiltration of criminals into the industry and the use 'strong-arm' tactics to retrieve losses from gamblers playing on credit. A survey of two newspaper databases (*The Times* and the *Daily Mail*) provides some evidence of such instances, but not to the extent it could be called a media uproar or that these things happened on an endemic scale.<sup>164</sup> It is apparent that the police were concerned about such criminality and these concerns were more broadly expressed in a debate in the House of Lords brought by the Lord Bishop of Chester and questions in the House of Commons by noted Methodist, George Thomas MP (Labour, Cardiff West).<sup>165</sup> Much of the media interest about casinos was to do with how casinos were getting around the 'Vicars Charter' and how the operation of the law, in the form of various prosecutions, revealed how much it needed fixing.

When looking at bingo, Carolyn Downs in her 2009 history argues that:

If in 1960 [with the passing of the Betting & Gaming Act 1960] the golden age of bingo had begun then so too had the moral panic about the role of increased gambling in creating a less stable society.<sup>166</sup>

The press regaled the public with stories of housewives leaving children unattended as they spent the housekeeping in the newly opened bingo halls.

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<sup>163</sup> By February 1964 there were 12,363 bingo clubs and 486 casino type clubs operating, of which 608 bingo and 189 casino type clubs were in premises specifically for gaming. Report on Enquiry into Gaming under Section 2 of Finance Act 1962, (Chairman, Chancellor of the Exchequer, London, H.M.S.O., 1964, Cmnd. 2275), pp.5-6.

<sup>164</sup> Search term "casino" between 01/01/1963-01/01/1968 which returned articles about criminal infiltration or strong arm practices: *Daily Mail*: 07/03/1966, 09/03/1966, 18/05/1966, 20/05/1966, 03/09/1966, 06/01/1967, 24/02/1967, 06/10/1967, 19/12/1967. *The Times*: 25/01/1965, 19/02/1965, 25/04/1966, 06/05/1966, 08/06/1966, 19/09/1966, 02/09/1966, 19/09/1966, 20/09/1966, 21/09/66, 23/09/66, 24/01/1967, 20/04/1967, 06/10/1967, 16/12/1967, 18/12/1967 Letters to the Editor: 03/01/1963, 01/09/1966, 04/02/1967, 2/04/1967, 29/04/1967,

<sup>165</sup> HL Deb 19 May 1966 vol 274 cc1087-166. HC Deb 07 February 1963 vol 671 cc642-3

<sup>166</sup> Downs, C. (2009). *A social, economic and cultural history of bingo (1906-2005): the role of gambling in the lives of working women*. VDM Verlag Dr. Müller. , p.133

It would take a concerted campaign by the *Daily Mirror* to stop commercial bingo being outlawed in the 1968 Gaming Bill.<sup>167</sup> It is arguable that bingo's moral panic, involving the then moral 'hot button' of women gambling, was more a part of a general reaction to the explosion in numbers of gambling venues, their prominence and the changing cultural values of the 1960s. But for both casinos and bingo, the panic was enough to see new more restrictive legislation in the form of the Gaming Act 1968.

The first gambling moral panic in the modern era includes the other moral 'hot button': the spectre of children gambling. The poor law-making in this case is the fact that gaming machines, prior to the Gambling Act 2005, had no age limit and as such children could gamble on them.

The origins of the moral panic appear to have come from a report that Dr Emanuel Moran wrote regarding schoolchildren gambling.<sup>168</sup> In this report he had surveyed teachers in secondary schools in one London borough and found that 60 per cent of the schools were aware of children gambling. This non-peer reviewed report became the basis for an article in the *Times* in 1987 where Moran argued that fruit machines exploited the psychology of learning and (in a later piece) that children playing them would become addicted, play truant and steal to feed their habit. Since he was Chairman of the Committee on Gambling of the Royal College of Psychiatrists, Moran's comments carried some weight.<sup>169</sup> Not mentioned in the article was the fact that Moran was also Chairman of the National Council on Gambling and was lobbying for unaccompanied children to be banned from amusement arcades. The National Council on Gambling was set up in 1980 to replace the Churches' Council on Gambling which disbanded in 1978. Funds from the

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<sup>167</sup> Ibid p.218

<sup>168</sup> The report is referenced as Moran, E (1983), *Gambling among schoolchildren*. Paper presented to the Amusement Arcade Action Group [a group set up by local authorities concerned about amusement arcades in Dr Moran's same titled paper in the *Society for the Study of Gambling Newsletter* (No.7) of May 1985.

<sup>169</sup> Evans, P. (1987b, 19/01/1987). Young being brainwashed by machines says doctor. *The Times*, 1. And Moran, D. E. (ibid.13/05/1987). First person: Gamble for the Children.

Joseph Rowntree Charitable Trust and the City Parochial Foundation were used. As a registered charity it stated that it was not against gambling in principle, but it thought that society at large, including those who gamble as well as the gambling industry, would benefit if an independent body kept under review the promotion of gambling.<sup>170</sup>

As the debate grew, it was alleged that 2,000 children under 16 were seeking help from Gamblers Anonymous each year. However, no evidence was found to support this. It was also claimed that 13 per cent of secondary school children were compulsive gamblers, also without evidence.<sup>171</sup> The most shocking revelations came from a 1987 survey of 10,000 children by the National Housing and Town Planning Council (NHTPC) and a 1988 survey of nearly 2,500 secondary school children by the Spectrum Children's Trust (SCT). Both implied that significant numbers of children were gambling and were stealing or using lunch money to gamble.<sup>172</sup> Parliament became party to the public debate and many questions were asked and even Bills tabled to prohibit children gambling.<sup>173</sup> What the Government did was to ask the Home Office Research Unit to look into the extent and nature of amusement machine playing by children and got the Gaming Board for Great Britain to conduct a survey of inland and seaside amusement arcades for evidence of underage play. The subsequent report by the Home Office was critical of the methodology used by the NHTPC, the SCT and by Dr Moran. After conducting its own research, it concluded that 'it does not appear that young people in this age group [10-16] are particularly at risk of becoming dependent upon the

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<sup>170</sup>Dixon, D. (1991). *From prohibition to regulation: bookmaking, anti-gambling, and the law*. Clarendon Press. , p.319

<sup>171</sup> Claim over teenage gamblers denied. (1987, 14/09/1987). *The Times*, 1. , Evans, P. (ibid.17/12/1987). Terror in schools from game machine addicts.

<sup>172</sup>Evans, A. (1989). *Gambling machines and young people: detailed findings of a national survey*. . *Slot Machine Playing by Children: Results of a Survey in Taunton and Minehead*. (1988). . The NHTPC stated that 16.7 per cent had used lunch money and 7.4 per cent had stolen. SCT stated that 4.3 per cent had stolen. Griffiths, M. (1991b). The Development of Amusement Machine Pathologies. *Society for the Study of Gambling Newsletter*(18).

<sup>173</sup> See HC Deb 04/03/88 Vol.128 c.720, HC Deb 09/03/88 Vol. 129 cc. 337-339 and HC Deb 28/07/88 Vol. 138 cc. 422-423WA

playing of fruit machines' and that there 'are few indications that even regular players resort to illegal means in order to fund their playing of the machines'.<sup>174</sup> The Gaming Board found little evidence of underage play in their survey.<sup>175</sup> The Government, not having any evidence to support restrictive legislation, entered into a consultation about how best to prevent excessive play by children.<sup>176</sup> The moral panic against children playing fruit machines subsided after the Government announcement in July 1988, a lack of any news articles on the topic being seen as the moral panic subsiding, even though there was some later academic criticism.<sup>177</sup> The issue about children playing fruit machines re-emerged with the Gambling Bill debate in 2005 and concluded with a compromise.<sup>178</sup>

Moral panics appear throughout the history of British gambling. The next chapter will show how one appeared in the passing of the Gambling Act and later chapters will show how they have appeared, to varying extents, in each of the case studies from the time period under study.

The significance of moral panics in the UK is that it appears to be the case that very few people involved in gambling policy-making at government level during the period covered by this thesis have had strident moral issues with

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<sup>174</sup>Graham, J. (1988). *Amusement Machines: Dependency and Delinquency*. (101). London: HMSO, pp.4-8 and p.34

<sup>175</sup> Interview with Graham White OBE, Chief Inspector of the Gaming Board for Great Britain 1996-2006, Inspector in 1988

<sup>176</sup>Gaming Board for Great Britain. (1989). *Report of the Gaming Board for Great Britain 1988-89*. (HC 461). London: HMSO, p.17

<sup>177</sup> See Griffiths, M. (1991a). Book review of amusement machines: Dependency and delinquency. *Journal of Gambling Studies*, 7(1). , p.79

<sup>178</sup> In the Parliamentary debate of what would become the Gambling Act 2005 there was a strong lobby for banning children from playing all forms of gaming machine, for until then there had been no regulatory age limit. The Bill would ban all but the lowest stake and prize category of gaming machine (category D) from any location that was not an age restricted premises. Lobbyists wanted category D machines, found mostly at seaside amusement fairs, banned. This was resisted by a strong lobby of MPs from seaside constituencies who realised this would destroy a large part of their local economies. The compromise solution was s.59 (1) of the *Gambling Act 2005* which provided for The Secretary of State may to impose an age limit on category D gaming machines, if evidence of harm warranted it.

gambling. This is what distinguishes the UK, and Europe, from the conventional theory of morality politics and why there is the need for a new theory-variant. As will be shown there have been notable exceptions, such as Tracey Crouch MP (Conservative, Chatham and Aylesford), Minister responsible for gambling from May 2015 to June 2017, who was arguably 'captured' by the anti-gambling lobby during the FOBT debate, and Chris Philp MP (Conservative, Croydon South) who was Minister responsible for gambling during the Gambling Act Review (September 2021 – July 2022) and had been associated with anti-gambling groups during the FOBT debate.<sup>179</sup>

What the non-anti-gambling politicians are bothered about is the politics of the issue: either the portrayal of the government as not dealing with moral panic issues, or having their political objectives threatened because of anti-gambling support amongst backbenchers. The stimulation for the anti-gambling sentiment is the policy actors; that is, the anti-gambling pressure groups and the media, together creating moral panics. What the case studies will show is how they create a policy problem due to their created moral panic which the government is then forced to solve by a change in policy. Where the proposed new variant-theory of Masked Morality differs from traditional morality politics is that the policy actors involved in British gambling profess to be part of Euchner et al's health and social framing in their activities but do so for less than altruistic reasons. According to Knill's categorisation of morality topics, referencing Mooney, gambling and drug use are put together as addiction issues and are therefore seen as risks to public health and therefore ripe for restriction. In effect, in the presence of a moral panic that highlights a supposed threat to public health it is very difficult for a government to resist

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<sup>179</sup> For Tracey Crouch MP please see Davies, R. (2018, 17/11/2018). Killing machines: Tracey Crouch on why she resigned as minister over FOBTs. *The Guardian*. <https://www.theguardian.com/uk-news/2018/nov/17/killing-machines-tracey-crouch-on-why-she-resigned-as-minister-over-fobts>. Chris Philp MP wrote the foreword to Douglas, E., Noyes, J., Blond, P. (2017). *Wheel of Misfortune: The case for lowering the stakes on Fixed Odds Betting Terminals*.

calls for restriction, and this is precisely what we have seen with the Gambling White Paper.

### **New theory-variant**

The new theory-variant questions the Public Health approach to gambling because people's issues with gambling and drug use are very different. Gambling has been legal, though restricted, for a number of generations now and is only harmful to a tiny minority. Illegal drug use is far more medically dangerous and is different in its very nature since it involves ingesting dangerous chemicals.<sup>180</sup> There are similarities in the arguments that were put forward for the liberalisation of gambling as those that are now put forward for the liberalisation of drugs: that there will always be a demand and that prohibition only causes criminality and an absence of user protection and government taxation. Yet, to consider them the same is inherently inappropriate. All chemical addictions (tobacco, alcohol and drugs) impact a user's health every time they are used by every user while with gambling the social externalities have an impact on only a relatively small number of people with biopsychosocial problems.

What the policy actors have done is created moral panics which have given the perception that the risk of people suffering from problem gambling has been heightened due to the regulatory change brought in by the Gambling Act 2005 (even though there is no evidence of this), and that a reversal of policy is needed. The question asked within the UK gambling industry at the time of the launch of the Gambling White Paper (2022) is whether it should be treated like alcohol, restricted but allowed, or tobacco, heavily restricted with

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<sup>180</sup> In 2020, 4,561 deaths related to drug poisoning were registered in England and Wales. Office for National Statistics. (2021). *Deaths related to drug poisoning in England and Wales: 2020 registrations*. Retrieved 18/10/2023 from [www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsrelatedtodrugpoisoninginenglandandwales/2020](https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsrelatedtodrugpoisoninginenglandandwales/2020) The number of gambling related deaths is unknown but the highest figure seen in government published data is 409 per year taken from the methodologically flawed Public Health England The economic and social cost of harms associated with gambling in England, 2019 to 2020. This is further discussed in Chapter 5

a desire to abolish.<sup>181</sup> The policy actors we focus on are campaigning for the latter.

The new theory-variant argues (and the case studies evidence), that the motivation for causing these moral panics/policy problems is less about protecting the public and more about benefiting the political actors. In traditional morality politics, the main arguments about policies tend to be summarised by ideological cleavages with their basis in religion. In Britain, we do have a religious faction which wishes to see gambling curtailed but this is definitely a minority.<sup>182</sup> The political battle is fought out purely between the gambling industry, the government and the policy actors. The majority of the public would appear to have little knowledge or investment in how gambling should be regulated, as evidenced by the lack of active popular campaigning for it either way.<sup>183</sup>

The argument for a new theory-variant of morality politics is that the conventional theory of morality politics does not apply sufficiently in the case of contemporary British gambling policy. Conventional morality politics is mostly American centric and considers religiosity as the primary factor that causes the cleavage in views amongst a population that is engaged with the issue. The limited canon of work that there is does include an appreciation that in the U.K. and Europe, religiosity is no longer a strong determinant in the policy debate. It also considers that issues like gambling and recreational drug use are both in the same category of resolved issues. This is obviously not the case

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<sup>181</sup> see Dugher, M. (2022a). *The Government should treat betting like booze - not like tobacco*. PoliticsHome.Com. Retrieved 27/05/2022 from <https://www.politicshome.com/members/article/the-government-should-treat-betting-like-booze-not-like-tobacco>

<sup>182</sup> The dissenting Church lobbied against various proposals in the passage of the Gambling Act and more recently the Bishop of St. Albans has been prominent campaigner for gambling reform.

<sup>183</sup> The exception to this can be argued to be the 16,000 responses that the White Paper consultation has received. But this large number of responses does seem to be the result of industry and campaign groups mobilising their supporters to write in.

for gambling in the U.K., as this thesis will show, gambling policy having radically changed during the time period under review.

While studies like Brandt & Rozin's *Morality & Health* show many similarities about the effect of Public Health ideology in making anti-smoking a moralistic policy in America, a key difference is that the foundation of this approach is based on actual evidence of the harm smoking can do to the smoker and those around them. In the UK, the Public Health approach has been used to change public policy on gambling but without the accompanying evidence of any harm. As chapter five points out, evidence of harm has been, in some cases, misreported and embellished for ideological purposes rather than as scientifically derived evidence for policy making and as this chapter will show, its use and the influence of pressure groups has been enough to generate policy change.

### **Advocacy Coalition Framework Analysis**

While not a perfect fit for our topic, the Advocacy Coalition Framework (ACF) model of policy change developed by Paul Sabatier and various co-authors over the years, provides a useful analytical tool for considering the case studies provided in this thesis.<sup>184</sup> Sabatier's focus has been on the cleanliness of the water in Lake Tahoe.<sup>185</sup> There is an American-centrism to his earlier work,

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<sup>184</sup>Sabatier, P. A. (1986). Top-Down and Bottom-Up Approaches to Implementation Research: a Critical Analysis and Suggested Synthesis. *Journal of Public Policy*, 6(1), 27. Sabatier, P. A. (1988). An advocacy coalition framework of policy change and the role of policy-oriented learning therein. *Policy Sciences*, 21(2-3), 39. Sabatier, P.A., and Jenkins-Smith, H. (1993). *Policy Change and Learning: An Advocacy Coalition Approach*, Boulder, CO: Westview Press *Policy change and learning: an advocacy coalition approach*. (1993). (P. A. Sabatier, Jenkins-Smith, H.C., Ed.). Westview Press,. <https://searchworks.stanford.edu/view/2756921> . Weible, C. M., Sabatier, P.A. (2006). A Guide to Advocacy Coalition Framework. In F. Fischer, Miller, G.J. (Ed.), *Handbook of Public Policy Analysis : Theory, Politics, and Methods* (pp. 123-136). CRC Press Taylor & Francis Group,.

<sup>185</sup>Sabatier, P. A., and Pelkey, N.W. . (1990). *Land Development at Lake Tahoe*. Institute of Ecology. Sabatier, P. A., Brasher, A. . (1993). From vague consensus to clearly-differentiated coalitions: Environmental policy at Lake Tahoe, 1964–1985. In P. A. Sabatier, Jenkins-Smith, H. (Ed.), *Policy Change and Learning* (pp. 149–176). Westview Press,. Sabatier, P. A., Weible, C.M., Hulsman, M., and Nechodom M. . (2003). *Stakeholder belief change in the Lake Tahoe Basin: 1970–2001*. Sabatier, P. A., and Zafonte, M. (2005). *Are bureaucrats and scientists members of advocacy coalitions? Evidence from an intergovernmental water policy subsystem*. .



although he incorporates a more universal approach as the model evolves and it can be roughly translated to the British gambling debate as portrayed in the previous chapters.<sup>186</sup> Unlike traditional models of the policy process, ACF is not based on the '*stages heuristic*, which sequentially distinguishes between problem identification, agenda setting, adoption, implementation, monitoring, and enforcement' and considers policy change as primarily due to political conflict.<sup>187</sup>

The ACF has gone through many iterations since its development in 1987-1988, hence why the below table is designated the 2007 version.<sup>188</sup> Jenkins-Smith H. C., & Sabatier, P. (1999) designate 1987-188 as the initial version of the ACF and list 34 examples of where academics from around the world had used the ACF analysis, mostly to look at environmental policy.<sup>189</sup> Since then, Sabatier and other co-authors have updated the model, but arguably, not significantly to change its fundamentals. The ACF is considered 'one of the most influential approaches to public policy to emerge from the 1990s'.<sup>190</sup>

One of its key features is explaining complex policy making decisions and especially pertinent to gambling policy, these:

process policy in very different ways, from intensely politicized disputes containing many actors in some areas, to issues that are treated as technical or specialist and processed routinely, largely by policy specialists, out of the public spotlight<sup>191</sup>

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<sup>186</sup>Sabatier, P. A. (1998). The advocacy coalition framework: revisions and relevance for Europe. *Journal of European Public Policy* 5(1), 32. , p.103

<sup>187</sup>Weible, C. M., Sabatier, P.A. (2006). A Guide to Advocacy Coalition Framework. In F. Fischer, Miller, G.J. (Ed.), *Handbook of Public Policy Analysis : Theory, Politics, and Methods* (pp. 123-136). CRC Press Taylor & Francis Group,. .pp.131-132

<sup>188</sup> In Jenkins-Smith, H. C., Sabatier, P. . (1999). The advocacy coalition framework: An assessment. In P. Sabatier (Ed.), *Theories of the policy process* (pp. 117-166). Westview Press,. <http://faculty.cbpp.uaa.alaska.edu/afgjp/PADM606/The%20Advocacy%20Coalition%20Framework.pdf> , they state that the initial work was undertaken by Sabatier in 1981-82

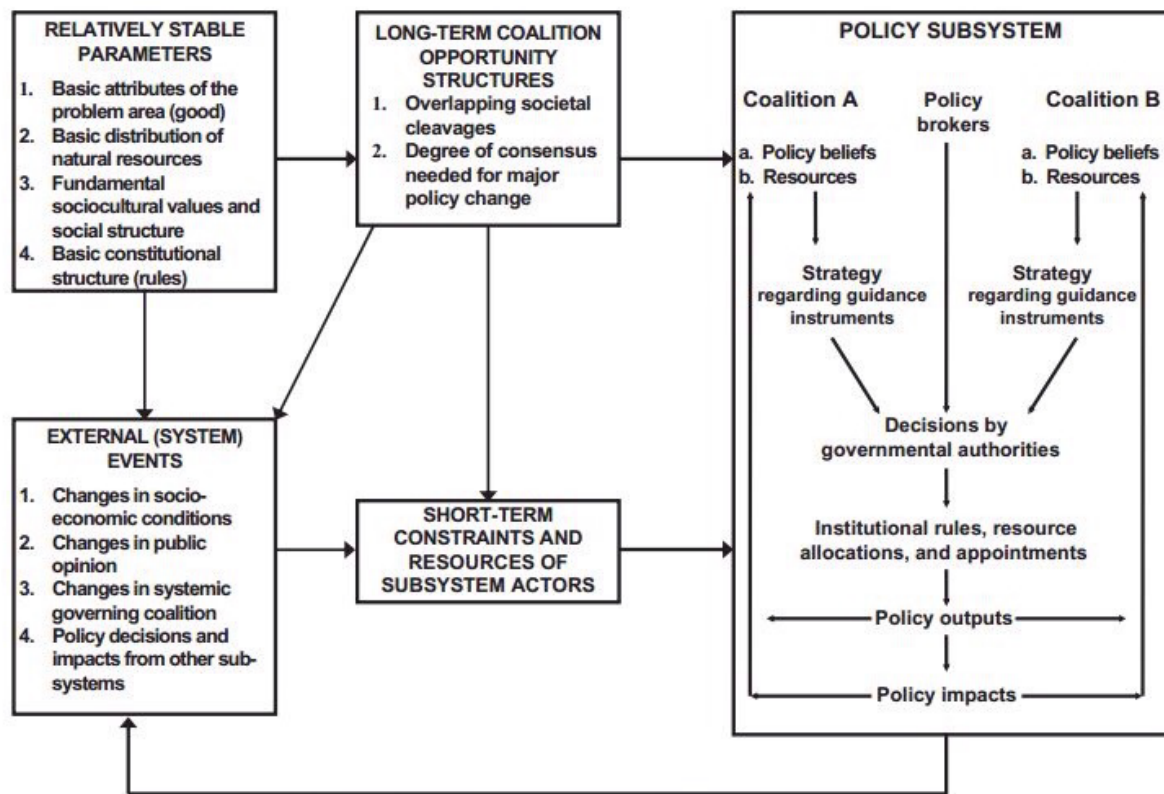
<sup>189</sup> Ibid p.126

<sup>190</sup>*The Oxford Handbook of Classics in Public Policy and Administration*. (2015). (S. J. Balla, Lodge, M., & Page, E.C., Ed.). Oxford University Press,. .p.484

<sup>191</sup> Ibid

ACF is best explained through the framework that is provided in the table below:

Table 1: 2007 Advocacy Coalition Framework Flow Diagram



2007 Advocacy Coalition Framework Flow Diagram

Source:<sup>192</sup>

If space were available, then a more detailed ACF analysis could be undertaken as the gambling debate has been in phases over the last nineteen years and the factors and actors that would be considered within the ACF have changed over time. However, the section within the ACF on Relatively Stable Parameters, has remained broadly the same throughout the period this thesis considers, even though it is the argument of the government that

<sup>192</sup> Cairney, P. (2013, 23/08/2023). Policy Concepts in 1000 Words: The Advocacy Coalition Framework. Paul Cairney: Politics & Public Policy. <https://paulcairney.wordpress.com/2013/10/30/policy-concepts-in-1000-words-the-advocacy-coalition-framework/>

technological change is the key reason for needing regulatory change.<sup>193</sup> Internet and mobile phone gambling existed in 2005, more so by the time the Gambling Act was implemented in 2007. The ubiquity of gambling first by PC and then on mobile devices was not only apparent but widely forecasted, and arguably a decade before the White Paper. Mass adoption of smart phones had arrived with the first iPhone in 2008, 4G introduced in 2012 and 'By the end of 2013, one in five people worldwide owned one'.<sup>194</sup> Public opinion, was also stable, generally negative about gambling but supportive of people's right to gamble.<sup>195</sup> The ACF considers policy change as taking long periods of time to happen, as it: 'focuses on change over a "decade or more" to allow (albeit notionally) for a full policy cycle'.<sup>196</sup> The FOBT debate took nearly twenty years to be resolved if you count from its inception, six years if you count from the formation of the CFFG. The publication of the White Paper in April 2023, four years on, does not mark the resolution of the gambling debate, more the beginning of the end, and this period was lengthened by Covid-19 and the freneticism of the post Brexit governments. It will be for the historians of British gambling policy to argue if the White Paper was just a continuation of the FOBT policy debate or significantly separate, but either way the ACF argument that change takes time and gives all those involved the ability to learn their policy areas and lobbying techniques holds true.

The impact of time can be seen in the changing policy coalitions, as identified in the policy subsystem section, which we can easily define as DCMS and the anti-gambling and pro-gambling coalitions. For example, in the FOBT debate of chapter four, it could be argued that within the policy subsystem, the anti-

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<sup>193</sup> HC Debate 27/04/23 Vol. 731 c.941

<sup>194</sup> Science Museum. (2018). *A computer in your pocket: the rise of the smartphones*. [sciencemuseum.org.uk](https://www.sciencemuseum.org.uk). Retrieved 24/08/2023 from <https://www.sciencemuseum.org.uk/objects-and-stories/computer-your-pocket-rise-smartphones#smartphones-take-off>

<sup>195</sup> Gambling Commission. (2022f). *Perceptions*. Gambling Commission,. Retrieved 24/08/2023 from <https://www.gamblingcommission.gov.uk/about-us/guide/page/gambling-behaviour-2022-perceptions>

<sup>196</sup> *The Oxford Handbook of Classics in Public Policy and Administration*. (2015). (S. J. Balla, Lodge, M., & Page, E.C., Ed.). Oxford University Press,. .p.486

gambling coalition was primarily the Campaign for Fairer Gambling and the APPGFOBTs versus the bookmakers, via the ABB with Helen Grant MP and her predecessor Ministers with responsibility for gambling acting as Policy Broker(s) being supported by a fairly neutral Gambling Commission. This then changed with Tracey Crouch MP as Minister with responsibility for gambling, who became part of the anti-gambling coalition, as Weible and Sabatier state, 'There is a thin line between policy brokers and policy activists'.<sup>197</sup> At the same time, it has been argued in chapters five and six that by adopting PHAG, the Gambling Commission also became part of the anti-gambling coalition.

Equally, during the Gambling Review, when John Whittingdale MP (Conservative, Maldon) was Minister with responsibility for gambling, he was considered as being pro-gambling and on the side of the industry and when Chris Philp MP (Conservative, Croydon South) took over, he was obviously part of the anti-gambling coalition as he was a keynote speaker being incredibly supportive at a rally held by the APPGGRH and Peers for Gambling Reform.<sup>198</sup> The ACF recognises that policy brokers do not always act as neutral brokers but it could be argued that it does not incorporate sufficiently the influence of the Minister to be either neutral or part of a coalition.

ACF emphasises the importance of policy beliefs held by the constituents of the policy coalitions. There is a hierarchy of personal beliefs, which is correlated with the chance of those beliefs changing. At the top is deep core beliefs, which are almost unchangeable, and these are the 'underlying personal philosophy' of the policy actor, which Sabatier says: 'includes basic

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<sup>197</sup>Weible, C. M., Sabatier, P.A. (2006). A Guide to Advocacy Coalition Framework. In F. Fischer, Miller, G.J. (Ed.), *Handbook of Public Policy Analysis : Theory, Politics, and Methods* (pp. 123-136). CRC Press Taylor & Francis Group,. p.128

<sup>198</sup>Davies, R. (2021, 01/03/2021). Tory minister who backed FOBTs takes over review of gambling laws. *The Guardian*. <https://www.theguardian.com/society/2021/mar/01/tory-minister-who-backed-fobts-takes-over-review-of-gambling-laws>, Department for Culture Media & Sport. (2022b). *Gambling Reform Rally speech Minister Chris Philp's keynote speech at the Gambling Reform Rally organised by the Gambling Related Harm APPG and Peers for Gambling Reform*. WWW.Gov.uk,. Retrieved 03/08/2022 from <https://www.gov.uk/government/speeches/gambling-reform-rally-speech>

ontological and normative beliefs, such as the relative valuation of individual freedom versus social equality, which operate across virtually all policy domains'.<sup>199</sup> While this is highly believable, it is difficult to determine without in-depth interviews, which has not been possible in this case. It could also be argued that since gambling is an activity on which many have fundamental first principled views about, it follows that it is part of Morality Politics, and consequently a gambling positive or gambling negative view is going to be very difficult to change.

The next level of personal beliefs, defined as fundamental policy decisions, in the gambling debate is based on whether the policy actor believes that the act of gambling via a device, such as a FOBT in chapter four and online in chapter five, causes harm and referenced in the last chapter. This would obviously be influenced by a higher level belief on gambling itself, with anti-gamblers arguing it does, while the pros arguing it does not as the locus of harm is primarily an issue with the gambler's mental state. As discussed in chapter five, the difference between the two sides of the academic debate, the supporters of the Reno Model and PHAG can be seen as divided over this question.

Finally, there are secondary aspects that relate to funding, delivery and implementation of policy goals which for this debate can be seen as to what extent policy actors believe gambling should be allowed. It can be surmised that in the debate, the differences between the two camps of the anti-gambling coalition (as discussed in chapters four and five); the Derek Webb funded and the PHAG activists, was that the former just wanted restrictions on anything considered to be in competition with land-based casinos (e.g. FOBTs and online gambling) while the latter wanted restrictions on all gambling to bring it back to a pre-Gambling Act 2005 scenario. Equally, the stance of the

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<sup>199</sup>Sabatier, P. A. (1998). The advocacy coalition framework: revisions and relevance for Europe. *Journal of European Public Policy* 5(1), 32. , p.103

betting industry changed from the FOBT era, where it fought any restrictions on FOBTs, to the Affordability era, where it has supported it with nuance.

Why these beliefs are important is that changes to them can be one of the triggers for policy change. The more core the belief, the less likely that policy-oriented learning about the topic, via the provision of more technical information, will change beliefs, an exception to this being an enlightenment function which is considered extremely rare. Similarly, this means that over time, with more information, secondary aspects and even fundamental policy decisions can get changed due to a weight of new learning. As shown with the FOBTs in the next chapter, as more evidence was supplied, regulations were changed. The role of such evidence and who supplied it will be returned to.

Two other potential triggers for policy change are 'Changes in relevant socio-economic conditions and system-wide governing coalitions' and 'Turnover in personnel'.<sup>200</sup> The first can be seen in both chapter three and chapter four, with Labour MPs joining their Conservative counterparts in lobbying against the resort casinos and the FOBTs. In part to distinguish themselves from the liberalisations of Blair and to show off their anti-gambling values, the positions adopted by this coalition would mean that eventually, when it came to the Statutory Instrument that would set the maximum stake for the FOBTs, DCMS knew that if it went with the advice of the Gambling Commission of >£2 and <£30 it would lose the vote and so had to go for £2. Turnover in personnel is most obvious with the changes in Ministers mentioned above and may, in a more detailed study than this thesis has allowed, be found in the leadership of the Gambling Commission as it became more anti-gambling.

ACF has many possibilities for analysing British gambling policy and in future it could even be incorporated with morality politics as these political issues are

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<sup>200</sup> Ibid p.105

particularly exemplified by political conflict and longstanding battles for policy change.

Especially relevant to chapters four and six of this thesis is the paper by Sabatier and Zafonte, '*Are bureaucrats and scientists members of advocacy coalitions? Evidence from an intergovernmental water policy subsystem*'.<sup>201</sup> In this, Sabatier has moved his focus to the cleanliness of the Sacramento Bay/Delta region, the paper's significance can be found in its first sentence:

For most of this century, many in the U.S. and Western Europe have assumed that scientific/professional expertise concerning the magnitude of a policy problem, its causes, and the probable consequences of alternative solutions can and should be provided in an objective fashion – that is uncontaminated by the values of the expert scientist or bureaucrat providing the advice.<sup>202</sup>

They argue that as part of ACF, most officials/civil servants and scientists are not 'policy indifferent but can be grouped with policy coalitions.' Where Sabatier and Zafonte differ from the main thrust of the proposed new theory variant outlined below is that they state that: 'The ACF does not assume that that actors are necessarily driven by simple goals of material self-interest, nor does it assume that self-interested preferences are easy to ascertain. Instead, it assumes that actors' goals are normally complex and should be ascertained empirically'.<sup>203</sup>

Sabatier and Zolante make four hypotheses:

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<sup>201</sup> There does appear to be some confusion about this paper's reference as the paper used by the author was found at <http://www.des.ucdavis.edu/Faculty/Sabatier/SabatierZafonte1997.pdf> accessed 24/08/23 and is dated 1997. In Weible, C. M., Sabatier, P.A. (2006). A Guide to Advocacy Coalition Framework. In F. Fischer, Miller, G.J. (Ed.), *Handbook of Public Policy Analysis : Theory, Politics, and Methods* (pp. 123-136). CRC Press Taylor & Francis Group,. it is referenced as: Sabatier, P.A., and Zafonte, M. (2005). Are bureaucrats and scientists members of advocacy coalitions? Evidence from an intergovernmental water policy subsystem." In P.A. Sabatier (ed.), *An Advocacy Coalition Lens on Environmental Policy*, in preparation.

<sup>202</sup> Ibid p.2

<sup>203</sup> Ibid p.7

Hypothesis 1: Most agency officials, including civil servants, involved in policy disputes will be members of advocacy coalitions, i.e. they (a) will have coherent policy belief systems similar to those of relevant interest groups and (b) they will engage in some non-trivial degree of coordinated behaviour with interest group leaders and other people with similar beliefs.

Hypothesis 2: Most researchers, including university researchers, involved in policy disputes will be members of advocacy coalitions, i.e. they (a) will have coherent policy belief systems similar to those of relevant interest groups and (b) they will engage in some non-trivial degree of coordinated behaviour with interest group leaders and agency officials with similar beliefs

Hypothesis 3: Agency officials will express beliefs that are more moderate than, but similar in structure to, their interest group allies.

Hypothesis 4: University researchers involved in a policy dispute will demonstrate greater variation in beliefs than officials from interest groups and administrative agencies.<sup>204</sup>

Looking at Sacramento Bay/Delta water policy, they surveyed 465 respondents from various relevant government agencies, interest groups and researchers. What they found was 'substantial support for the basic contention of the advocacy coalition framework that agency officials and university researchers active in policy disputes are usually members of advocacy coalitions-rather than being "policy indifferent"'.<sup>205</sup> They found that university researchers were almost identical to those within the policy coalition when it

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<sup>204</sup> Ibid pp.9-10

<sup>205</sup> Ibid p.25



came to belief systems and views of the opposition. They found all their hypotheses had been proven.<sup>206</sup> What Sabatier and Zafonte do not question, considering the question they pose in their opening statement, is why this should be the case.

While much can be made of the applicability of one example in one geography, it does seem that there are high level similarities between an argument between environmentalists and the business demands of farmers and fisherfolk and the supposed issues of gambling harm versus the corporate greed of gambling companies. Arguably, they are both very much morality politics issues as they fulfil the criteria, given earlier, that:

at least a significant minority of citizens has a fundamental, first-principled conflict with the values embodied in some aspect of a morality policy<sup>207</sup>

It could be argued that from a post-modernist perspective or even the post-post modernistic perspective of 'woke culture' where there is a Manichean world-view by those that in general, big business is bad and anything with an element of harm or risk should be banned.<sup>208</sup> Therefore those within the civil service and within universities who have been seen to be of this persuasion could be argued to be possibly aligned with the policy coalitions that are against the interest of business, whether fishing, farming or gambling.

### **New Theory Variant – Masked Morality**

In summary, Morality Politics is a small, mostly American, canon of work that defines certain public policy issues, such as abortion, smoking, alcohol, recreational drugs, pornography and prostitution, as morality based due to

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<sup>206</sup> Ibid p.25

<sup>207</sup> Meier, K. J. (1999). Sex, drugs, rock, and roll: A theory of morality politics. *Policy Studies Journal*, 27(4), 14.

<sup>208</sup> Clarke, C. (2020). *The Dark Knight and the Puppet Master*. Penguin.

their historical association with 'sin' and the fact that a significant proportion of the public hold first principled views about them, either for or against.<sup>209</sup>

Where there is commonality with ACF is that morality politics is also primarily about political conflict, usually about the permission or prohibition of the policy in question. As Knill states: 'Political conflicts centre on the question of which basic values a polity ought to acknowledge rather than questions of effective policy designs in order to achieve certain objectives'.<sup>210</sup> In ACF terms, this would be the space between the highest and second highest personal values that policy actors would have, just extended to the majority of the populace. That is what makes it politically charged, for although people know little about the detail of gambling regulation, there is salience in the myth of government allowing gambling related harm because it wants tax revenues, as seen in both chapters three and four.

Mooney argues that the first politically relevant characteristic of morality politics is that the policy questions are simpler because they concern first principles on which anyone can have a view.<sup>211</sup> This relegates the technicalities to a secondary status, however important, and grows its audience as 'the debate over basic values is exciting and meaningful and so can grab citizen attention'.<sup>212</sup> This in turn increases citizen participation due to its ease of access.

This is where gambling policy in Britain in the 21<sup>st</sup> century diverges from current morality politics theory and why a new theory variant is needed. As stated

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<sup>209</sup> For example see: Meier, K. J. (1994). *The Politics of Sin: Drugs, Alcohol and Public Policy*. Routledge. . *The public clash of private values: the politics of morality policy*. (1999). (C. Z. Mooney, Ed.). Seven Bridges Press. , Tatalovich, R., Daynes, B.W. (1998). *Social Regulatory Policy - Moral Controversies In American Politics*. M.E. Sharpe,.

<sup>210</sup> Knill, C. (2013). The study of morality policy: analytical implications from a public policy perspective. *Journal of European Public Policy*, 20(3). p.310

<sup>211</sup> *The public clash of private values: the politics of morality policy*. (1999). (C. Z. Mooney, Ed.). Seven Bridges Press. . p.8

<sup>212</sup> Ibid

above and shown above, while members of the British public do have a view on gambling, they are lacking in knowledge regarding its regulation, and tend to buy into the existing media narrative of it being a cause of crime and addiction, while at the same time supporting the need for legalised gambling. Nor has this been a mass debate involving the general public in any way, rather its participants have been a tiny minority (less than a hundred) vocal political actors. Even when online petitioning sites have been used, they have only managed less than 100,000 clicks. The gambling debate, however much it has exercised the editorials of the *Guardian* and the *Daily Mail*, has never gained much traction with the masses, even while the policy coalitions have argued over technicalities. This debate has however caused policy change.

This, as mentioned above, is arguably due to policy framing. Euchner et al argue that the moral policy framing of gambling (as whether it should be permitted and whether it fits in with social norms) no longer applies in both Germany and the Netherlands and therefore, this author argues, by extension, the UK as well.<sup>213</sup> One of the only analyses of UK gambling from the perspective of morality, albeit an undefined 'gambling morality economic balance', (Ormerod et al ) argues that of the non-morality frames defined by Euchner et al, gambling is now in the health and social frame, where gambling is seen to threaten user health and social conditions due to the adoption of PHAG.<sup>214</sup> However, unlike Euchner et al who imply that as gambling is now a non-morality policy it is no longer under threat of prohibition, the new theory variant argues that this is indeed the aim, or as near as, of some of the policy actors. The anti-gambling actors have managed to create a change in policy framing and caused the pressure on government to do something. This is where the concept of political expediency comes in, as when the policy framing

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<sup>213</sup>Euchner, E. M., Heichel, S., Nebel, K., Raschzok, A. (2013). From Morality Policy to Normal Policy: Framing of Drug Consumption and Gambling in Germany and the Netherlands and their Regulatory Consequences. *Journal of European Public Policy* 20(3), 17. .

<sup>214</sup> Ormerod, N., Parsons, D., Kenyon, A.J. (2023). Addictive leisure: an evaluation of the morality-economic politics of balancing casino development with local gambling policy. *Journal of Policy Research in Tourism, Leisure and Events* 19.

becomes accepted that there is a policy problem, then the government feels that it needs to act and as it has two options, disprove the narrative that there is a problem, which is politically brave due to the overall perception issues of gambling, or take the easier path of increasing regulation as a sign of being seen to do something.

The time frame of this thesis ends with the publication of the White Paper, which provides a list of changes to gambling policy that are subject to consultation run by the Gambling Commission which could mean, that they end up in a considerably different form than proposed. Taking the proposals for Affordability, it does seem highly likely that these will end up as a Licence Condition and Code of Practice as the regulator has been trying to get a threshold limit introduced for a number of years and there seems little political opposition to this so far (at the time of writing). Heichel, Knill and Schmitt propose that policy change within morality politics should be 'assessed from the perspective of an individual and the extent to which her behaviour is legally tolerated'.<sup>215</sup> While Affordability only imposes legal sanction upon gambling operators for not enforcing it, what it does for individuals is imposes an almost arbitrary financial limit on their gambling, which if exceeded means they have to suffer intrusive financial checks. This is not the same level of change as Heichel, Knill and Schmitt's envisage but it is arguably a paradigm shift, definitely not as severe as changes in euthanasia laws as described by Green-Pedersen but considering such an imposition has never been imposed on a person's spending in the UK in modern history, it is of significant proportions.<sup>216</sup> Arguably, one of the aspects of morality politics that does not fit this topic, is that the traditional subjects of morality politics, such as abortion or prostitution, either consider it in a binary fashion, either legal or illegal, or a more 'quantum' fashion, where both states exist simultaneously, such as with

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<sup>215</sup>Heichel, S., Knill, C., Schmitt, S. (2013). Public policy meets morality: conceptual and theoretical challenges in the analysis of morality policy change  
*Journal of European Public Policy* 20(3), 16. , p.323

<sup>216</sup> Green-Pedersen, C. (2007). The Conflict of Conflicts in Comparative Perspective: Euthanasia as a Political Issue in Denmark, Belgium, and the Netherlands *Comparative Politics*, 39(3), 18.

drug use in Amsterdam, illegal but allowed. With British gambling, gambling remains very much legal, although the regulator is trying to restrict it via the means of increasing the friction involved for those who participate. In those terms, it is no longer about legality but more about the practicality, the ease with which someone can gamble. A possible additional means to measuring policy changes in areas of morality politics would be to assess the extent to which the policy changes cause displacement. Thus, in this case, the question would be how many gamblers leave the regulated gambling market and gamble in the less intrusive black market. Other examples of 'displacement' could be found in the increasingly overly regulated world of broader public health, such as alcohol pricing, clean air restrictions or restrictions on high fat/salt/sugar. Changes in these sectors have not been the result of major legislative change, but nonetheless have the public's attention and have seen action by individuals to avoid these changes, such as the recent destruction of ULEZ cameras.<sup>217</sup>

When considering why a new theory-variant could be useful, Cairney states that for him 'a theory sets out the object of study's essential features and the relationship between those features' and that the ultimate aim of a theory is:

to examine the extent to which we can identify the same causes in other situations and therefore generalize from specific to numerous instances. Their usefulness is based on the idea that, although the world is immensely complex, we can still identify a manageable number of factors that explain what happens within it.<sup>218</sup>

Jose Real-Dato argues that: 'Since the early 1990s, the theoretical debate on policy change in the field of policy studies has been clearly dominated by three major reference approaches – the advocacy coalition framework (ACF),

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<sup>217</sup> Grace, A. (2023, 29/08/2023). Enforcement camera vandalised with 'no Ulez' sign in Greater London; The Metropolitan Police said it had recorded 288 crimes relating to the cameras as of August 1. *The Independent* (Online).

<sup>218</sup> Cairney, P. (2020). *Understanding Public Policy – Theories and Issues* (2nd ed.). Red Globe Press. p.23

the punctuated-equilibrium theory (PET), and the multiple streams approach (MS). Their success led the reference approaches to evolve separately without explicitly establishing communication across theoretical boundaries'.<sup>219</sup> Neither Real-Dato or Cairney or Mercer et al (see below) see these theories as capable of encapsulating all the complexity and variety of public policy processes and outcomes.

Real-Dato's has tried to consolidate and advance these models with his own proposal of a 'Synthetic Explanatory Framework' for policy change which focuses on three causes for policy change; endogenous change caused by those within an autonomous subsystem creating change based either on new learning or policy failure, conflict expansion where actors outside the insider group of the subsystem form coalitions to get heard and exogenous factors such as changes in material and societal conditions.<sup>220</sup> Whereas some aspects of conflict expansion can be found in the coalition of anti-gambling groups found in chapters four, five & six, the framework does not address some key points. The changes in British gambling policy proposed in the White Paper were put forward by the government (DCMS), who have accepted fully the proposals put forward by the regulator (Gambling Commission), which in turn has adopted the policies of the anti-gambling groups, some external to Parliament some not. Add to this the level of access that groups like GWL and the SMF have had at DCMS and how to deal with whether activist academics and their contribution to evidenced policy making and the question of what is endogenous or exogenous gets rather confusing. Also none of the models take into account the political pressure a press created moral panic can cause or certain newspapers links with anti-gambling groups. All of which is why gambling policy does not fit with the main theories of policy change with ACF being the closest due to its focus on a coalition of policy actors. Morality politics is a more niche theory as stated previous warrants consideration.

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<sup>219</sup> Real-Dato, J. (2020). Mechanisms of Policy Change: A Proposal for a Synthetic Explanatory Framework. *Journal of Comparative Policy Analysis: Research and Practice*, 11(1), 26.

<sup>220</sup> Ibid

The purpose of developing a new theory variant is that neither morality politics (with its focus on binary outcomes for vice policies of which British gambling does not fit), or ACF (which appreciates the work of coalitions of lobbyists seeking policy change, but does not accept that these actors can be purely self-motivated), best explains the key features of British gambling politics as exemplified by the case studies. Neither morality politics or ACF appreciates the concept of political expediency either, where policies will be changed purely because there is not enough political credit to be gained to resist the calls for change.

The need for a new theory-variant is that only by best understanding how changes to gambling policy work can policymakers and policy actors understand what is going on. It is the author's belief that many, both in government and the gambling industry, do not understand the extent of the co-ordination between the various anti-gambling groups or the fact that a majority of the evidence base has been funded by and written by members of the anti-gambling coalition. It also highlights the questionable quality of this research.

A new theory-variant is there to map the features of how and why gambling policy has been changed. This thesis finishes with the White Paper being published with many changes to gambling being proposed, practically all at the behest of the anti-gambling lobby. These changes, at the time of writing, still have to pass through a consultation process and then be implemented. Not every policy change put forward by the anti-gambling actors has been adopted and these actors are not going away, so further changes may yet be demanded. Masked Morality could well help identify this process in the future in the UK and many European countries are also going through a process of ratcheting up their gambling regulation restrictions so it may prove useful in explaining their policy changes. But, as stated elsewhere, different countries

have very different cultural and social attitudes to gambling and different regulations and regulatory history, so this may not fit.

Whether this theory-variant can be exported to other policy areas is subject to further research. Morality politics argues that its policy areas are ones that everyone has a view on and either support or oppose. The difference with gambling, is that a vocal minority oppose it while a silent semi-majority support it as seen by their participation. Whether people get vocal opposing demands for less alcohol, sugar and salt is yet to be seen, but that might be because of attempts to control them by the Public Health lobby have not reached the extremes that activist academic research often calls for with gambling.

It needs stating that there is some doubt over the value of political theories. Mercer et al see two main problems with them:

practitioners do not see academic insights as directly useful to their policy activities, and theorists tend to write for other scholars and to contribute to existing debates in the literature. While the contrast may be overdrawn, bureaucrats are more interested in solutions while academics are motivated by attempts to define and delineate the problems<sup>221</sup>

and that:

The language employed in theories about the making of policy tends to be self-referential, obtuse and dense, studded with conceptual jargon and references to other bodies of theory<sup>222</sup>

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<sup>221</sup>*Learning Policy, Doing Policy Interactions Between Public Policy Theory, Practice And Teaching.* (2021). (T. Mercer, Ayres, R., Head, B., Wanna, J., Ed. 3rd ed.). Australian University Press., p.4

<sup>222</sup> Ibid p.4



This author has come across a number of examples of this, not just in researching this thesis but in a number of events over the years where academia and the gambling industry has tried, and usually failed, to collaborate. It is hoped that the lack of academic verbosity in the description of Masked Morality below enhances its understanding by academics and policy makers alike.

The Masked Morality variant focuses attention on the key role played by the anti-gambling policy actors and the extent to which they are motivated by commonalities. In the UK case, one of the major commonalities is their claim not to be anti-gambling per se; rather, they claim that they just want to see further restrictions on gambling in order to protect people from harm. The Masked Morality argument is that for these actors, the motivation for seeing further restrictions on gambling is actually a mixture of an anti-gambling ideology intertwined with a self-interest motivation. The degree to which both these elements apply evidently differ for each policy actor. Yet, the common element is that their concerns with preventing harm are effectively a political artifice or mask to cover their actual desire for gambling restriction or prohibition (and, of course, self-benefit). The evidence for this is their shared lack of interest in the obvious response to their demands for restriction: that heavier restrictions are likely to result in members of the public going to the black market where they are provided with no safer gambling measures. Thus, arguments for restrictions 'to prevent harm' may actually be encouraging harm. This paradox points up the difficulty for these actors to claim that their motives are simply about preventing harm.

The policy actors identified and explained in detail in the case studies which follow can be put into the simple typology of those who are Derek Webb funded (see Chapter 4) and those who are ideologically driven (see Chapter 5). The difference between the two is that the Derek Webb funded groups appear to want restrictions on gambling to any gambling sector seen as in

competition to land-based casinos, while those who are ideologically driven, appear to want all gambling restricted to the point almost of prohibition.

The table below summarises the different policy actors and their suggested primary and secondary motivations:

Table 2: Primary and secondary motivations of anti-gambling policy actors

<b><u>Derek Webb Funded</u></b>	<b><u>Primary Motivation</u></b>	<b><u>Secondary Motivation</u></b>
<b>CFFG</b>	<b>Protect land-based casinos from threat of FOBTs</b>	<b>None/personal employment</b>
<b>APPGFOBTs</b>	<b>Protect land-based casinos from threat of FOBTs</b>	<b>Political campaigning credits/ anti-gambling belief</b>
<b>APPGGRH</b>	<b>Protect land-based casinos from threat of online gambling</b>	<b>Political campaigning credits/ anti-gambling belief</b>
<b>Peers for Gambling Reform</b>	<b>Protect land-based casinos from threat of online gambling</b>	<b>Anti-gambling belief</b>
<b><u>Ideologically driven</u></b>	<b><u>Primary Motivation</u></b>	<b><u>Secondary Motivation</u></b>
<b>PHAG Activist Academics/PHE</b>	<b>Anti-gambling belief</b>	<b>Increased research funding and Impact</b>
<b>Gambling With Lives</b>	<b>Anti-gambling belief</b>	<b>Personal grief</b>
<b>Gambling Commission</b>	<b>Desire to reduce problem gambling numbers</b>	<b>To keep the bureaucracy</b>

To explain further, the Derek Webb funded groups have all campaigned against specific devices for gambling, FOBTs and online gambling. If there was a concern primarily about gambling harms then there, logically, would be the

inclusion of proposals for restrictions on land-based gambling. According to *Gambling behaviour in Great Britain in 2016*, the problem gambling rate in casinos is 7.4% compared to 2.5% for online betting.<sup>223</sup> As is stated in the case studies, Derek Webb's millions come from casino games, which suggests that the purpose of his campaigning and largesse amongst the research community has been to protect either his own interests (which he states he no longer has any in the gambling industry) or that of his friends.

Secondary motivations for this category are as follows: the CFFG, namely in the form of Matt Zorb Cousins, is that of a personal impression of the author after a number of meetings, that his primary motivation was simply paid employment. For the Parliamentary All Party Groups, political campaigning credits is defined as members of Parliament who have found a social topic that they wish to campaign on and while this may be for well-held personal beliefs, such as being anti-gambling, there are political credits to be gained from campaigning on topics that are seen to be about 'protecting' the voter, whether that be for charities, environmental issues or preventing supposed harm from gambling. Obviously, for the Peers for Gambling Reform, they do not have the same reputational issues with voters and for them their motivation is to restrict gambling for a variety of reasons. Lord Butler of Brockwell, in an email conversation with the author in 2023, was very concerned about gambling adverts in matchday football programmes due to children being able to see them. This concern was unabated when he was informed about the restrictions in place for preventing under aged gambling.

For the ideologically driven, anti-gambling belief is seen as paramount for both those academics/Public Health England who support the Public Health approach to gambling and the campaigners of Gambling With Lives. This is evidenced by their stated aims of severely restricting gambling to the point of

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<sup>223</sup>Conolly, A., Davies, B., Fuller, E., Heinze, N., Wardle, H. (2018). *Gambling behaviour in Great Britain in 2016 Evidence from England, Scotland and Wales*. Nat Cen. , p.73

almost prohibition, which, in the former case, is best exemplified in the 2019 report, *Gambling as a public health issue in Wales*, and for the latter is found on its website.<sup>224</sup> The reason for these aims can be found in their secondary motivations. For the PHAG academics it is twofold, increased research funding and academic impact. Both are interlinked, creating the 'evidence' that suggests that gambling is problematic, increases the demand for more research into it. At the same time, academic impact is research that influences 'policy, practice or services, shaping legislation and changing behaviour', and is how academics get considered for funding, thus creating a virtuous circle.<sup>225</sup> It is no coincidence that all the anti-gambling groups campaigned for a statutory levy to provide funding for research, education and treatment. Public Health England benefits from gambling being a forefront Public Health issue as this grows its remit and resource needs. For Gambling With Lives, the understandable motive of personal grief and possibly redemption described in Chapter six seems the most understandable, given the also discussed alternatives.

The Gambling Commission is included as it has been a willing captee of PHAG and as evidenced by Affordability, keen to impose illiberal measures on gamblers. All we know of its motivations is that for which it was criticised by the National Audit Office in its 2020 report:

'the Commission wants to see the number of people affected by problem gambling to reduce significantly. However, while it recognises that no problem gambling at all is unrealistic and outside of its control, it has not articulated what level of reduction, over what period of time, would indicate good progress'.<sup>226</sup>

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<sup>224</sup>Rogers, R., Wardle, H., Sharp, C., Wood, S., Hughes, K., Davies, T., Dymond, S., Bellis, M. (2019). *Gambling as a public health issue in Wales*. Bangor University. [https://research.bangor.ac.uk/portal/files/22557880/Gambling\\_as\\_Public\\_Health\\_Issue\\_Wales\\_Eng2.pdf](https://research.bangor.ac.uk/portal/files/22557880/Gambling_as_Public_Health_Issue_Wales_Eng2.pdf). Gambling With Lives. (2023a). *Gambling With Lives - Campaigning*. Gambling With Lives,. Retrieved 21/06/2023 from <https://www.gamblingwithlives.org/campaigning/>

<sup>225</sup> Economic and Social Research Council. (2023). *Defining impact*. UK Research and Innovation,. Retrieved 29/08/2023 from <https://www.ukri.org/councils/esrc/impact-toolkit-for-economic-and-social-sciences/defining-impact/3>

<sup>226</sup> National Audit Office. (2020). *Gambling regulation: problem gambling and protecting vulnerable people*. (HC 101 ). London: National Audit Office, Retrieved from

It is assumed that PHAG is seen by the Gambling Commission as the route to reducing problem gambling numbers, hence its adoption. This is interlinked with its secondary motivation, of keeping the bureaucracy. That is to defend itself against criticisms of incompetence or ineffectiveness, it must be seen to be acting against the industry and protecting the public and so keen to increase the perception of harm, as evidenced by its forthcoming measures to change the way problem gambling rates are measured to ensure they increase. This ensures the need for a tough regulator and one that is seen to act. The actions of the Gambling Commission, criticised by both the anti-gambling and pro-gambling groups, needs further research.

The motivations of pro-gambling groups – e.g. the gambling industry – have not been investigated in this thesis since the focus has been on solving a particular puzzle that places the focus on anti-gambling groups. In any case, to some extent the gambling industry can be considered along the lines of ordinary commercial organisations, whose goals are to sell more and be regulated less. Yet, in the research conducted, there was no evidence found of the industry having influence over the developments examined in this thesis, apart from its role as a stakeholder in discussions with DCMS. It should also be noted that the British gambling industry would have been in a better position politically, if it had not given cause, however unjustly, for the Gambling Commission to state in March 2023, that it had issued £76m in fines since the start of 2022.<sup>227</sup> Furthermore, whatever the actual number of gambling related suicides, the almost complete silence from the industry on the issue, and especially on how it seeks to deal with it, has also proved unhelpful.

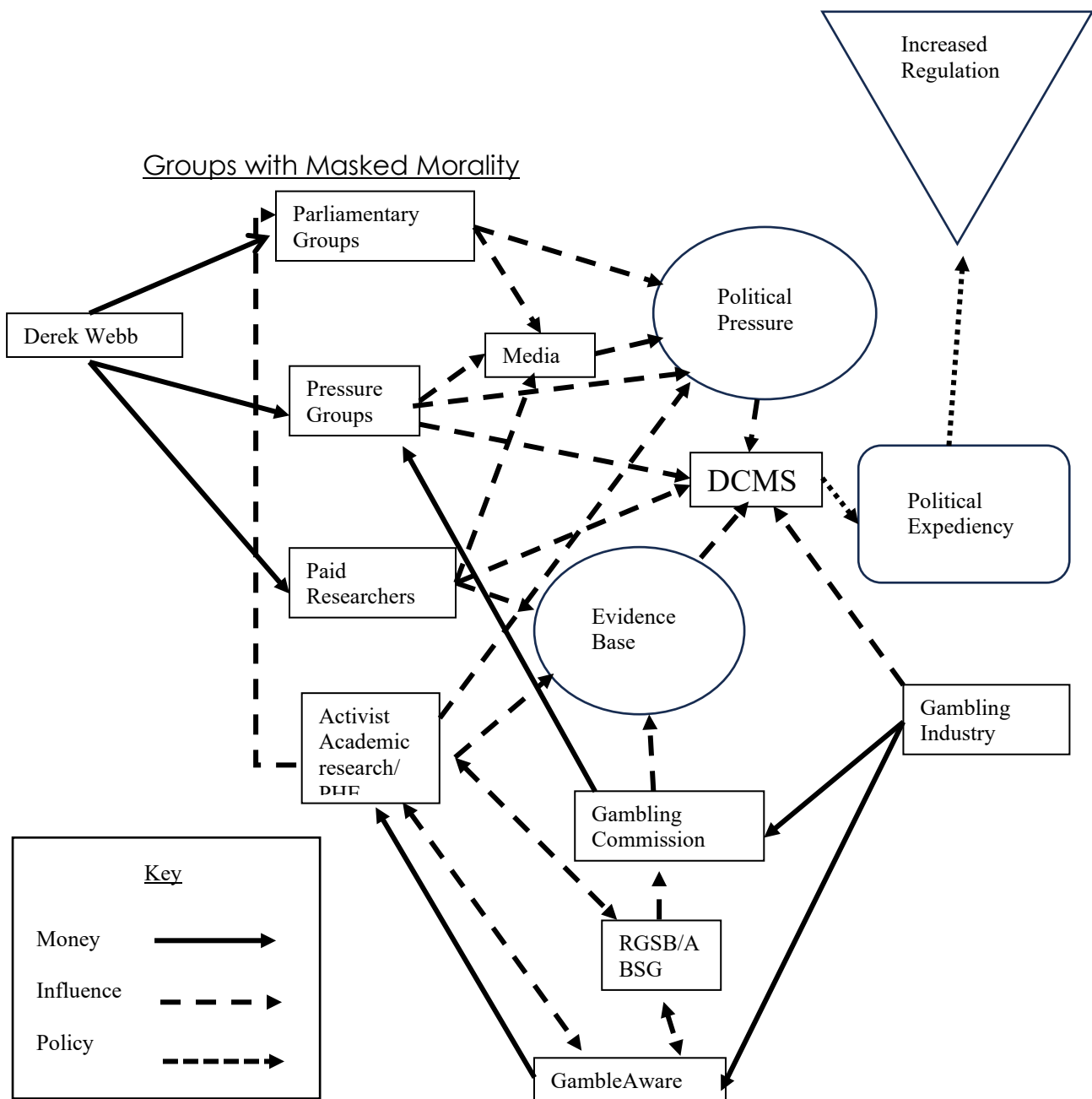
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<https://www.nao.org.uk/wp-content/uploads/2020/02/Gambling-regulation-problem-gambling-and-protecting-vulnerable-people.pdf> p.21

<sup>227</sup> Gambling Commission. (2023h). *William Hill Group businesses to pay record £19.2m for failures*. Gambling Commission,. Retrieved 29/08/2023 from <https://www.gamblingcommission.gov.uk/news/article/william-hill-group-businesses-to-pay-record-gbp19-2m-for-failures#:~:text=Since%20the%20start%20of%202022,to%20see%20signs%20of%20improvement.>

Both groups and their impact on the UK gambling policy process, as per masked Morality, can be shown in this flow diagram:

Table 3: Masked morality flow diagram



The Masked Morality flow diagram above explains how British gambling policy has worked over the time period this thesis examines. It shows flows of money and influence between the policy actors and the resultant policy output. To briefly explain:

- Derek Webb has funded Parliamentary groups (APPGFOBTs, APPGGRH, Peers for Gambling Related Harm) and pressure groups (CFFG, Clean Up Gambling). These have both exerted influence on the media. Both these groups and the media have in turn created political pressure on DCMS by creating/framing a policy problem about problem gambling and gambling harm. Gambling With Lives, which has been funded by the Gambling Commission (see Chapter 6), has also exerted influence on the media, created political pressure and has directly influenced DCMS.
- Derek Webb has funded paid research, such as that by the SMF, that has influenced the media, the evidence base that in turn influences DCMS. SMF has, like Gambling With Lives, direct access to DCMS.
- Activist academic research is paid for either by the Gambling Commission or by GambleAware commissioning research. GambleAware is funded directly by the gambling industry which also indirectly funds the Gambling Commission with its fine money which is spent by the Commission either on research or funding anti-gambling pressure groups. Activist academic research is used by Parliamentary groups, the media and to create political pressure, it is also added to the evidence base which in turn influences DCMS. Public Health England, although centrally funded, shares similar features to this sort of research.
- The Gambling Commission supplies research and briefings that add to the evidence base that influences DCMS. The Commission is advised by the ABSG which also supplies to the evidence base.
- There is two-way influence between activist academic research and the ABSG and GambleAware, as the academics are or have been members of the ABSG (e.g. Gerda Reith and Heather Wardle) and have



received multiple amounts of funding from GambleAware for research (e.g. Gerda Reith and Heather Wardle)

- The gambling industry is shown as having no influence over the process apart from its role as a stakeholder in discussions with DCMS as there is no evidence of there being any influence anywhere. This may well be one of the reasons that policy change has happened.
- The policy change process is relatively simple to understand. The amount of political pressure that was exerted (with an almost completely anti-gambling bias), as well as production of a (similarly distorted) evidence base proved sufficient to change the policy frame about gambling. The policy frame changed from the reality that problem gambling rates were the lowest they have ever been to a moral panic about gambling harms and suicides. This in turn created the political pressure for the government to do something. Because to defend gambling would have meant questioning the evidence base, going against the media and contending with the political pressure. This is what Helen Grant MP tried to do and suffered for it. So the easier political route was to take the advice of the statutory advisor on gambling, the Gambling Commission, and implement its recommendations, even though those recommendations were very similar to those of the overtly anti-gambling pressure groups, and equally relied on questionable evidence. This prioritising of political expediency over evidence based policy making has caused unnecessary increased regulation.

This is a model of Masked Morality in action. It differs from morality politics in that the policy debate is not binary -- whether gambling should be banned or not (although some of the more extreme policy actors have demanded it or close to) -- and there is a silent majority who support gambling up against a vocal minority who do not. It differs from ACF in its assertion that policy actors operate primarily for the purposes of self-interest and ideology rather than their stated aim of reducing gambling harm. Masked Morality also incorporates

moral panics, political expediency and biased evidence-based policy making as features which do not appear in either ACF or morality politics.

This, however, is not to claim that Masked Morality in action necessarily offers a comprehensive account of the UK gambling debate over time. Nor is the model free of weaknesses. For example, it does not sufficiently represent the differing allegiances of the Minister with responsibility for gambling. In this case, while the Minister who published the White Paper, Stuart Andrew MP (Conservative, Pudsey), is not seen as being particularly anti-gambling (such as Tracey Crouch MP or Chris Philp MP), or pro-gambling (like John Whittingdale MP), and could well be argued to have taken the political expediency route, for the model to be considered to be truly robust it should be able to reflect the allegiances of the Minister with responsibility for gambling should they have had overtly stronger views.

The model in action also largely overlooks the role that the Civil Service may have played. A Freedom of Information (FOI) request to DCMS by the author shows that for the duration of the Gambling Review there was a Gambling and Lotteries Team with a minimum of 17.32 full time employee equivalents (FTE) in 2021 and a maximum of 21.24 FTE in 2022, so not an inconsiderable team focused on the work.<sup>228</sup> Their absence from the model is based on a lack of information about their input to the policy process. While it could be hoped that they took the neutral approach Sabatier uses in his opening paragraph on his work on Sacramento Bay/Delta water policy mentioned above, it is also possible that they could have, as Sabatier hypothesises, sided with the anti-gambling lobby. This will only be known if one of them reveals it in an interview or autobiography or when the 30 year rule is up. Finally, the model does not reflect the differing levels of influence of each policy actor in creating the political pressure/moral panic that created the need for change. A logic experiment would be to ask whether, if any of the policy actors had been

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<sup>228</sup> DCMS FOI request response to the author dated 17<sup>th</sup> July 2023

absent, the change would have happened regardless. This can only be revealed by the Minister who made the final call on how the White Paper would end up.

### **Masked Morality in action**

This thesis has developed the thesis-variant based on what has happened in British gambling policy between 2005-2023. It shows a model based on past actions and the result of research this author and few others, such as Dan Waugh of Regulus Partners, conducted into the publications of the anti-gambling groups.

For this model to be actualised, an organisation, such as a re-awakened University of Salford Centre for the Study of Gambling, could as part of its ongoing operations, highlight through publication, research into the funding of anti-gambling groups and the veracity of their statements, both vocal, campaigning and associated academic research.

As part of this, the Centre could publish an annual report which could have a Bias Index – which would consider the breadth of publications from anti-gambling groups, critiqued if necessary and then consider how many of these are then adopted as part of evidence in the debate. For example, when the Gambling Commission published their submission to the White Paper they also published a 23 page bibliography.<sup>229</sup> This could be analysed for bias and methodological issues and graded. The subsequent report and press-release would inform the media and government of the amount of Masked Morality at work in the current gambling debate.

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<sup>229</sup> Gambling Commission (2023), Advice to Government Review of the Gambling Act 2005 Published April 2023 Annex J – Bibliography, [https://assets.ctfassets.net/j16ev64qyf6l/3l7hFVXYOnQMpbHCfrwDI1/ff05566ced7b7760734b906790f815dc/Bibliography\\_related\\_to\\_the\\_Gambling\\_Commissions\\_advice\\_to\\_Government\\_Review\\_of\\_the\\_Gambling\\_Act\\_2005.pdf](https://assets.ctfassets.net/j16ev64qyf6l/3l7hFVXYOnQMpbHCfrwDI1/ff05566ced7b7760734b906790f815dc/Bibliography_related_to_the_Gambling_Commissions_advice_to_Government_Review_of_the_Gambling_Act_2005.pdf)

Actualising Masked Morality in the form of a University-based centre could, in this author's view, prove an effective method of countering the anti-gambling narrative that the gambling industry has allowed to grow and could, prevent the further degradation of regulated gambling in the U.K. and the consequential growth of the Black Market. At the same time, the method could also be applied to the pro-gambling lobby to counter any questionable narratives on that side too.

The following chapters provide the evidence for the argument posed in this thesis. The next chapter considers how a moral panic, created by a moralising press, was sufficient to make the government U-turn on its plans for resort casinos, highlighting how political expedience is a powerful force against gambling liberalisation. Chapter four shows the impact of the first wave of anti-gambling groups, inside and outside Parliament, campaigning against Fixed Odds Betting Terminals and how evidence-based attempts at policy making eventually failed due, in a large part, to the appointment of a Minister who was not a fan of gambling. Chapter five introduces 'activist academic research' from the Public Health approach to gambling (PHAG). PHAG has captured the regulator and over-turned the way government thinks about problem gambling. It has done this by arguing that gambling harms everyone to some degree. This author believes and hopefully shows that this assertion is due more to ideology than evidence. The final chapter, looks at how gambling-related suicide has been 'weaponised' by an embedded pressure group, renowned for falsifying statistics, who has influenced Public Health England to the extent that they published, knowingly, over inflated figures to enhance the narrative about the failure of gambling policy. It also considers how Affordability, an unprecedented intrusion into the finances of gamblers, is being used by the regulator as a way of increasing the friction of those wishing to gamble. It concludes with a discussion of the contents of the Gambling White Paper, the book-end of this thesis's timeframe and how it has accepted practically every demand of the anti-gambling groups, thus evidencing the

success of these groups in changing the political framing of gambling and gaining political change.

## **Chapter 3: Case Study One - Government U-Turn on the proposed number of new land-based casinos 2005**

### **Introduction**

This chapter provides our first case study, where the Blair government U-turned on its policy for new casinos. This happened during the passage of the Gambling Bill in 2004/5 and was in response to a concerted press campaign against what the media evidently saw as gambling liberalisation having gone too far. What was apparent was that the government, in the form of the then Secretary of State, Tessa Jowell MP (Labour, Dulwich and West Norwood) and the Minister responsible for gambling, (Richard) Dick Caborn MP (Labour, Sheffield Central) faced the thorny issue of risking the success of the whole of Bill (which included many less controversial and necessary parts, such as the need for a new regulator) over a single issue that was arguably victim to a campaign of hyperbole: new casinos. This case study exemplifies a consistent theme of the gambling policy milieu, alluded to in other chapters, of a general lack of understanding about the facts by a majority of the policy actors involved and a tendency towards catastrophising by those opposed to gambling expansion.

This chapter will start with the debate about the proposed new casinos, the contentious issue being their number, which was originally to be up to local authorities. Then, introducing our first policy actor, we will consider the newspaper campaign against them and examine the government's subsequent reaction. There will then be a short discussion of moral panics, which, as chapter two articulated, this thesis proposes are a critical part of the proposed new theory-variant. This will include a discussion into the lack of factual evidence and catastrophising as key parts of the gambling debate. Then we will consider what the policy U-turn meant for the British casino industry and its long-term effects. The White Paper on gambling, published in April 2023, which acts as the endpoint for our timeframe provided the land-based casino industry with arguably the only liberalisations in a document stuffed full of

further restrictions for online gambling, but could still only provide a vague suggestion that casino licensing would be changed. In conclusion, this case study shows how gambling policy can be changed by a policy actor and how that change can have seriously detrimental economic issues which take years to be addressed.

### **The Policy Problem**

The policy problem for the government was that they had accepted a rational economic argument for the liberalisation of the casino sector. In international terms, British casinos under the *Gaming Act 1968*'s 'unstimulated demand' regime were tiny. As the Gambling Bill's Regulatory Impact Assessment showed, only one existing casino was above 1,000 metres square in size and 119 (of 138) were under 500 metres square.<sup>230</sup> On an international comparison, 1968 Act casinos were not only far smaller than most other casino jurisdictions but were limited to just 20 slot machines (after 1<sup>st</sup> October 2005, it was only 10 machines previously) when most European casinos had 100s and in Las Vegas it was 1000s.<sup>231</sup>

As a result of the launch of the National Lottery, the British Casino Association (BCA - the then trade association for the majority of Britain's casinos) had begun lobbying in the early 1990s for deregulation. Brian Lemon, the BCA chief executive claimed 'we are not seeking wholesale deregulation but sensible modernisation to enable us to compete effectively for foreign customers and to enable our customers to game under less onerous conditions'.<sup>232</sup> The Gaming Board for Great Britain had made proposals for deregulating the casino market and had found positive responses in the deregulation orders issued by the Home Office.<sup>233</sup> But neither of these organisations demanded

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<sup>230</sup>Department for Culture Media & Sport. (2003a). *Draft Gambling Bill - Regulatory Impact Assessment*. (Cm 6014 – III). London: The Stationery Office,, pp. 92-93

<sup>231</sup>Ader, J. N. (2003). *Bear Sterns North American Gaming Almanac 2002-03*. Huntingdon Press. , Levez, B. (2001). *The Casino Handbook*. New Holland.

<sup>232</sup> Gorman, E. (1995, 18/07/1995). Casinos seek right to accept credit cards. *The Times*.

<sup>233</sup> Gaming Board for Great Britain. (1997). *Report of the Gaming Board for Great Britain 1996/97*. (HC 112). London: HMSO p.2. *The Deregulation (Casinos) Order 1997 (1997)*.

the concept of integrated casino resorts as lobbied for by London Clubs International PLC and the Blackpool Challenge Partnership.<sup>234</sup> They had been lobbying since the late 1990s for the regeneration of Blackpool based on a resort casino similar to those found in Las Vegas and Atlantic City and which had appeared around the world since the turn of the century.<sup>235</sup> An integrated resort includes a casino as the keystone project and has hotels, together with convention facilities, entertainment shows, theme parks, luxury retail and fine dining. The major difference about these casinos and those that already existed in the U.K. was that these were tourist destinations, created thousands of jobs and would provide much needed economic regeneration (even if this was very difficult to quantify). It was the concept of these casinos as engines for economic regeneration that prompted the government to propose them.<sup>236</sup>

The provisions in the original proposal for casinos laid out in the Draft Gambling Bill were:

- Casinos would be permitted to allow access to the public, and would no longer be required to be private clubs with a statutory interval between membership and play.
- Casinos would be allowed to apply to offer any kind of legal gambling, including betting and bingo.

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<https://www.legislation.gov.uk/uksi/1997/950/made>. *The Deregulation (Casinos and Bingo Clubs: Debit Cards) Order 1997* (1997). <https://www.legislation.gov.uk/uksi/1997/1075/made>  
<sup>234</sup>Sir Alan Budd (Chairman). (2001). *Gambling Review report* (Cm 5206). HMSO. , p.143. On p.143 the Report mentions the submission by London Clubs and the Blackpool Challenge Partnership

<sup>235</sup> Arguably the Genting Highlands resort in Malaysia was the first built outside of North America opening in 1971. Macau changed its laws to allow resort casinos in 2002, with the Sands Macau opening in 2004. Singapore issued a tender for a resort casino in 2004 and the Marina Bay Sands opened in 2010. Cyprus's City of Dreams Mediterranean will be opening in 2022 or 2023, the first integrated resort in Europe

<sup>236</sup> As told to the author in a conversation with Keith Hill MP (Labour, Streatham) Minister of State for Housing and Planning (13 June 2003 – 6 May 2005) and Department for Culture Media & Sport. (2003a). *Draft Gambling Bill - Regulatory Impact Assessment*. (Cm 6014 – III). London: The Stationery Office,, pp.47-48



- Casinos would be permitted to provide unlimited prize gaming machines. These machines could be linked within individual premises (to allow for larger pooled prizes) but not between premises. Casinos would not be permitted to provide only gaming machines.
- No new casino would be licensed with a table gaming area smaller than 5,000 sq. ft. Casinos with a table gaming area of over 10,000 sq. ft. would be in a separate licensing category.
- Casinos in the small category (5,000-10,000 sq. ft. of table games) would be permitted no more than three gaming machines for each table game. There would be no limit on the number of gaming machines permitted in larger casinos, as long as more than 40 table games were also to be provided.<sup>237</sup>

This would in effect produce three tiers of casino: those under 5,000 sq. ft. of table gaming area which would incorporate the majority of the existing 1968 Act casinos that at this time (prior to 1<sup>st</sup> October 2005) were allowed 10 gaming machines; those which were now being called small casinos of 5,000 – 10,000 sq. ft of table gaming which were limited to 3 machines per table; and then the large casinos, with a minimum of 10,001 sq. ft. of gaming area that could have an unlimited number of machines as long as they had a minimum of 40 gaming tables.

This proposal already had within it the elements that, together, would facilitate our first moral panic: unlimited prize gaming machines, an unlimited number of gaming machines and an unlimited number of casinos.

Unlimited prize gaming machines are slot machines which can payout an unlimited prize. The term 'unlimited' means unlimited by government regulation but is limited by the machine's design. A casino operator will want

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<sup>237</sup>Department for Culture Media & Sport. (2003b). *Draft Gambling Bill, The Policy*. (Cm 6014 – IV). London: DCMS, p.7

to offer a variety of machines at different staking levels and prize payouts. Some customers prefer machines that only pay out a relatively small multiplier of their stake when they win but do so more often, and there are those who prefer to play machines that pay out large jackpots when they win which consequently happens only very rarely. The supply of gaming machines at different prize levels is therefore limited by the demands of the customer.

Unlimited number of gaming machines is self-explanatory. As with unlimited prize gaming machines, the unlimited means just not limited by government regulation. The actual number of gaming machines is limited primarily by the physical space available to locate them and also by the number the operator thinks it is commercially viable to operate. It is extremely rare that a customer will play more than one machine at the same time, so the amount of available customers is a key factor.

We should add to this the other key proposed reform, that local licensing authorities, instead of Magistrates, would license gambling premises. Licensed operators were to be able to apply to locate gambling premises, including casinos, in any licensing authority area, no longer having to prove unmet demand in their chosen location or ensure that it was within a permitted area designated in secondary legislation. This was another theoretically 'unlimited' approach to the number of casinos. Again, the term unlimited means unlimited by government regulation, with the number of casinos being limited by commercial considerations, the market being able to take just so many and the government outlawing any new casinos with a table gaming area smaller than 5,000 sq. ft.. Market forces and a regulatory enforced minimum size limit were considered to be enough to prevent proliferation.<sup>238</sup>

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<sup>238</sup>Department for Culture Media & Sport. (2003a). *Draft Gambling Bill - Regulatory Impact Assessment. (Cm 6014 – III)*. London: The Stationery Office,, pp. 45-46

According to British research conducted after this time period, there is little evidence that the number of machines available or their staking limits or the number of casinos in which they operate has a direct impact on problem gambling numbers.<sup>239</sup> It should be stated that the debate about the effects of exposure to gambling is far from settled although with little research from the U.K., exceptions being the work of Wardle et al (2011), (2016) and (2019).<sup>240</sup> Wardle's work focuses on asserting that vulnerable groups (basically every demographic apart from middle class, middle aged white men) are more susceptible to gambling harms because of their proximity to gambling venues (mostly slot arcades and betting shops) albeit with mostly inconclusive results. The majority of the research on gambling exposure has come from Australia, New Zealand and the USA which have significantly different gambling environments than the U.K, examples being Abbot(2006), Storer et al(2009) and Vasiliadis et al (2013).<sup>241</sup> In St. Pierre et al's 2014 paper, '*How availability and accessibility of gambling venues influence problem gambling: A review of the literature*', they conclude:

It is important to note that even though there is no robust evidence that increased availability and accessibility of gambling contribute to the prevalence of gambling pathology and problems, there is also no

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<sup>239</sup>Parke, J. (2009). *A medium to long-term programme of research for investigating gaming machines in Great Britain: Recommendations from international and British expert panels.* (INFO 09/69). Birmingham: Gambling Commission,. The research shows that higher stake limits lead to increased losses. This becomes relevant in the FOBT debate and the Public Health approach to gambling debate as it becomes a proxy for problem gambling.

<sup>240</sup> Rogers, R., Wardle, H., Sharp, C., Dymond, S., Davies, T., Hughes, K., Astbury, G. (2019). *Framing a public health approach to gambling harms in Wales: Challenges and opportunities.* Bangor University.  
[https://research.bangor.ac.uk/portal/files/22557842/Public\\_Health\\_Approach\\_to\\_Gambling\\_in\\_Wales\\_ENG\\_2\\_1\\_.pdf](https://research.bangor.ac.uk/portal/files/22557842/Public_Health_Approach_to_Gambling_in_Wales_ENG_2_1_.pdf), Wardle, H., Astbury, G., Thurstain-Goodwin, M., Parker, S. (2016). *Exploring area-based vulnerability to gambling-related harm: Developing the gambling-related harm risk index.* GeoFutures Ltd. , Wardle, H., Keily, R., Thurstain-Goodwin, M., Astbury, G. (2011). *Machines Research 1 Mapping the social and economic characteristics of high density gambling machine locations.* NatCen GeoFutures.

<sup>241</sup> Abbott, M. (2006). Do EGMs and problem gambling go together like a horse and carriage? *Gambling Studies*, 18(1), 7. Storer, J., Abbott, M., & Stubbs, J. (2009). Access or adaptation? A meta-analysis of surveys of problem gambling prevalence in Australia and New Zealand with respect to concentration of electronic gaming machines. *International Gambling Studies*, 9(3), 225–244. Vasiliadis, S. D., Jackson, A. C., Christensen, D., & Francis, K. (2013). Physical accessibility of gaming opportunity and its relationship to gaming involvement and problem gambling: A systematic review. *Journal of Gambling Issues*. Issue 28, 2013

convincing evidence to the contrary. Indeed, the available research has not established that increased availability does not lead to increased problems.<sup>242</sup>

Apart from the work of Parke cited, research into stake limits as proposed for casino slots is mostly absent from a UK perspective as the majority of research undertaken has been about the use of pre-commitment, where a gambler, sets their own stake limits as part of a responsible gambling process, which is common in online gambling.<sup>243</sup> An example would be Delfabbro & King who cite the work of Hoffman to show how Norsk Tipping, Norway's monopoly gambling operator imposes mandatory loss limits on all its gambling products and requires all gamblers to set their own stake limits as having a more positive effect on reducing problem gambling.<sup>244</sup> This is not the same as the UK which has had mandatory stake limits on all its land-based gaming machines, tiered according to machine category, which was introduced with the Betting, Gaming & Lotteries Act 1963 (s.49). These stake limits are reviewed, usually, in a Triennial Review Of Stake And Prize Limits On Gaming Machines where the regulator advises the responsible government department who then, if appropriate, lays a Statutory Instrument to make any required changes.

Prof. Bill Eadington, in his book, *Integrated Resort Casinos – Implications for Economic Growth and Social Impacts*, suggests that integrated resort casinos are best located away from urban locations and focussed on tourist

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<sup>242</sup> St-Pierre, R. A., Walker, D. M., Derevensky, J., & Gupta, R. (2014). How availability and accessibility of gambling venues influence problem gambling: A review of the literature. *Gaming Law Review and Economics*, 18(2), 150–172.p.172

<sup>243</sup> See Auer, M. & Griffiths M. D (2013). Voluntary limit setting and player choice in most intense online gamblers: An empirical study of gambling behaviour. *Journal of Gambling Studies*, 29, 647-660. Auer, M. & Griffiths, M. D. (2018). The effect of loss-limit reminders on gambling behavior: A real world study of Norwegian gamblers. *Journal of Behavioral Addictions*, in press. Auer, M., Reiestad, S.H. & Griffiths, M.D. (2018). Global limit setting as a responsible gambling tool: What do players think? *International Journal of Mental Health and Addiction*. Epub ahead of print.

<sup>244</sup>Delfabbro, P. H., & King, D. L. (2020). The value of voluntary vs. mandatory responsible gambling limit-setting systems: A review of the evidence. *International Gambling Studies*, 21(2), 255–271. <https://www.tandfonline-com.salford.idm.oclc.org/doi/full/10.1080/14459795.2020.1853196> , citing Hoffman, B. H. (2014). *Norsk tippings responsible gambling platform* 10th European Conference on Gambling Studies and Policy Issues,, Helsinki, Finland.

destinations. The basic premise here is that by making people having to travel a distance to the casino you reduce the chance of impulse gambling.<sup>245</sup> The existing U.K. regulations meant that the urban population was served by over 130 casinos, and impulsive gambling was mitigated by the membership system.

The government was proposing that this was unnecessarily onerous and that improved casino staff training, to identify and help problem gamblers, could work just as well. What the government was proposing was a liberalisation of the land-based casino sector that would put an end to small members club casinos and replace them with what would be metropolitan casinos on a European scale and a few tourist destination resort casinos on a North American scale - both of which had a long history of operating and both of which, had their histories been examined, had had both positive and negative experiences; but neither had proved catastrophic.<sup>246</sup>

The Gambling Bill's Regulatory Impact Assessment saw the benefits of the proposed casino reforms to be greater consumer choice and convenience, better and more appropriate regulation, higher revenue generation and greater employment opportunities.<sup>247</sup> Add to this the obvious benefits of increased tax revenues and the potential for economic regeneration and one can understand why a government following the economic laissez faire attitude of the time would find such a policy appealing. What the government had not foreseen was the response of both Parliamentarians and the press.

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<sup>245</sup>*Integrated Resort Casinos – Implications for Economic Growth and Social Impacts*. (2009). (W. D. Eadington, M. , Ed.). University of Nevada. , pp.79-80

<sup>246</sup> It is arguable that Australia's experience of gambling liberalisation which has seen huge numbers of unlimited prize gaming machines in urban settings (both pubs and clubs) has had a more catastrophic experience.

<sup>247</sup>*Department for Culture Media & Sport. (2003a). Draft Gambling Bill - Regulatory Impact Assessment. (Cm 6014 – III). London: The Stationery Office,, pp. 47-48*

## Policy framing

A problem for the government was that what it was doing was arguably more policy opportunism than solving a policy problem. The policy problem was that the country had outdated gambling laws that did not allow the industry to respond to the impact of the National Lottery and did not let the regulator respond to the potential impact of the Internet. The answer to the problem was to overhaul the gambling laws and make them fit for the future. This is what the bulk of the proposed Gambling Bill was about. The majority of the press and Parliamentarian had little argument with this.

The government had been successfully lobbied about grasping the opportunity of a legal overhaul to provide a new casino gambling regulatory environment that would radically change the way casino gambling was offered in the country for the opportunity of increased taxes, tourism and employment. Britain's rundown seaside resorts were especially seen as prime destinations for the new resort or mini-resort style casinos. While the government's 2002 White Paper, *A Safe Bet for Success*, had acknowledged that: 'it would be possible to establish in Great Britain "resort casinos" of the type seen elsewhere in the world, for instance in Las Vegas or Atlantic City', it also pointed out that; 'we see no case for granting preferred or pilot status to any particular developer or area'.<sup>248</sup> This contrasts with Tony Blair's view:

For years we and these [seaside] towns had been approached by major leisure companies, often American, wanting to build vast leisure complexes that would have casinos but also a huge array of other entertainments, cinemas, sports outlets and facilities and so on. I thought we should let them. It would be a big injection of private sector cash. There was realistically no alternative. Seaside towns were queuing up for them.<sup>249</sup>

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<sup>248</sup>Department for Culture Media & Sport. (2002). *A Safe Bet for Success – Modernising Britain's Gambling Laws – The Government's Response to the Gambling Review Report*. London: The Stationery Office,, p.19

<sup>249</sup> Blair, T. (2010). *A Journey* (Kindle ed.). Random House. , Kindle Edition, Location 13036

The discrepancy was because the government could not produce a regulatory environment based on the establishment of resort casinos purely for seaside resorts. Competition issues, existing planning policies and the basic need for a law that applied to the whole country, prevented this, and on reflection this may have been a better alternative as the outcome. What the government was proposing was a liberalisation of casinos for the whole country and this became a critical issue and part of the catastrophising approach of the policy actors opposed to the policy.

For the government, casino reform was a policy they framed as modernising, necessary and providing economic regeneration. For the policy actors opposed to the policy, they saw unlimited stakes gaming machines, unlimited gaming machines and unlimited casinos as the ingredients for unlimited problem gambling and, due to the lack of definitive research that could prove this one way or the other (at least at the time), this provided the opportunity for catastrophising by those opposed. This, it can be argued, is the problem of making rational versus emotional arguments: the latter resonates more with the uninitiated.

### **Parliamentary Opposition**

The first evidence of this came from Parliament itself with the report of the Pre-legislative Scrutiny Committee.<sup>250</sup> Its main recommendations were to reject the idea that casinos with over 40 tables should have an unlimited number of

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<sup>250</sup> This was a Joint Committee of the Houses of Lords and Commons appointed to consider and report on the draft Gambling Bill. Details of its appointment can be found at: HL Debs 2/7/03 Vol. 650 c. 885. HC Deb 10/7/03 Vol. 408 cc. 1482-1483. HL Deb 9/9/03 Vol. 652 cc. 149-150. The Joint Committee members were:

Janet Anderson MP (Labour, Rossendale and Darwen), Tony Banks MP (Labour, West Ham), Jeff Ennis MP (Labour, Barnsley East and Mexborough), John Greenway MP (Conservative, Ryedale), Alan Meale MP (Labour, Mansfield), Richard Page MP (Conservative, South West Hertfordshire), Dr John Pugh MP (Liberal Democrat, Southport), Anthony D Wright MP (Labour, Great Yarmouth), Lord Brooke of Sutton Mandeville, Lord Donoughue, Viscount Falkland, Lord Faulkner of Worcester, Baroness Golding, Lord Mancroft, Lord Wade of Chorlton and Lord Walpole. Parliamentary Joint Committees, explanation UK Parliament. (2023). *Joint Committees*. Retrieved October 2015 from <https://www.parliament.uk/about/how/committees/joint/>

gaming machines as this would 'result in a damaging proliferation of gaming machines and risk a significant increase in problem gambling'.<sup>251</sup> Consequently the Committee recommended that large casinos (over 10,000 square feet and 41+ tables) should have a table-gaming machine ratio of more than the three that small casinos were allowed and possibly the eight Budd had recommended but that it should be decided in consultation with the new Gambling Commission and the industry.<sup>252</sup> The Committee also wanted there to be a 'statutory maximum number of machines for resort casinos, in the range of 1,000 or 1,250'.<sup>253</sup> The Scrutiny Committee was arguing for an end to the market driven approach to machine numbers based on the belief that increased machine numbers meant increased problem gamblers.

The Government responded to the Committee's report in June 2004.<sup>254</sup> DCMS agreed with the Committee's recommendations by proposing that no casino should be permitted an unlimited number of gaming machines (recommendation 76). The Government brought in new proposals 'to strengthen further our precautionary approach and the protections for the public in the Bill':<sup>255</sup> Only the largest regional casinos would be permitted to install unlimited prize gaming machines. Small and large casinos would be permitted gaming machines with limited stakes and prizes only. Local authorities would have the power to consider whether they wish to licence any or further casino premises in their area.

The Government's proposals for casinos are summarised in Table 4.

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<sup>251</sup>House of Lords House of Commons. (2004). *Joint Committee on the Draft Gambling Bill - Draft Gambling Bill*. (HL Paper 63-I HC 139-I). London: The Stationery Office,, p.101

<sup>252</sup>*Ibid.*, p.101

<sup>253</sup>*Ibid.*, p.110

<sup>254</sup>Department for Culture Media & Sport. (2004b). *Draft Gambling Bill - Government Response to the First Report of the Joint Committee on the Draft Gambling Bill*. (Cm 6253 ). London: The Stationery Office,

<sup>255</sup>*Ibid.*, pp.3-4



Table 4: Governments proposal for new categories of casinos.

Category	Min. table gaming area	Min. additional gambling area	Min. non gambling area	Min. total customer area	Min. no. of gaming tables	Category of gaming machines permitted	Machine: table ratio
Small	500m <sup>2</sup>	0	250m <sup>2</sup>	750m <sup>2</sup>	1	B,C,D	2:1 (max 80)
Large	1000m <sup>2</sup>	0	500m <sup>2</sup>	1500m <sup>2</sup>	1	B,C,D	5:1 (max 150)
Regional	1000m <sup>2</sup>	2500m <sup>2</sup>	1500m <sup>2</sup>	5000m <sup>2</sup>	40	A,B,C,D	25:1 (max 1,250) <sup>256</sup>

The acceptance of the Scrutiny Committee's main proposals by the Government was the beginning of a number of policy capitulations. From now on the Government would react to any significant opposition to their implementation with a reduction in the factors (number of slot machines, amount of gambling allowed) that made them commercially attractive in order to ensure that the legislation passed.

This would be seen during the passage of the Bill through the House. On the morning of Tuesday 16<sup>th</sup> November 2004, the fifth sitting of the Gambling Bill in Standing Committee B, the Minister with responsibility for Gambling, Richard Caborn MP, moved an amendment to the programme order so that Clause 7

<sup>256</sup> category A gaming machines, unlimited stake, unlimited prize. category B (casinos allowed B1, B2, B3 and B4 sub-categories), B1; £2 max stake, £4,000 max prize, B2; max stake £100, max prize £500, B3; max stake £1, max prize £500, B4; max stake £1, max prize £250. category C machine; 50p max stake, £35 max prize. category D machine if non-money prize; 30p max stake, £8 max value prize, if money prize: 10p max stake and £5 max prize, any other case; 10p max stake, £8 max prize of which £5 max in cash. *The Categories of Gaming Machine Regulations 2007 (SI 2007/2158)*

Casinos would be replaced in the future and then announced that the number of regional casinos in the first phase would be limited to eight.<sup>257</sup>

The Minister, in response to the five hour debate, went on to state that the number eight had been arrived at after discussion amongst Government departments, that the cap on numbers would not fall foul of European competition law, that the eight casinos would be in separate locations, that they would be the first phase of casino development and that it would be up to Parliament to allow the next phase, that the maximum number of category A machines would remain 1,250 and no other casino categories would get them.<sup>258</sup> He also went on to admit that his fact finding trip to Australia had made a deep impression on him and had changed his views. He thought that the liberalisation of the Australian market, which had allowed high stake gaming machines in pubs and clubs, had been detrimental to both the industry and to the social fabric of society. This had made the Minister believe that if there was to be change, it should be incremental with safeguards built in.<sup>259</sup>

The Government was obviously desperate to save the Bill from potential defeat as it was becoming increasingly apparent that many of its own MPs were unhappy about the casinos. As stated above, the extent to which the media campaign influenced the views of MPs is difficult to measure but surely undeniable. What it highlights is how difficult it is for such controversial policies to be dealt with properly in Parliament when there is an absence of evidence alongside a glut of popular opinion being aired.

Exactly a month later, on the morning of Thursday 16<sup>th</sup> December 2004, the 17<sup>th</sup> sitting of the Bill Committee, the Minister responsible for gambling moved from discussing the new regulator's power to void bets to making a statement

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<sup>257</sup>HC Deb 16/11/04 PBC c.140

<sup>258</sup>HC Deb 16/11/04 PBC cc. 199-200

<sup>259</sup>HC Deb 16/11/04 PBC c.203

where he would explain that the Government had reached the conclusion that limiting the number of regional casinos would lead to an increase in small and large casinos and therefore it was necessary to limit these categories to 8 casinos each. All casinos would also be part of a pilot study to test the impact of the new casinos and this would mean that the new casinos would be sited in a range of geographical locations, such as urban and seaside resorts.<sup>260</sup>

The Minister then proceeded to explain how the new regime would work. With regards to existing casinos, there would be no size requirements, they would not be subject to the ban on advertising and the 24-hour rule, where casino customers had to wait 24-hours from the time of applying for casino membership and being able to gamble. They would be restricted to the equivalent gaming machine entitlement of 10 gaming machines of up to category B and they would not be allowed to provide bingo or betting on real or virtual events.<sup>261</sup> Operators of existing casinos could apply for new licences and if they did for use in their existing casinos, they would be able to operate with all the new entitlements authorised by the new licence. In effect, the Government was making the existing casino industry a 'poor cousin' of the new 24 casinos that were being allowed on a trial basis.

The Committee's debate then descended, as it had done after the announcement on the cap on regional casinos, into questions about why the cap would be eight and not another number. There would also be the reversal of government-opposition roles, with Government Members supporting the cap on the basis of preventing proliferation while opposition Members argued that more casinos would mean more regeneration. The problem the Government had was that any policy it came out with was condemned by one faction or another. Any new casinos were seen by many MPs, undoubtedly influenced by the media campaign, as meaning more problem

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<sup>260</sup>HC Deb 16/12/04 PBC c.619

<sup>261</sup>HC Deb 16/12/04 PBC c.621

gambling. Those with a more evidenced-based approach were keen to use the casinos as a tool for regeneration, especially in Blackpool, which had lobbied the longest for resort casinos. Thus, any restriction on the number of casinos was restricting the regeneration potential. For the Government the primary concern was not to lose the Bill just because of the casinos. The majority of the Bill was uncontentious and brought in a new regulatory regime. As the faction who believed the media campaign outnumbered those interested in fact, all the Government could do was row back on an open market and move for a pilot study, however flawed that might have been.

On the 6<sup>th</sup> April, at around 9.30pm, the Parliamentary Under-Secretary of State, Department for Culture, Media and Sport announced amendment 234A which accepted the request of the Opposition as part of the wash-up agreement that the number of regional casinos was too high and would be dropped to just one.<sup>262</sup> This was the third dramatic climbdown by the Government over casino numbers, and not the last. According to a member of the Opposition Bill Team, in conversation with the author in 2012, they had initially demanded one regional casino licence in the expectation that the Government would stick with eight and that they would compromise at four, their original request. They were shocked when Lord McIntosh just accepted one. It would appear that the priority was to get agreement at any cost.<sup>263</sup>

Summing up the debate for the Opposition in the Lords, Baroness Buscombe supported the Government's amendment and commented that the Tory party's view on regional casinos had been the same from the start, that regional casinos were 'a very different cultural concept from anything we have experienced hitherto in this country', consequently, 'after much thought and consideration and taking into account all that has been said in both

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<sup>262</sup> HL Deb 6/4/05 Vol. 671 cc. 833-834

<sup>263</sup> The conversation with the author is based purely on the author's memory and there is no evidence to confirm it. Unfortunately, Lord McIntosh passed away in 2010 so there may never be confirmation of this allegation

Houses in the brief time we have had to debate the matter, along with the extensive input from beyond your Lordships' House, we feel that this precautionary measure should be taken'.<sup>264</sup> The Baroness went on to join the support for Blackpool having the one regional licence. Lord McIntosh, summing up for the Government, responded that an independent body would decide the location of the new casinos, and gave some reassurance to both the casino industry and parliamentarians that, 'In due course, it might be possible to remove numerical limits altogether, but we would not rush to any such judgment and I can repeat the assurance that I gave the noble Baroness that this decision would be one that would be taken by Parliament.'<sup>265</sup>

### **Super casinos and the moral panic**

The reason for the government's willingness to alter the proposed casino policy so readily was the moral panic that had taken hold around it. The panic's central motif was that increased gambling only makes poor people gamble more and this inevitably causes problem gambling and its social externalities of debt, family break up and even suicide. This in turn becomes a moral question for social commentators, since if it is believed that this process of events actually happens, then the only logical conclusion is that any Government wishing to increase gambling must be immoral. For those on both the left and the right, the campaign against the new casinos proposed in the Gambling Bill was against what many thought was just another example of a value-free Blair Government, putting profit above the well-being of Britain's poorest people, regardless of whether or not they would actually gamble within the casinos or suffer as a result of doing so. As in any moral panic, hard evidence of wrong-doing was not a prerequisite.

An early participant of the anti-casino campaign, Martin Kettle of *The Guardian*, gave an example of the above premise by questioning why there

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<sup>264</sup> HL Deb 6/4/05 Vol. 671 c. 843

<sup>265</sup> HL Deb 6/4/05 Vol. 671 c. 846

had not been sufficient public debate on the decision to have the new casinos, while having apparently already made up his mind:

Do we really want casinos or not? Our politics doesn't have to be only about personalities and process. They can be about philosophy and policy, too. For a start, though, let's have a really serious speech from Jowell setting out the moral as well as the business case for her wish to issue the biggest licence to steal money from the people of this country in more than 40 years.<sup>266</sup>

Providing more input to the 'moral debate' was the Archbishop of Canterbury in his 2003 Christmas message:

The problems surrounding debt are unlikely to be eased by the Government's current plans for new laws on the gambling 'industry' - a bizarre use of language if ever I saw one. The Methodists, with backing from other churches, have already made a strong and substantial response to the Government's draft bill. The submission flags up a range of concerns - about developing adequate regulation of children's access to gambling, about the prospect of mega-casinos with unlimited numbers of machines, and about very limited consideration of the overall impact on areas where gambling is a major draw.<sup>267</sup>

While concern about social responsibility is understandable, what is noticeable is the lack of any consideration in the debate about what the new casinos might provide for the vast majority of the population (an enjoyable night out) or any consideration that they might be a driver of economic regeneration through enhancing the appeal of a tourist destination. This was what the evidence suggested, how the Government saw it and what the industry was arguing for, but not what the media (or at least its 'moralistic' elements) was willing to contemplate.<sup>268</sup>

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<sup>266</sup> Kettle, M. (2003, 21/08/2003). Comment & Analysis: Union jackpot: The government's gambling bill is a licence to steal money - so where is the public debate? *The Guardian*.

<sup>267</sup> Hughes, D. (2003, 24/12/2003). Archbishop on the attack over Blair's casino free-for-all. *Daily Mail*.

<sup>268</sup> Department for Culture Media & Sport. (2003a). *Draft Gambling Bill - Regulatory Impact Assessment*. (Cm 6014 – III). London: The Stationery Office., p.16

Arguably, the mistake that the Government made had been to propose an undefined number of casinos with an initially undefined number of gaming machines. While this was factually accurate when recommending a free market in resort casinos, secure in the knowledge that the market could only sustain just a few, it could only provide anti-gamblers or even those just cautious of gambling with images of hundreds of casinos and tens of thousands of gaming machines turning the country into one big Las Vegas. Even when the Joint Scrutiny Committee's first report in April 2004 had forced the Government to row back from unlimited numbers of machines, the idea that the country would be inundated by casinos and therefore machines, with the consequently inescapable carnage, persisted. *The Guardian* columnist John O'Farrell argued:

But like any hardened gambler, he's [Tony Blair] forgetting about how much it will cost him: hundreds of thousands of people getting into debt, losing their homes, unable to support their families. More people turning to crime to pay for their habit. There are an estimated 300,000 so-called problem gamblers in this country (which is twice as many as I bet my kids there would be). But it won't be the casinos paying for all the social costs of more addicts. Maybe the all-party committee should explain everything it has learned to the Prime Minister, and he might think twice about the morality of it all.<sup>269</sup>

*The Daily Mail* also took the opportunity to attack the Blair Government for its lack of moral vigour, arguing that the Government did not care 'if the number of problem gamblers doubles to a million, or if these sad obsessives beggar their families and themselves?' as it suggested that the Government was in thrall of the industry and ignoring the views of the charities and churches which deal with problem gamblers.<sup>270</sup>

Another element of the media campaign was the use of stereotypes about gambling, based on fiction found in television and film and primarily based on

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<sup>269</sup> O'Farrell, J. (2004, 09/04/2004). Comment&Analysis: Rushing roulette. *The Guardian*.

<sup>270</sup> This free-for-all coarsens society. (2004, 09/06/2004). *Daily Mail*.

the American experience. Gambling's unfortunate past and media portrayal meant that the idea of increasing gambling also meant increasing corruption. The myth was that foreign gambling companies were using their vast wealth to corrupt the system to get what they wanted. Unfortunately, the Deputy Prime Minister got involved in a scandal involving an American multi-millionaire that would seem to confirm this. In reality, the Deputy Prime Minister had showed off his incompetence rather than his corruptibility. However, the headlines fulfilled the narrative of what was expected, all that was needed were 'homburg hats and tommy guns'.<sup>271</sup> The Prime Minister, Tony Blair MP (Labour, Sedgefield), commented in his autobiography: 'There was an enormous backlash. Religious groups protested it would increase gambling, the *Daily Mail* did its usual thing and in the course of it suggested it was all some corrupt deal, targeting various of the civil servants involved. No one had seemed to notice that anything you could do in a casino you could do in an arcade, betting shop or online but with far fewer protections'.<sup>272</sup> By the time the Scrutiny Committee were meeting to consider regional casinos in June 2004, there was still no let up from the media campaign. The *Times* made the inevitable comparison with a folklore image of Las Vegas:

You only have to walk through any Las Vegas casino to see the results of deregulated gaming - the crime it attracts, the Mafia syndicates that move in, the corruption it encourages. You would think that a British Government would move heaven and earth to prevent the same thing happening here.<sup>273</sup>

Another theme was that of the personal story of problem gamblers. As with any other addiction, these are always stories of personal tragedy, but during the media campaign they would be used persistently to imply that this was the only possible outcome should the Bill become law. The fact that these were

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<sup>271</sup> Graham White OBE, ex-Chief Inspector, Gaming Board for Great Britain in repeated conversation with the author

<sup>272</sup> Blair, T. (2010). *A Journey* (Kindle ed.). Random House. , p.635

<sup>273</sup> Linklater, M. (2004, 16/06/2004). Tessa Jowell plays Russian roulette as Britons take to the tables; Comment. *The Times*.



stories of addicts found under the existing restrictive regime (or in some cases, foreign countries) was not mentioned and, if the problem gambler happened to be related to a columnist, much the better for column inches. Many an article expressed sentiments of human misery:

Patrick said he had been involved long enough, lost enough, to be able to tell. It was the same face he saw in the mirror whenever he looked. 'One day, I glanced up and said: "Please God, let me win £1,000 today'.<sup>274</sup>

Not only was the 'human interest' story an age-old part of news journalism but also an accepted tactic of political campaigning. It is far more effective to put across an emotional message than to rely on factual evidence. As Chris Rose states in his book, *How to win campaigns*, 'Good campaigning means getting your emotional hands dirty'.<sup>275</sup> *The Independent* did just this, as would practically all the newspapers:

Rachel was in her late twenties when she sought help for her gambling addiction. A successful sports woman from an affluent background, she tried online roulette while laid up with an injury and discovered it provided the thrills she was missing. Within three years, she had lost her home, her coaching business and her partner, was around £500,000 in debt and living in a bed and breakfast.<sup>276</sup>

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<sup>274</sup> Edwards, J. (2004, 14/07/2004). What are the odds on more losers? The way it is. *Daily Mail*.

<sup>275</sup> Rose, C. (2003). *How to win campaigns*. Earthscan. , p.120

<sup>276</sup> Kirby, T., Frith, M. (2004, 24/07/2004). A nation of losers? In the past three years, the amount wagered by British punters has quadrupled, from pounds 7.3bn a year to pounds 29.6bn. And that's before the relaxation of the gaming laws opens the floodgates to the US casino giants. Can Britain afford such a habit? Terry Kirby and Maxine Frith investigate. *The Independent*. . See also Gilmore, M. (2004, 13/04/2004). Your health; harmless fun? Don't bet on it. *The Express*. . Mooney, B. (2004, 07/10/2004). How Labour's gambling our future away; As figures show Britain is the betting capital of Europe. *Daily Mail*. . Hickley, M. (ibid.15/10/2004). Hundreds of thousands face gambling addiction if Vegas comes to Britain. . Wild, A. (2004, 16/10/2004). Are we opening the way to a generation of mega-gamblers?; With five more casinos planned for Glasgow and an overhaul of the gambling laws on the cards, are we hitting the jackpot or could this be the start of a big problem? By Abigail Wild. *The Herald*. . McCartney, J. (2004, 17/10/2004). The one sure thing is that we will all be losers in this game; Does Labour really believe we can't see the contradictions in its 'reform' of the gambling industry, asks Jenny McCartney. *Sunday Telegraph*. .

This approach would be used later in the FOBT debate, where the Campaign for Fairer Gambling (CFFG) would elevate it by having an ex-problem gambler as its spokesman and promote him as an expert on problem gambling, much in the same way as if a person who suffers from flu automatically becomes an expert on flu.

By the time the Gambling Bill was presented to Parliament for its First Reading on the 18<sup>th</sup> October 2004, the 'Kill the Bill' campaign was in full sway with the *Daily Mail* as its lead, followed by the *Guardian* and the rest of the newspapers not far behind. Some Labour backbenchers had started making open criticisms about the Bill and the Minister responsible for taking the Bill through, Lord McIntosh, was becoming exasperated; 'I've never known a bill be so misunderstood' he was reported as saying. 'More than 90 per cent of this bill is about [new] protection and not about casinos. It's about keeping out crime and cheating and introducing new protections for children and adults who may be vulnerable to problem gambling'.<sup>277</sup>

From the 20<sup>th</sup> October 2004, the day after the Bill had been published, until the Bill's Second Reading on the 1<sup>st</sup> November 2004 the media's attack on the government's plans intensified. Just on the 20<sup>th</sup> October 2004 alone, the *Daily Mail* published the following articles: 'The Shaming of New Labour', 'But He Just Shrugs and Says: Betting Is Part of Our Lives', 'Labour Sells Its Soul For \$100m', 'Super Casinos. . . And Jackpots Running Into Millions', 'We'll see the Damage Ten Years from now', 'Vulgar Riches Dazzle Nanny Jowell' and 'Councils Hit the Jackpot with "Bungs" For Casino Go-Ahead'.<sup>278</sup> The *Daily Telegraph* published:

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<sup>277</sup>Garrahan, M. (2004, 20/10/2004). Ministers defend gambling law reforms *Financial Times*. , Wintour, P. (2004, 18/10/2004). Jowell faces revolt on gambling. *The Guardian*.

<sup>278</sup>Brogan, B. (2004a, 20/10/2004). Casinos: Blair shows his hand; Gambling unlimited, but don't worry, says PM, it's just part of the fabric of society. *Daily Mail*. , Doughty, S., Tozer, J. (ibid.). Councils hit the jackpot with 'bungs' for casino go-ahead. , Field, F. (ibid.). My party has sold its soul for[pounds sterling]100m. , Gill, C. (ibid.). We'll see the damage ten years from now. , Glover, S. (ibid.). Vulgar riches dazzle nanny Jowell. , The Shaming of New Labour Bewitched by money and tarnished by corruption, this Government is sacrificing the most weak and vulnerable to the high priests of gambling. (ibid.). , Super casinos... and jackpots running into millions. (2004, 20/10/2004). *Daily Mail*.

'Gambling "to boom" after law change', 'Ministers set to place a pounds 4 billion bet on gambling revolution', 'Blair is gambling on replenishing the coffers' and 'Taking a punt on outrage'.<sup>279</sup> The *Times* adopted a similar strategy: 'Planned roulette reform puts betting groups in a spin', 'Government bets its safeguards will block rise of super casinos', 'Grab-a-toy machines at risk in crackdown on child gambling', 'Failure of Bill would lose Labour key seats' and 'Political wager; The Gambling Bill is in danger of adding to a dire problem'.<sup>280</sup> The *Daily Express* published: 'Will bets shake-up gamble with lives?', 'How the Cards Will Be Dealt', 'Lure of those instant jackpots' and 'Why We Should Take Chance on Gambling'.<sup>281</sup> The *Guardian*: 'Why would we want to be Europe's offshore Las Vegas?', 'Gambling bill: Beyond belief', 'Cabinet gamble on "Las Vegas" casinos', 'Labour's throw of the dice could protect punters - or fuel addiction', 'More places to lose my money in is a worry' and 'The Government's new Gambling Bill will make it so much easier for us to blow our hard-earned wages'.<sup>282</sup> The *Financial Times*, *Independent*, *Herald* and *Scotsman* would all carry more than one article on the topic - all critical - and as can be seen from the article titles, the *Daily Mail* and the *Guardian* being the most critical.

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<sup>279</sup> Blair is gambling on replenishing the coffers. (2004, 20/10/2004). *Daily Telegraph*. , Johnston, P. (ibid.). Gambling 'to boom' after law change. , Johnston, P. (ibid.). Ministers set to place a pounds 4 billion bet on gambling revolution. , Methven, C. (ibid.). Taking a punt on outrage.

<sup>280</sup> Baldwin, T., Coates, S. (2004, 20/10/2004). Grab-a-toy machines at risk in crackdown on child gambling; Gambling. *The Times*. , Coates, S., Baldwin, T. (ibid.). Failure of Bill would lose Labour key seats; Gambling. , Coates, S., Baldwin, T., Webster, P. (ibid.). Government bets its safeguards will block rise of super casinos; Gambling. , Hasell, N. (ibid.). Planned roulette reform puts betting groups in a spin; Stock markets. , Political wager; The Gambling Bill is in danger of adding to a dire problem. (ibid.).

<sup>281</sup> How the cards will be dealt. (2004, 20/10/04). *The Express*. , Lure of those instant jackpots. (2004, 20/10/2004). *The Express*. , Palmer, M. (ibid.). Why we should take chance on gambling; leader - as Britain prepares for the super casino. , Walker, K. (ibid.20/10/04). Will bets shake-up gamble with lives?; fears of an explosion in addicts as casinos offer £1m prizes.

<sup>282</sup> Comment & Analysis: Gambling bill: Beyond belief. (2004, 20/10/2004). *The Guardian*. , Dowling, T. (ibid.). G2: Inside story: Feeling lucky?: The government's new Gambling Bill will make it so much easier for us to blow our hard-earned wages. But which are the best ways to impoverish yourself? Tim Dowling offers some hot tips. , Morris, S. (ibid.). 'More places to lose my money in is a worry'. , Toynbee, P. (ibid.). Comment & Analysis: Why would we want to be Europe's offshore Las Vegas?: Super casinos will bring gambling addiction, poverty and urban blight. , Watt, N., Hall, S. (ibid.). Cabinet gamble on 'Las Vegas' casinos. , Watt, N., Hall, S. (2004b, 20/10/2004). Government insists new super casinos will be strictly regulated in the biggest betting revolution since 1960s: Labour's throw of the dice could protect punters - or fuel addiction. *The Guardian*.

Space does not permit more than this cursory overview of the hundreds of articles printed over the following fortnight, but in summary they argued that New Labour, motivated purely by tax revenues with no regard for problem gamblers, and influenced by corrupting casino operators, was whipping through the casino legislation ignoring the complaints of the public, church, Old Labour and many Tory MPs.<sup>283</sup> In a *Guardian* interview the Secretary of State repeatedly expressed anger and astonishment at the 'scale of misrepresentation' which her Bill had attracted in the media. Jowell felt compelled to assure MPs that there would be no "Las Vegas-style" casinos which simply duplicated the American model.<sup>284</sup>

As stated above, there has been very little analysis of the media campaign and this thesis can barely do it justice. Michael White and Nicholas Watt wrote in an October 2004 *Guardian* article entitled 'How the row over Jowell's

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<sup>283</sup> See Brogan, B. (2004b, 21/10/2004). Casinos: Labour blackmails MPs. *Daily Mail*. , Gibson, L. (ibid.23/10/2004). Confessions of a croupier; Anyone who believes Labour's claim that casinos benefit communities should read this devastating firsthand account of the misery, ruined lives and poverty they cause . . . and the ruthless greed of the operators. , Phillips, M. (ibid.25/10/2004). Tessa Jowell's cheap insults cannot hide the lies at the very heart of this Bill. ,Taylor, B. (ibid.30/10/2004). How gambling addiction drove a thug to do this. ,Thomson, A. (2004, 22/10/2004). Will gambling cure Labour's boredom? *Daily Telegraph*. ,Carlin, B. (ibid.25/10/2004). US casino giants 'offered secret tax deals by Labour'. ,Coates, S. (2004, 22/10/2004). US gambling head lobbied No 10 before Bill change. *The Times*. , High stakes; The Government's relationship with gambling looks too cosy. (ibid.26/10/2004). ,Jenkins, S. (ibid.27/10/2004). Bright lights, dingy ethics; Comment. . McSmith, A. (2004, 24/10/2004). Casinos get a thumbs down in new poll. *Independent on Sunday*. , Young, J. (2004, 24/10/2004). The Gambling Bill will give Gordon a tax jackpot. *Sunday Express*. ,Mathiason, N. (2004, 24/10/2004). Comment: Why Labour has decided to place a bet on casinos: Nick Mathiason says Atlantic City's turnaround is behind the gambling bill. *Observer*. ,Wavell, S. (2004). How Labour blew it at the casino. *Sunday Times*. ,Kite, M. (2004, 24/10/2004). 'Opponents of new gambling law are snobs,' says Tessa Jowell. *Sunday Telegraph*. ,D'Ancona, M. (ibid.31/10/2004). From Auntie Tessa to 'gangster's moll' Where once Tessa Jowell was accused of championing the 'nanny state', now she is demonised for presiding over a decline in the nation's morals. Here, the Culture Secretary talks to Matthew d'Ancona about the hardest week of her political life. ,Comment & Analysis: Social habits: Smoking out our views. (2004, 26/10/2004). *The Guardian*. , White, M. (2004, 25/10/2004). Jowell squares up to gambling bill critics. *Guardian*. ,Comment & Analysis: Social habits: Smoking out our views. (2004, 26/10/2004). *The Guardian*. ,Mcleod, M. (2004, 25/10/2004). 'Backdown' on threat of a casino in every town. *The Express*. , Woolf, M. (2004, 25/10/2004). New casinos will need backing from communities have to be approved by residents. *The Independent* . Blitz, R., E., J., Graahan, M. . (2004, 26/10/2004). Prescott tries to allay fears of casino flood *Financial Times*.

<sup>284</sup> White, M. (2004, 25/10/2004). Jowell squares up to gambling bill critics. *Guardian*.

*gambling bill erupted*' that Ministers had expected a "middle-sized dog nibbling at their ankles by now, not the pack in full cry".<sup>285</sup> They suggested that the factors that caused the media uproar were: Budd's excessively liberalising recommendations; the relatively inexperienced DCMS looking after the Bill; the topic not being interesting enough meaning the members of the Joint Scrutiny Committee ended up being mostly those with gambling interests; the influence of the big American casino operators; the photo of the Secretary of State and the roulette wheel; the Prime Minister's involvement in the Iraq War; and the editor of the *Daily Mail*, Paul Dacre's opposition to the Bill, so ensuring that there were anti-Bill articles every day. White and Watt's remaining reasons were focussed on the timing of the Bill, new procedures allowing the Bill to be 'rolled over' rather than put in the Queen's Speech for the following Parliamentary year and the absence of both the Secretary of State, due to family bereavement, and the No. 10 Communications Director, due to holiday, just before the Second Reading, to manage the campaign.

Future analysis may well show that the *Guardian*'s assertions about the influence of the US operators was minimal, especially considering the end result of the actual Act which saw no regional casinos licensed. It will probably also show that by not giving definitive numbers and locations to the proposed new casinos, the Government let the minds of the media and anti-gambling campaigners run free to imagine the worst and thus create a campaigning image of a nightmare scenario of morally feckless poor people becoming destitute and addicted in their droves. In a rare counter-view article, the writer and journalist David Aaronovitch argued in the *Guardian*:

the possibility of a few, larger casinos seems to have got everybody very heated. Heated, it seems to me, beyond the facts - heated enough for this to begin to take on the characteristics of a moral panic. And such moments generally contain the fear that others are about to behave

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<sup>285</sup> White, M., Watt, N. (2004, 27/10/2004). Policy and politics: How the row over Jowell's gambling bill erupted: What had seemed a well-aired issue suddenly became the focus of press rage. *The Guardian*.

appallingly in a way that one would not behave oneself - drugs, knives, guns, road rage, mad dogs, car theft, the list is long. If X is done, then the irresponsible part of the population will - almost inevitably - fall into Y.<sup>286</sup>

### **The Consequences for Casinos**

To summarise, the government's original plan was for market forces to decide the number of new casinos. No new casinos of 'club' size – like the majority that existed under the 1968 Gaming Act, would be allowed. There would be two categories of new casino, small and large and all with unlimited prize gaming machines. The largest casinos would be allowed an unlimited amount of gaming machines.

By the passing of the Gaming Act 2005 on 1<sup>st</sup> April 2005, the political pressure of an unrelenting press campaign based around a moral panic of runaway crime and problem gambling had caused dissent in the government's own ranks and highlighted even its own Ministers' anxieties about the proposals. The new regulatory regime would mean the only new casinos would be a pilot study of 8 large (maximum 150 limited gaming machines), 8 small (maximum 80 limited gaming machines) and 1 regional casino (maximum 1250 unlimited gaming machines).

The strength of the media campaign was such that when DCMS published, on its website, its *Statement of National Policy on Casinos* which outlined how the Government intended to regulate the new casinos in December 2004, it included a section on the 'Top Ten Media Myths Exploded'. DCMS, in other words, had been forced to publish rebuttals to the allegations made in the press, such as that there would be an unlimited number of casinos and that Government had been influenced by foreign lobbyists.<sup>287</sup> This press hysteria did not cease even though the numbers of new casinos had been set and at far

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<sup>286</sup> Aaronovitch, D. (ibid.26/10/2004). G2: What's wrong with a few new casinos?

<sup>287</sup> Department for Culture Media & Sport. (2005). *Demolishing the Top Ten Myths About the Government's Gambling Bill*. Retrieved 20/10/2023 from [https://webarchive.nationalarchives.gov.uk/ukgwa/20050301201853/http://www.culture.gov.uk/gambling\\_and\\_racing/gambling\\_bill/top10myths.htm](https://webarchive.nationalarchives.gov.uk/ukgwa/20050301201853/http://www.culture.gov.uk/gambling_and_racing/gambling_bill/top10myths.htm)

smaller numbers than originally anticipated since they would become a pilot scheme for further expansion.

The government would go on to appoint an independent advisory panel to advise on the areas in which the new casinos should be located.<sup>288</sup> The Government wanted to assess the 'impact of these new casinos' and therefore there needed to be: 'a sufficient number of casinos in each category to allow the impacts to be assessed in a range of areas and types of location that might be suitable (including, for example, urban centres and seaside resorts across different parts of Britain)'.<sup>289</sup> Local authorities would apply to be part of the pilot study, requesting to host either a small, large or regional casino. On 30<sup>th</sup> September 2005, the Minister announced the appointment of the Casino Advisory Panel (CAP).<sup>290</sup>

As the process of choosing the location took place, the press would take every opportunity to question the need for casinos, imply that corruption was involved and that casinos would lead to problem gambling.<sup>291</sup> To add to the government's worries were the revelations that Deputy Prime Minister, John Prescott MP (Labour, Kingston upon Hull East) had had meetings and stayed with Phil Anschutz, the boss of AEG, the American firm which was building the Dome next to Canary Wharf and wanted to host the regional casino there. While Prescott denied any impropriety and had no direct involvement with the

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<sup>288</sup>Department for Culture Media & Sport. (2004a). *Casinos: Statement of National Policy*. London: The Stationery Office,, p.2

<sup>289</sup>*Ibid.*, p.1

<sup>290</sup> Casino Advisory Panel press release 30/9/05 Casino Advisory Panel. (2009, 20/10/2023). *Casino Advisory Panel website*. Retrieved September 2017 from <https://webarchive.nationalarchives.gov.uk/ukgwa/20090204045123/http://www.culture.gov.uk/cap/press.htm>

<sup>291</sup> See: Local authorities hustle for casino jackpots. (2006, 05/04/2006). *Daily Telegraph*. , MacDermid, A. (2006, 05/04/2006). 27 councils at the table, but which can win supercasino? Glasgow has three plans in running for site. *Herald*. ,Hickley, M. (2006, 13/05/2006). Labour's casinos will mean more gambling addicts, admit bidders. *Daily Mail*. Moreton, C. (2006, 02/04/2006). Place your bets, please; News analysis: gambling Bids to host the massive new super casino must be in this weekend. So who is going to win? *Independent on Sunday*. , Doughty, S. (2006, 03/04/2006). Casino bosses gamble on a captive audience. *Daily Mail*.

choice of venue, it only added to the narrative of American corruption in the casino process.<sup>292</sup>

On 30<sup>th</sup> January 2007, Tessa Jowell MP, Secretary of State for the Department of Culture, Media & Sport asked the Speaker of the House of Commons permission to make a statement on the recommendations of the independent casino advisory panel. She then thanked CAP panel members and reminded the House that: 'Las Vegas is not coming to Great Britain' and reeled off the regulatory controls that would regulate the new casino industry.<sup>293</sup> The Secretary of State resolutely assured the House that the Government: 'cannot and will not even consider allowing further casinos until a proper evaluation over time has been made of the social and economic effects of the 17 casinos'.<sup>294</sup> She explained that Lancaster University had been commissioned to undertake a baseline study on the impact of the new casinos and that, in concert with the prevalence of studies also commissioned, would provide an evaluation of whether there should be more casinos. This would take at least three years after the award of the first licence. The independent casino advisory panel had chosen the casinos to best test social impact. In addition to this, the criteria for the new casinos were those areas 'in need of regeneration, which would benefit—in terms of new jobs—from a new casino, and to ensure that those areas selected are willing to license a new casino'.<sup>295</sup> Jowell then started on the meat of the statement: first listing those which had withdrawn from the process (Brent, Canterbury, Dartford, Thurrock and Woking); then those local authorities which had taken advantage of the opportunity not to have any casinos in their area (Hackney, St. Albans and Slough); and finally, the casino licence winners. The small licences were awarded to: Bath and North East Somerset, Dumfries and Galloway, East Lindsey, Luton, Scarborough, Swansea, Torbay and Wolverhampton. The large

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<sup>292</sup> Blackman, O. (2006, 04/07/2006). Prescott in US trip cash row. *The Times*.

<sup>293</sup> HC Deb 30/1/07 Vol. 456 c. 87

<sup>294</sup> HC Deb 30/1/07 Vol. 456 c. 87

<sup>295</sup> HC Deb 30/1/07 Vol. 456 c. 88



licences went to: Great Yarmouth, Kingston-Upon-Hull, Leeds, Middlesbrough, Milton Keynes, Newham, Solihull and Southampton. And the regional casino licence was awarded to Manchester.

When the statement was read out in the House of Lords on the same day, Baroness Golding (Labour) put forward the case for Blackpool, which had been the first location to campaign for resort casinos and had the majority of support in both Houses:

Blackpool would be a resort casino; the Dome would be a destination casino; and Manchester would be a city casino. The Select Committee said that the casino should not be in a city. I went to Australia and saw the damage caused by having a casino in a city. The Minister mentioned regeneration around the Dome. What regeneration has there been in Blackpool? The answer is none. What has there been in Manchester? There has been a lot. Blackpool needed this: it was waiting for it and will need it still.<sup>296</sup>

This would be the beginning of the end for the resort casino. What support the concept had in Parliament was for Blackpool, the originator of the concept; Manchester, an urban metropolitan area which was a beacon for Northern regeneration already, had no support.

By the time the House of Commons debate started on the draft Gambling (Geographical Distribution of Casino Premises Licences) Order 2007 on Wednesday 28<sup>th</sup> March 2007 it was obvious that this was a critical vote for the Government. This statutory instrument would designate where the casino licences would go, and both Commons and Lords were divided along similar lines, described by Lord Lipsey as:

There are those who are against gambling and casinos; those who do not like the choice of Manchester, and most of them would like the choice to be Blackpool; and there are those, among whom I include

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<sup>296</sup>HL Deb 30/1/07 Vol. 689 c. 174

myself, who have doubts about the procedure that has been followed<sup>297</sup>

The House of Commons, where MPs are whipped to vote for their party, voted in favour of the government by a slim majority; Ayes 274, Noes 250. The vote in the Lords would be different. Two amendments had been made; one by Baroness Golding to reinstate the Pre-Legislative Scrutiny Committee before a decision on the location of the regional casino could be made, and one by Lord Clement-Jones which went a step further and tabled what was known as a fatal amendment as it 'declines to approve the draft Order'.<sup>298</sup> Baroness Golding's amendment was rejected but Clement-Jones's was voted on and the result was Contents, 123; Not-Contents, 120. The Clement-Jones amendment had been passed and the Order was killed.

The following day's newspapers reflected their different perspectives on the casino debate. One article entitled 'Busted Flush' in the *Daily Mail* crowed:

The move is a victory for the *Daily Mail's* campaign against Labour's gambling policy. The Mail led a grassroots revolt joined by religious leaders and addiction experts to warn Ministers that the Government's ambition of a lucrative gambling reform led by Las Vegas- style gaming centres would cause lasting social damage.<sup>299</sup>

The Government returned to the House a year later with a new S.I. but without a location for the regional casino licence. Gordon Brown MP (Labour, Kirkcaldy and Cowdenbeath) took over from Tony Blair as leader of the Labour Party and became Prime Minister on the 27<sup>th</sup> June 2007. Brown had made it clear

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<sup>297</sup> HL Deb 28/03/07 Vol. 690 5.15pm [Online Hansard has stopped giving column number and has replaced with times] UK Parliament: House of Lords. (2007). *Hansard: Gambling (Geographical Distribution of Casino Premises Licences) Order 2007*. Retrieved 27/06/2022 from [https://hansard.parliament.uk/lords/2007-03-28/debates/07032873000009/Gambling\(GeographicalDistributionOfCasinoPremisesLicences\)Order2007](https://hansard.parliament.uk/lords/2007-03-28/debates/07032873000009/Gambling(GeographicalDistributionOfCasinoPremisesLicences)Order2007)

<sup>298</sup> House of Lords Business and Minutes of Proceedings, No. 66, 28/3/07, from the private archive of Baroness Golding. House of Lords Business and Minutes of Proceedings, No. 66

<sup>299</sup> Merrick, J. (2007, 29/03/2007). A Busted Flush; Despite her wheeler-dealing, peers leave Jowell's casino plan in tatters. Will her career be far behind? *Daily Mail*.

that he was no fan of casinos and in response to a question from Andy Reed MP (Labour, Loughborough) on the 11<sup>th</sup> July 2007, let it be known that the Government would: 'now look at whether regeneration in the areas for the super-casinos may be a better way of meeting their economic and social needs than the creation of super-casinos'.<sup>300</sup>

The regional casino licence remains on the statute books, but no Government has since then considered activating it. The destruction of Tony Blair's vision of casinos at British seaside resorts regenerating their broken economies obviously upset the Labour leader as he wrote in his autobiography:

It is a real shame for the places for which no very obvious alternative form of investment will be available. It was the worst form of Puritanism – partisan as well as ineffectual. So people can gamble to their hearts' content and their wallets' limit – but not in a brand-new town complex with casino, entertainment centre, sports facilities and shops.<sup>301</sup>

Over the following years it became apparent that many locations were chosen by the CAP for pilot study purposes and not for commercial reasons and hence no operator has stepped forward for them, equally some local authorities changed their minds and have adopted the no casino approach for their gambling policies. DCMS gave little steer to local authorities on how to conduct competitions for the new licences, so the local authorities had to seek advice and a number of court cases were heard, thus delaying proceedings and the financial crisis of 2008 made investors scarce. The first 2005 Act casino was opened at Westfield shopping centre, in Stratford, London by the Aspers Group in December 2011.

As of June 2022 the status of the Gambling Act 2005 casinos was:

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<sup>300</sup>HC Deb 11/7/07 Vol. 462 c. 1437

<sup>301</sup>Blair, T. (2010). *A Journey* (Kindle ed.). Random House. , pp. 635-5

Table 5: Status of 2005 Act Casino Licences

<b><u>Small Casino Licence</u></b>	<b><u>Status</u></b>	<b><u>Large Casino Licence</u></b>	<b><u>Status</u></b>
Bath and North East Somerset District Council	Opened then Closed <sup>302</sup>	Great Yarmouth Borough Council	Issued provisional statement to applicant 2012 which expired in 2017. No licence granted since <sup>303</sup>
East Lindsey District Council	No licence issued <sup>304</sup>	Kingston upon Hull City Council	Provisional statement issued in 2011 <sup>305</sup> . Casino has never opened
Luton Borough Council	Open <sup>306</sup>	Leeds City Council	Open <sup>307</sup>

<sup>302</sup> casinos4dummies.co.uk. (2012, 23/1/2023). *Bath Casino Licence Decided*. Retrieved 28/06/2022 from <http://www.casinos4dummies.co.uk/bath-casino-licence-decided/>, Connolly-bath, N. (2017, 08/11/2017). Operators of new casino in Saw Close pull out before it's even opened. *Bath Chronicle*. <https://www.bathchronicle.co.uk/news/bath-news/operators-new-casino-saw-close-739327>, Mills, R. (2020, 02/07/2020). Company that runs casino in Bath goes into liquidation. *Somerset Live*. <https://www.somersetlive.co.uk/news/somerset-news/company-runs-casino-bath-goes-4284872>

<sup>303</sup> East Lindsey District Council. (2021). *East Lindsey District Council Gambling Policy (Statement Of Principles) Gambling Act 2005*. East Lindsey, Great Yarmouth Borough Council. (2021). *Gambling Act 2005 - Statement of Principles (Gambling Policy)* Great Yarmouth

<sup>304</sup> East Lindsey District Council. (2021). *East Lindsey District Council Gambling Policy (Statement Of Principles) Gambling Act 2005*. East Lindsey

<sup>305</sup> Clegg, P. (2011, 15/02/2011). Hull awards first large UK licence. *InterGame*. <https://www.intergameonline.com/casino/news/hull-awards-first-large-uk-licence>

<sup>306</sup> Grosvenor Casinos. (2023). *Grosvenor Casino Luton*. Rank Group. Retrieved 19/01/2024 from <https://www.grosvenorcasinos.com/local-casinos/luton>, The Rank Group. (2015). *Experiencing Entertainment - The Rank Group Plc Interim Results For The Six Months Ended 31 December 2014*.

<sup>307</sup> Victoria Gate Casino. (2023). *Victoria Gate Casino*. Retrieved 23/10/2023 from <https://victoriagatecasino.co.uk/>

Scarborough Borough Council	Open <sup>308</sup>	Middlesbrough Borough Council	Provisional statement issued in 2012 . Casino has never opened <sup>309</sup>
Swansea City and County Council	Council ruled no casino in gambling policy until 2025 <sup>310</sup>	Milton Keynes Borough Council	Open <sup>311</sup>
Torbay Borough Council	Council ruled no casino in gambling policy until 2025 <sup>312</sup>	Newham London Borough Council	Open <sup>313</sup>
Wigtown Divisional Licensing Board	No licence ever issued <sup>314</sup>	Solihull Metropolitan Borough Council	Open <sup>315</sup>

<sup>308</sup> Opera House Casino. (2024). *Welcome to Opera House Casino Scarborough*. Retrieved 19/01/2024 from <https://operahousecasino.co.uk/>, Phil. (2019, 24/01/2019). UK – Scarborough's Opera House Casino to fulfil 'small' casino licence. G3 Newswire.

<sup>309</sup> Middlesbrough Council. (2019). *Statement of Principles in relation to the Gambling Act 2005* Middlesbrough Retrieved from <https://www.middlesbrough.gov.uk/media/crepgrba/gambling-policy-2019-2022.pdf>

<sup>310</sup> City and County Of Swansea. (2022). *Statement of Principles Gambling Act 2005 (Gambling Policy)*. Swansea, Gregory, R. (2020). Swansea may commission a new casino in 2020. *Wales247.com*. <https://www.wales247.co.uk/swansea-may-commission-a-new-casino-in-2020>

<sup>311</sup> Aspers Casino Group. (2023b). *The Casino MK*. Retrieved 28/06/2022 from <https://www.thecasinomk.co.uk/>

<sup>312</sup> Torbay.Gov.Uk. (2023). *Gambling Statement of Principles 2022 - 2025*. Retrieved 28/06/2022 from [https://www.torbay.gov.uk/council/policies/licensing-policies/gambling-statement-of-principles/gambling-statement-of-principles-2022-2025/#\\_Toc90378378](https://www.torbay.gov.uk/council/policies/licensing-policies/gambling-statement-of-principles/gambling-statement-of-principles-2022-2025/#_Toc90378378)

<sup>313</sup> Aspers Casino Group. (2023a). *Aspers Casino Westfield Stratford City*. Retrieved 28/06/2022 from <https://www.aspersstratford.co.uk/>

<sup>314</sup> Dumfries & Galloway Licensing Boards. (2016). *Statement of Principles under the Gambling Act 2005, Section 349 2016-2019*. Retrieved from [https://www.dumgal.gov.uk/media/17460/Statement-of-Gambling-Principles/pdf/gambling\\_principles\\_16-19.pdf](https://www.dumgal.gov.uk/media/17460/Statement-of-Gambling-Principles/pdf/gambling_principles_16-19.pdf)

<sup>315</sup> Licence granted to £120m casino project. (2011, 29/06/2011). *thebusinessdesk.com*. <https://www.thebusinessdesk.com/westmidlands/news/185950-licence-granted-to-120m-casino-project>, Resorts World Birmingham. (2023). *Resorts Word Birmingham*. Retrieved 28/06/2022 from <https://www.resortsworldbirmingham.co.uk/casino>

in the area of Dumfries and Galloway Council			
Wolverhampton City Council	Open <sup>316</sup>	Southampton City Council	Licence awarded in 2015 but yet to open <sup>317</sup>

Probably the most serious outcome of the whole affair is that the British casino industry has been in aspic since the passing of the 2005 Act. There can be no new casino licences until a study has been conducted of the social impact of the new casinos and no Government has given any indication of wanting to undertake such a task. The Gambling White Paper of 2022 has said the government: 'will take steps to free up unused 2005 Act casino licences where there is no prospect of development for reallocation to other local authorities', but this may take years to happen as it will need an amendment of primary legislation.<sup>318</sup>

If you want to open a new casino you can only do so by purchasing an existing licence. These can only be operated in the local authority areas in which they were originally licensed. Thus those licenses which are no longer operational for commercial reasons have neither use or value. The areas in which they were licensed have no commercial opportunity and as such there is no value to them. The permitted areas for the 1968 Act were set in 1971 so many of them have completely different demographics now. The 2005 Act locations were

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<sup>316</sup> £7.6m Casino 36 opens in Wolverhampton. (2016, 13/11/2016). *BBC.co.uk*. <https://www.bbc.co.uk/news/uk-england-birmingham-37967999> Genting Casinos. (2022). *Genting Casinos UK Ltd completes acquisition of Casino 36 UK Limited*. Retrieved 23/10/2023 from <https://www.gentingcasinos.co.uk/news/genting-casinos-uk-ltd-completes-acquisition-of-casino-36-uk-limited/>

<sup>317</sup> Author was a consultant to Aspers who won the licence

<sup>318</sup> Department for Culture Media & Sport. (2023a). *High Stakes: Gambling Reform for the Digital Age*. HMSO.

chosen as a test, meaning many were commercially unviable from the start (e.g. Wigtown) and many do not want casinos in any case.

### **Policy failure or success?**

This case study is one of policy failure, but that is why it is a case study. It shows how a government's policy can not only collapse under the pressure of moral panic but how the government's work-around solution proves worse than the original situation – where there was not any actual policy problem.

Because the recipient was gambling, an industry with little political muscle or support and the fact that the policy outcome stopped something from happening rather than changed something already in existence, there has been practically no political or media interest to resolve things. The 2023 White Paper actually appreciated that the outcome of having had a 'test period' for the new casino licences had effectively put the casino market in aspic, with no new licences being able to be issued and the uncommercial ones unable to be moved geographically. The White Paper stated:

When the 2005 Act was passed, the then government planned to review the changes in 2014, but only two of the new casino licences were active at that stage. There are now [2023] seven active 2005 Act casinos from which to draw conclusions, with another one having opened and then closed again. The House of Lords Select Committee report recommended in 2020 that casinos should be regulated under the same system regardless of when their licence was created.<sup>319</sup>

The White Paper would go on to recommend that 1968 Act casinos would be allowed up to 80 slots, 2005 Act Large and Small casinos will both have a 5:1 slot to table ratio and all casinos would be allowed to offer sports betting. As for the casino licensing process, it rather vaguely promises that government: 'will take steps to reallocate unused 2005 Act casino licences to other local

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<sup>319</sup>Ibid., p.177

authorities'.<sup>320</sup> For the British land-based casino industry this can be seen as a victory, albeit one to right the wrongs of 18 years of poor policy-making.

However serious was the failure of the government's attempt to bring in a new casino regime, it should be noted that no criminality happened, there was no increase in problem gambling and no occurrence of rigged gambling. The main tenets of the Gambling Act 2005 were upheld.

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<sup>320</sup> Ibid.p.10



## Chapter 4: Case Study Two – The Fixed Odds Betting Terminals debacle

### Introduction

In this chapter we see the first proper evidence for Masked Morality, with the introduction of the interest groups: the Campaign for Fairer Gambling (CFFG), the All Party Parliamentary Group on Fixed Odds Betting Terminals (APPGFOBTs) and the funder of both, multi-millionaire casino games salesman Derek Webb. What they successfully campaigned against were Fixed Odds Betting Terminals (FOBTs) in betting shops. They argued that they created problem gamblers. They prompted a media furore about it, yet, much to the complaint of DCMS, failed to provide any evidence. In return, the bookmaking industry remained cloth-eared and complacent to the political debate. The DCMS held out for a number of years trying to find an evidence-based solution, but then, when it had a Minister in post who was not a fan of gambling, gave in to the hysteria.

The importance of this case study is that this is the first time we see anti-gambling lobbyists successfully getting a form of gambling effectively abolished. With no follow up research we have no means of knowing whether the concerns of the anti-gambling group were well founded. There is no evidence that problem gambling was reduced by the effective abolition of FOBTs. The anti-gambling lobby however, buoyed by their success, would then set their sights on the online gambling industry, which will be the focus of the following chapters' case studies (where the lobby is joined by activist academic research).

Due to the constraints of space, this chapter will not reproduce a comprehensive history of the FOBT debacle which started at the turn of the century and lasted until *The Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018* came into force on 1st April 2019. This reduced the maximum stake on a B2 machine from £100 to £2, which was tantamount to abolishing them. As can be seen from Appendix 1, the number

of FOBTs located in betting shops goes from their peak deployment in 2014-15 of 34,780 machines in betting shops, to just prior to the implementation of the £2 limit in 2019 when there were 32,652 and then to the latest statistics at the time of writing, which shows that there were only 84 FOBTs in betting shops in 2020/21.

This chapter will consider the different phases of the FOBT debacle. The term debacle is used for this case study as it is the area where the policy actors identified as being part of Masked Morality, learn and implement their tactics. Arguably, it is also the beginning of the backlash against gambling as examined in chapters 4 and 5. The reason it was a debacle is that the response of the betting sector was complacent to say the least. Other sectors of the gambling industry at times sided with the anti-gambling lobby. Their actions are not considered Masked Morality as they were blatantly acting in their own business interests even though this would come back to hurt them later. A 'what if?' question that hangs over this analysis is: had the bookmakers offered a better defence and been joined by the rest of the gambling industry, could FOBTs have been saved and the onslaught against gambling been prevented?

First, FOBTs need to be explained and why there were campaigns against them. FOBTs are defined by the House of Commons Research Library as:

electronic machines, sited in betting shops, on which customers can play a variety of games, including roulette. Each machine accepts bets for amounts up to a preset maximum and pays out according to fixed odds on the simulated outcomes of games.<sup>321</sup>

FOBTs were invented in the late 1990s by Steve Frater and Walter Grubmuller of Global Draw, now part of Scientific Games.<sup>322</sup> The genius of their invention

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<sup>321</sup>Woodhouse, J. (2017). *Fixed Odds Betting Terminals*. (Number 06946). London, p.4

<sup>322</sup>Bridge, S. (2009, 23/08/2009). Bookie machine jackpot; Payout tops [pounds sterling]6m. *Mail on Sunday*.

was to first realise that roulette, by far the most popular game on the machine, was just a series of fixed-odds bets and that second, a betting machine was legal under the Betting, Gaming and Lotteries Act 1963 which allowed them to be placed in betting shops and roulette to be played outside of a casino. This is why in some early references to them they are called fixed odds betting machines (FOBMs). The inspiration for the FOBTs is reported as the introduction of the National Lottery but it may well have come from the automated roulette terminals that were first allowed in casinos in 1998/99.<sup>323</sup> What boosted their success was the change in betting taxation that was announced in the Budget of 2001, which ended betting duty being levied on stakes and introduced a gross profits tax. Effective on the 1<sup>st</sup> January 2002, this made low margin gambling products like roulette viable in betting shops and their rollout started across the nation's betting shops.<sup>324</sup>

Due to a lack of statistics until 2007/08, we can see that in less than a decade it was estimated that there were 27,000 FOBTs in 8,800 betting shops giving an average number per shop of 3.1.<sup>325</sup> Such a growth of a gambling product did not go un-noticed, especially as they had the highest stake limit of any gaming machine including those found in casinos.<sup>326</sup> The £100 stake limit was due in part to history and in part to the nature of the machine. Prior to the passing of the Gambling Act 2005, they were considered automated betting machines and thus not subject to stake or prize limits as gaming machines are. The British casino industry, which saw roulette machines being played outside casinos as a competitive threat, pressurised the then regulator, the Gaming Board for Great Britain (GBGB), to act. The GBGB duly did so on the basis that roulette

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<sup>323</sup>Gaming Board for Great Britain. (2000). *Report of the Gaming Board for Great Britain 1999/2000*. (HC 616). London: The Stationery Office,, p.18

<sup>324</sup>HM Treasury. (2001). *Budget 2001 Investing for the Long Term: Building Opportunity and Prosperity for All*. (HC 279). London: The Stationery Office,, p.76

<sup>325</sup> Prior to the implementation of the Gambling Act 2005 in 2007, FOBTs were automated betting terminals and not subject to industry statistics. Gambling Commission. (2008). *Gambling Industry Statistics 2007 | 08*. Gambling Commission,, pp.2 & 7

<sup>326</sup> Category B1 gaming machines, allowed only in casinos had a maximum stake of £2 and a maximum prize limit of £4,000

should only be played in a licensed casino.<sup>327</sup> With a potentially very expensive court case beckoning and a new Gambling Act looking imminent, it was decided that an agreement would be made and that the new law would resolve the issues.<sup>328</sup> From 2004, each betting shop could have a maximum of four FOBTs, playing restricted speed of play roulette only, with a maximum prize of £500 and maximum stake of £100. The bookmakers' trade association, the Association of British Bookmakers (ABB), would agree to a code of conduct that would include responsible gambling messaging and would commission research into the impact of FOBTs on problem gambling.<sup>329</sup> With the passing of the Gambling Act 2005, FOBTs would be categorised as B2 slot machines, which could only be located in betting shops and casinos and retained the same stake and prize limits.<sup>330</sup>

Betting shops were allowed both category B2 machines (FOBTs) and B3 machines (slot machines). B3 machines were only allowed a £1 stake (raised to £2 in 2011).<sup>331</sup> The reason for B2 machines having higher stake limits was that they were two different machines playing two different games. B3 machines were traditional slot machines that depended on low stake long odds games that had the potential for a high payout. A B3 machine could easily reach its maximum payout (£500) with just a £1 stake, just not very often. A B2 machine, which played a roulette game has as its highest payout 35-1 for getting a correct single number. The majority of bets are very low payouts such as evens or 2-1. This means that a £1 stake would just return £36 for the biggest possible win, not very appealing to a gambler, so a roulette game needs a higher maximum stake than a slot machine, so that its player can place numerous

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<sup>327</sup> Mammon: Betting on the Lady to win: Penelope Cobham may be Establishment to the core, but she's poised to bring about a gambling revolution. Nick Mathiason on the Queen of the Tables. (2003, 19/10/2003). *The Observer*.

<sup>328</sup> Gaming Board for Great Britain. (2003). *Report of the Gaming Board for Great Britain 2002-2003*. (HC 820 SE/2003/166). London: The Stationery Office,, pp.4-5

<sup>329</sup> Gaming Board for Great Britain. (2004). *Report of the Gaming Board for Great Britain 2003-2004*. (HC 866 SE/2004/127). London: The Stationery Office,, pp.13-14.

<sup>330</sup> Gambling Commission. (2006b). *Report of the Gambling Commission 2005|06*.. London: HMSO,, p.35

<sup>331</sup> The Categories of Gaming Machine (Amendment) Regulations 2011, (2011).

bets per spin on the virtual table. This distinction between the two machines had more relevance in years to come as the Campaign for Fairer Gambling (CFFG) would lobby to have the B2 stakes reduced to the same as B3. The campaign group stated that it was just after a parity of staking, when, this author would argue, it was, in fact, seeking to destroy it as a product -- as was eventually achieved.

The campaign against the FOBTs takes many frames over its twenty year history, similar to Cairney & Studlar's concept of 'blended policy' as mentioned in chapter two.<sup>332</sup> The first frame is that of the reaction of left-wing Labour MPs and councillors to the apparent growth in the number of betting shops, clustered around certain locations. This was fuelled by a desire to 'clean up' neighbourhoods of betting shops, pay day loans and lap dancing clubs. The campaign against the number of betting shops then evolves into a reaction to the FOBTs themselves, as they are seen as the catalyst for the growth in betting shops. This then evolves into a classic leftist anti-gambling argument that the machines are preying on the poor. The next phase is the impact of the emergence of our first policy actors involved in Masked Morality, the Derek Webb funded CFFG and the Parliamentary All Party Group on FOBTs (APPGFOBTs).<sup>333</sup> These anti-gambling pressure groups will make the argument that FOBTs were causing problem gambling and will use misrepresentations of the facts to enhance their cause. This disinformation will create the zombie memes that will become a feature of every part of the anti-gambling crusade. The next two phases look at the response of gambling's sponsoring government department, the Department for Culture, Media and Sport (DCMS) and how this differed under Ministers responsible for gambling who had no ideological opposition to gambling and one who did. Then the response of the betting industry will be considered, as will the ultimate outcome

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<sup>332</sup>Cairney, P., Studlar, D., Mamudu, H. (2012). *Global Tobacco Control: Power, Policy, Governance and Transfer*. Palgrave Macmillan,.

<sup>333</sup> APPG = All Party Parliamentary Group. APPG's are groups of backbench MPs and MPs interested in a country or subject. They are akin to a school debating society and have no formal powers but do, in many cases, exert informal influence.

of the debacle, the effective abolition of FOBTs. This case study shows how effective well-funded lobbying can be in defining a policy problem and forcing a government to react in a way that the lobbyists want (in this case, abolition) This was the first time a form of gambling was effectively outlawed by the efforts of anti-gambling groups in the modern era.

### **Left wing Labour and Betting Shop Clustering**

The growth of betting shops on the high Street can be seen as partly due to a perception issue. As the Culture, Media & Sport Select Committee inquiry, *The Gambling Act 2005: A Bet Worth Taking* in 2012/13 would state:

Whilst acknowledging that the geographical distribution of betting shops was changing, the Association of British Bookmakers (ABB) pointed out that there had been no net increase in the number of UK betting shops since the 2005 Act came into effect in September 2007.<sup>334</sup>

As Appendix 2 shows, the increase in the actual number of betting shops was only very tiny. What had happened was that the betting firms' corporate strategy aimed to move their betting shops from tertiary and secondary locations to the high street. This was assisted by three factors. First, under the Town and Country Planning (Use Classes) Order 1987, betting shops were class A2 which included financial and professional services other than health or medical services. This meant that if a bank or building society or other relevant type of service departed the high street, a bookmaker could occupy the premises without the need for planning permission. Second, the impact of the 2008/09 recession combined with the growth of internet banking had caused many of these banks and building societies to leave the high street so making space available. Third, the Gambling Act 2005 included a clause in the part dealing with Premises Licences – Principles to be applied, section 153 (2), which

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<sup>334</sup>Department for Culture Media & Sport. (2013d). *Government Response to the Select Committee Report: The Gambling Act 2005: A Bet Worth Taking?* (CM 8531). London: The Stationery Office,, p.20. The author was a special advisor to the Committee.

stated: In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide. These two bits of legislation combined with the economic conditions made it easier than ever before for a bookmaker to set up a betting shop on the high street. It should also be noted that the high profile design of the betting shops compared to the tawdriness of many retail outlets meant that they stood out.

Political pressure over the number of betting shops intensified in 2010. Prior to that there had been only a handful of questions in both Houses of Parliament and mentions in even fewer debates.<sup>335</sup> Newspapers were also not picking up on the story, with just a few comments about clustering, the majority coming from the usual anti-gambling stance of the *Guardian/Observer*.<sup>336</sup> Betting shop clustering was discussed in Whitehall, though. In December 2008, a joint Departmental (Cabinet Office, Home Office, Communities and Local Government and the Department for Work and Pensions) paper was published entitled, '*Fair rules for strong communities*'.<sup>337</sup> This was a policy document that pre-empted the Queen's Speech given the day afterwards. It stated that the Government realised that there were concerns about excessive drinking promotions in pubs, the proliferation of lap dancing clubs and clusters of betting shops in town centres and that it would investigate how the licensing

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<sup>335</sup> E.g. HL Deb 4/6/07 Vol. 692 c. 875, HL Deb 11/10/07 Vol. 695 c. 391, HC Deb 22/2/08 Vol. 472 c. 738,

<sup>336</sup> Mathiason, N. (2007, 13/05/2007). First person: Why I'm determined to stop bookies taking over our high streets: Amid the fuss about casinos, the spread of betting shops has been ignored. Nick Mathiason explains why his own neighbourhood is fighting back. *The Observer*. , McNeil, A. (ibid.20/05/2007). Comment & Debate: Your Letters: The big issue: betting shops: The blight destroying our high streets. , Sieghart, M. A. (2007, 24/05/2007). Give local people the power to halt high street cloning; Column. *The Times*. , Hill, D. (2007, 31/10/2007). Comment & Debate: Bookie-phobia is a class issue but we need controls. *The Guardian*. , Hunt, T. (2009, 07/08/2009). Comment & Debate: Betting shops and strip clubs stand as monuments to New Labour morality: The consequences of 12 years of relativism and market choice can be seen on almost every street corner in Britain. Ibid.

<sup>337</sup> Communities and Local Government. (2008). *Fair rules for strong communities*. Wetherby: Communities and Local Government Publications,

framework and planning system could provide local authorities with sufficient powers to address this issue.<sup>338</sup>

This was the beginning of localism as a political policy, the devolving of power from Whitehall to local authorities and communities. It would not be embraced by the Labour Government as promised due to the pressing needs of the financial crisis but was taken up by the Conservative Government which passed the *Localism Act 2011*. The 2010 Labour Party Manifesto promised to 'give councils new powers to oppose gambling licences if there are too many betting shops operating in a high street'.<sup>339</sup>

Freed from the constraints of Ministerial power by Labour's general election loss, David Lammy MP (Labour, Tottenham) became one of the first champions in the campaign against betting shop clustering and later FOBTs. He had been quietly campaigning against the increase in the number of bookmakers in his Tottenham constituency for many years, with a letter to his local newspaper applauding Haringey Council's decision to refuse a betting shop application as the first searchable example.<sup>340</sup> It appeared that Lammy's original intention was a broader 'clean up' of Haringey's high streets, in his support of the work of the Ladder Community Safety Partnership.<sup>341</sup> This was involved in attempts to regenerate the Green Lanes area of Haringay (confusingly an area in the Borough of Haringey). Both made submissions to the 2012/13 Culture, Media & Sport Select Committee inquiry into the Gambling Act.<sup>342</sup> They saw the number

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<sup>338</sup>*Ibid.*, p.45

<sup>339</sup> The Labour Party. (2010). *The Labour Party Manifesto 2010, A future fair for all*. The Labour Party. p.7:5

<sup>340</sup> Letter by David Lammy MP. (2007, 20/11/2007). Shop refusal a safe bet. *Tottenham & Wood Green Independent*.

<https://www.thetottenhamindependent.co.uk/news/1846445.shop-refusal-a-safe-bet/>

<sup>341</sup> Haringay Ladder Community Safety Partnership Haringay Online Wiki. (2023). *Ladder Community Safety Partnership (LCSP)*. Retrieved February 2018 from [http://haringayonline.pbworks.com/w/page/16838994/Ladder%20Community%20Safety%20Partnership%20\(LCSP\)](http://haringayonline.pbworks.com/w/page/16838994/Ladder%20Community%20Safety%20Partnership%20(LCSP))

<sup>342</sup> David Lammy MP submission to the Culture, Media and Sport Committee inquiry into the Gambling Act: UK Parliament. (2011c). *Written evidence submitted by David Lammy MP (Labour, Tottenham) (GA 47) submission to the Culture, Media and Sport Committee inquiry into the Gambling Act.*. Retrieved February 2018 from



of betting shops in the Green Lanes area as a problem (as were a number of premises types) and wanted to use planning as a way of limiting their numbers. When this did not work due to the planning loophole, the Ladder Community Safety Partnership and Lammy started campaigning against betting shop proliferation. He submitted six written questions, all fact-finding, on the subject in the May 2010 – December 2011 Parliamentary session.<sup>343</sup> His most significant contribution was his Adjournment debate on Bookmakers and Planning (Haringey) on the 24th November 2010:

Across the country, we are seeing some of the institutions that form the fabric of our local communities being taken over by big business. Pubs, community centres, independent stores and post offices are being replaced by supermarket chain stores, chain bookmakers and pay-day loan shops.<sup>344</sup>

He then linked the clustering of betting shops to FOBTs:

that allow people to play casino games with casino stakes, but at three times the speed. They are highly addictive, allowing users to place stakes of £100 a time, and are known as the crack cocaine of betting for that reason. Such machines are what make betting shops profitable, and the limit of four per shop is what makes further betting premises viable.<sup>345</sup>

The Minister with responsibility for planning, the Parliamentary Under-Secretary of State for Communities and Local Government, Robert Neill MP (Conservative, Bromley and Chislehurst), responded that all a local authority needed to do to object to such a situation is use an Article 4 Direction that imposed the need for planning permission. Neil dismissed Lammy's claims that

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<https://publications.parliament.uk/pa/cm201012/cmselect/cmcumeds/writev/gambling/m47.htm>. Ladder Community Safety Partnership's submission to the Culture, Media and Sport Committee inquiry into the Gambling Act: UK Parliament. (2011g). *Written evidence submitted by the Ladder Community Safety Partnership (LCSP) (GA 08) to the Culture, Media and Sport Committee inquiry into the Gambling Act*. Retrieved February from <https://publications.parliament.uk/pa/cm201012/cmselect/cmcumeds/writev/gambling/m08.htm>

<sup>343</sup> HC Deb 22/06/10 c. 107WA, HC Deb 05/07/201 c.50WA, HC Deb 26/07/10 c. 602WA, HC Deb 27/07/10 c.1034WA, HC Deb 28/10/10 c.408WA (X2)

<sup>344</sup> HC Deb 24/11/10 Vol. 519 c. 403

<sup>345</sup> HC Deb 24/11/10 Vol. 519 c. 404

such an approach took too much time and was too costly for a local authority to enter in to every time it wanted to ban a betting shop. Lammy continued to campaign, including writing on the *Guardian* website and participating in a Westminster Hall debate on problem gambling, initiated by Philip Davies MP (Conservative, Shipley), who quipped: 'I know that the right hon. Gentleman has a bee in his bonnet about this issue, but I do not share his concern'.<sup>346</sup>

Lammy's motives were obviously to do with the welfare of his constituents, but it is worth noting that this grass roots issue played well for him when he was considered by some in the press as a potential (long-shot) candidate for the London Mayoralty elections due in 2012. Later, when Lammy became campaign manager for Ken Livingstone, the eventual Labour candidate, Livingstone campaigned on it too.<sup>347</sup> It was also picked up by Ed Miliband MP (Labour, Doncaster North) in his campaign for the leadership of the Labour Party, which started shortly after Gordon Brown's election defeat in May.<sup>348</sup> The narrative was much as had been written in the manifesto (see above): that there were now excesses on the high street in terms of the proliferations of lap dancing clubs and betting shops; that the current laws did not allow for local feelings to be represented; and that, as Miliband argued, this was a fault of New Labour. Brown had used the rejection of the Regional casino to help

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<sup>346</sup>Lammy, D. (2011, 22/02/2011). Give people the freedom to curb high-street gambling. *The Guardian*.

<https://www.theguardian.com/commentisfree/libertycentral/2011/feb/22/problem-gambling-betting-bookies-casinos>. HC Deb 17/5/11 Vol. 528 c. 60WH

<sup>347</sup> Lammy, D. (2010, 02/06/2010). Comment: London's best hope is Ken: The mayoral election will be a key fight. Labour must pick a heavyweight now to knock out Boris. *Ibid.*, Mulholland, H. (ibid.27/05/2010). Front: Her childhood dreams of No 10 didn't work out. Now Oona King sets sights on city hall: Former MP enters race to be next mayor of London She has 'paid the price' for supporting the Iraq war. , Ken Livingstone: Halt the rise of betting shops. (2012, 12/04/2012). *London Evening Standard*. <https://www.standard.co.uk/hp/front/ken-livingstone-halt-the-rise-of-betting-shops-6512013.html>, Kleebauer, A. (2010, 09/09/2010). Ken calls for powers to curb bookies in Hackney. *Hackney Gazette*. <https://www.hackneygazette.co.uk/news/local-council/22949609.ken-calls-powers-curb-bookies-hackney/>

<sup>348</sup>Riddell, M. (2010, 12/06/2010). "New Labour was stifling debate; INTERVIEW Leading party figures are alarmed at Ed Miliband's attacks on the old guard, but Mary Riddell says he could win them over. *Daily Telegraph*. , Miliband, E. (2010, 15/07/2010). How we can solve our Southern discomfort; New Labour promised aspiration but accepted an economy of low wages. That must change. *The Times*. , Phillips, M. (2011, 17/01/2011). Watch out, Dave. Red Ed's making a cynical grab for your Big Society. *Daily Mail*.

define his premiership as different from Tony Blair's. A group of left-wing London-based Labour MPs would also define themselves by campaigning against betting shops and FOBTs, which were ultimately a product of Blairite regulation. Lammy's campaign grew in July 2011 when Joan Ruddock MP (Labour, Lewisham and Deptford) had the first reading of her Private Members Bill passed, which would give betting shops a *sui generis* planning class, make local planning authorities assess demand for betting shops when considering applications, and place a cap on the number of betting shops in any area.<sup>349</sup> The campaign was elevated to almost party policy status at the end of the year when another left-wing London MP, Harriet Harman (Labour, Camberwell and Peckham), published her own report on the topic. Harman was Deputy Leader of the Labour Party, Labour Party Chair and Shadow Secretary of State for Culture, Media and Sport. Her report, '*The Problem of Betting Shops Blighting high streets and Communities in Low-Income Areas*', published in November 2011, stated:

High streets in low - income areas across the UK are blighted by the prevalence of bookmakers. The lives of many of the people in those areas are also blighted by the problem gambling that they exacerbate; this is driven by the proliferation of high-stake, rapid play B2 gaming machines in bookmakers. These gaming machines are the main profit generators. Because there's a limit on the number of machines per shop bookmakers open a proliferation of shops to get as many machines as possible in each high street.<sup>350</sup>

The argument against betting shops had evolved from there being too many of them, to their proliferation being driven by FOBTs, to FOBTs being the cause of problem gambling and now, with Harman's report, to bookmakers specifically targeting poorer neighbourhoods:

These betting shops are appearing not in well-off areas but in those with high levels of poverty and unemployment. This is predatory profiteering

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<sup>349</sup> HC Deb 19/7/11 Vol. 531 c. 826

<sup>350</sup> Harman, H. (2011). *The Problem of Betting Shops Blighting High Streets and Communities in Low-Income Areas*. , p.2

which is destroying our high streets, pushing many families further into poverty and creating a dangerous synergy between welfare dependency and gambling that threatens the fabric of our communities.<sup>351</sup>

What this analysis fails to understand is that the majority of betting shops are on high streets for commercial reasons, since that is where their customers are to be found. Betting shops are not in residential areas because of planning rules. Those who live near high streets tend to be poorer since the housing stock is cheaper and the majority of betting shop customers tend to be from lower income families because culturally, betting shop punters are predominantly from the working classes. Harman's argument could equally be made against nail bars, fried chicken and charity shops. Harman's report finally stimulated national press interest which had been lacking until now. To suggest that bookmakers were specifically targeting low income customers to turn them into problem gamblers was an act of exaggeration and possibly why the report was soon removed from Harman's website.<sup>352</sup>

Rowenna Davis, journalist and Labour Councillor in Harman's constituency, launched her own campaign called High Streets First with write-ups in the *Guardian*, the *New Statesman* and the *Daily Mail* making similar arguments to Harman's.<sup>353</sup> These may have opened the floodgates to national newspaper opprobrium or it may have been the publication of *The Portas Review* (December 2011).<sup>354</sup> Mary Portas was a retail consultant and TV celebrity who

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<sup>351</sup>*Ibid.*, p.4

<sup>352</sup> The other reason suggested was that Harriet Harman had a son working for a bookmaker

<sup>353</sup> Murphy, S. (2012, 20/04/2012). Escape from gambling hell. *The Guardian*. <https://www.theguardian.com/money/2012/apr/20/gambling-hell-betting-addiction-debt>, Davis, R. (2012a, 13/02/2012). An open letter to Eric Pickles. *New Statesman*. <https://www.newstatesman.com/politics/2012/02/betting-shops-local-councils>, Davis, R. (2012b, 18/02/2012). When bookies are more common than post offices, Britain has a major problem, by High Street campaigner Rowenna Davis. *Daily Mail*. <https://www.dailymail.co.uk/news/article-2103218/When-bookies-common-post-offices-Britain-major-problem-High-Street-campaigner-Rowenna-Davis.html>, Petition to restrict Southwark bookmakers. (2012, 14/02/2012). *BBC.co.uk*. <https://www.bbc.co.uk/news/uk-england-london-17028743>

<sup>354</sup> Portas, M. (2011). *The Portas Review An independent review into the future of our high streets*.

had been asked by the Prime Minister and the Deputy Prime Minister to conduct an independent review into the state of British high streets and town centres. Her comment on bookmakers was un-evidenced and short and contained the recommendation that:

Currently, betting shops are oddly and inappropriately in my opinion classed as financial and professional services. Having betting shops in their own class would mean that we can more easily keep check on the number of betting shops on our high streets.<sup>355</sup>

Local authorities first appeared at the Culture, Media & Sport Select Committee inquiry into the *Gambling Act 2005* on the 8<sup>th</sup> November 2011. Prior to this a body called the Local Government Group submitted evidence to the Committee when written evidence was called for on the 17<sup>th</sup> May 2011 and argued that: 'some councils have experienced a growth in the clustering of betting shops. This has a significant detrimental impact upon those communities and councils do not have sufficient powers under the present licensing and planning regime to respond to residents' concerns'.<sup>356</sup> When before the Committee, the Local Government Association (LGA - linked to the Local Government Group) shared the witness stand with members of the Casino Network, the group of local authorities which had been allocated 2005 Act casino licences (see above). Councillor David Parsons, Chairman of the LGA Housing and Environment Board and Leader of Leicestershire County Council and Mike Holmes from the LGA, Advisor on Planning, spoke about betting shop clustering. Mr Holmes pointed out that: 'I am not saying it is an

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<sup>355</sup>*Ibid.*, p.29

<sup>356</sup> Culture, Media & Sport Committee announces inquiry in to the Gambling Act 2005 and calls for evidence, 17/05/11 UK Parliament. (2011a). *Committee announces new inquiry into Gambling*. Retrieved February 2018 from <https://committees.parliament.uk/committee/378/culture-media-and-sport-committee/news/177136/committee-announces-new-inquiry-into-gambling/>. The Local Government Group is made up of six organisations under the LGA umbrella ([www.local.gov.uk](http://www.local.gov.uk)). Their written evidence submission can be found at: UK Parliament. (2011h). *Written evidence submitted by the Local Government Group (GA 083) to the Culture, Media and Sport Committee inquiry into the Gambling Act*. Retrieved February 2018 from <https://publications.parliament.uk/pa/cm201012/cmselect/cmcumeds/writev/gambling/ga83.htm>.

issue all over the country, but certainly in certain places where perhaps you would have concern about the social issues that arise from this, it has become an issue'.<sup>357</sup> Philip Davies MP picked up on the comment about social issues and asked them to elaborate. Mike Holmes answered with: 'As I understand it, there are certain areas where there are eight of these establishments in a cluster and that is the atmosphere that is created when people, perhaps down to the smoking regulations, and so on, are standing outside. It is not perhaps the family type of atmosphere that you would want'.<sup>358</sup> This chimed with the obviously organised campaign to get submissions made to the enquiry about betting shops particularly in the Haringay area. A number of personal submissions accused betting shops of being the cause of crime and, in one example: 'Groups of men standing, spitting, smoking and ogling'.<sup>359</sup> While local authority concerns about their lack of ability to regulate the number of betting shops in an area seemed warranted, there is a need for further research into whether some of the feeling against betting shops was due to their preponderance of gender and/or social class in their customer base (male, working class) and how that interacted with the gender and/or class of those social actors (local councillors, politicians, journalists, community group members) interested in the retail offerings of their communities.

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<sup>357</sup> House of Commons Culture Media and Sport Committee. (2012). *The Gambling Act 2005: A bet worth taking?* (HC 421 (Incorporating HC 1554-i to vii of Session 2010-12)). London: The Stationery Office, Evidence Ev 70

<sup>358</sup> Ibid. Evidence Ev 71

<sup>359</sup> Culture, Media & Sport Committee Inquiry, personal submissions: UK Parliament. (2011f). *Written evidence submitted by Lucy Jaffé (GA 10) to the Culture, Media and Sport Committee inquiry into the Gambling Act*. Retrieved February 2018 from <https://publications.parliament.uk/pa/cm201012/cmselect/cmcmums/writev/gambling/m10.htm>. Other similar submission can be found at: UK Parliament. (2011b). *Written evidence submitted by Asha Kaur (GA 25) to the Culture, Media and Sport Committee inquiry into the Gambling Act*. Retrieved February 2018 from <https://publications.parliament.uk/pa/cm201012/cmselect/cmcmums/writev/gambling/m25.htm>, UK Parliament. (2011d). *Written evidence submitted by Dr Liza Messing (GA 07) to the Culture, Media and Sport Committee inquiry into the Gambling Act*. Retrieved February 2018 from <https://publications.parliament.uk/pa/cm201012/cmselect/cmcmums/writev/gambling/m07.htm>, UK Parliament. (2011e). *Written evidence submitted by Helena Russell (GA 11) to the Culture, Media and Sport Committee inquiry into the Gambling Act*. Retrieved February 2018 from <https://publications.parliament.uk/pa/cm201012/cmselect/cmcmums/writev/gambling/m11.htm>

The Culture Media & Sport Select Committee controversially recommended that: 'local authorities be given the power to allow betting shops to have more than the current limit of four B2 machines per premises if they believe that it will help to deal with the issue of clustering'.<sup>360</sup> The logic behind this was that clustering was caused by market forces due to the demand for the FOBTs. By allowing the local authority the ability to set the number of machines in a betting shop, then if it was an area of high demand the number could be set higher (if, at the same time there was no demand for more betting shops by the community the number would be lower). The Government rejected the idea, taking a cautious approach. Shortly after the Select Committee report was published, the campaign against the FOBTs intensified with the allegation that they caused problem gambling. The Government recognised there were concerns but admitted the links between the machines and problem gambling was poorly understood and that it could not consider any further liberalisation until there was evidence that the industry was able to prevent potential harm.<sup>361</sup> The campaign against FOBTs on the basis that they were in some way more likely to cause problem gambling changed the political debate for good about all aspects of gambling. It demonstrated that effective campaigning, despite insufficient evidence, could have a major impact on government policy.

### **Derek Webb and The Campaign for Fairer Gambling**

The founder of the CFFG, Derek Webb, is notoriously litigious, hence this description of the group's background is based on an article in the *Sun* newspaper of 26<sup>th</sup> December 2017. This states that Derek Webb, a 'Derby-born businessman, a keen poker player himself made his fortune from 25 years of running casinos and online poker sites' and that he 'designed gaming

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<sup>360</sup>House of Commons Culture Media and Sport Committee. (2012). *The Gambling Act 2005: A bet worth taking?* (HC 421 (Incorporating HC 1554-i to vii of Session 2010-12)). London: The Stationery Office,, p.22

<sup>361</sup>Department for Culture Media & Sport. (2013d). *Government Response to the Select Committee Report: The Gambling Act 2005: A Bet Worth Taking?* (CM 8531). London: The Stationery Office,, pp.8-9

machines for casinos and invented Three Card Poker'. 'In 2012 he sold his casino gaming empire Prime Table Games to Galaxy Gaming for £17million'. 'In 2012 he set up the Campaign for Fairer Gambling Group that lobbies against fixed-odds betting terminals'. 'Opponents have claimed his former casino business would benefit from curbs to FOBTs'. 'Mr Webb has spent £3million funding CFFG - and has donated more than half a million pounds to Labour and the Lib Dems'.<sup>362</sup> Philip Davies MP provided additional analysis when he stated in Parliament:

It is, in effect, a rich man's grudge match. He has spent millions trying to get these machines out of betting shops for no other reason than vindictiveness; that is the long and short of it. He set up the Campaign for Fairer Gambling on the back of this issue.<sup>363</sup>

Unlike previous religious-based anti-gambling campaign groups, the CFFG was well funded and would employ the services of a marketing agency and have staff permanently focused on their defined campaign goal.<sup>364</sup> The launch of their Stop the FOBTs campaign at Westminster on the 11<sup>th</sup> February 2013, although hosted by Lammy and with prominent anti-gambling academic, Professor Jim Orford, in attendance, received no attention from the national newspapers. This would not matter as they had managed to get their friends at the *Guardian* to publish in January, an expose entitled: '£5bn gambled on Britain's poorest high streets'.<sup>365</sup> The online story came with the ability to download data and had, ironically, as a strapline 'Datablog Where Facts Are

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<sup>362</sup> Dathan, M. (2017, 27/12/2017). Wats going on?; Anti-gambling MP's £30k from casino mogul *The Sun*.

<sup>363</sup> HC Deb 13/12/16 Vol. 618 5.45pm

<sup>364</sup> The Campaign for Fairer Gambling (CFFG) employed the BCS Agency <https://www.bcsagency.com> accessed February 2017 which changed its name to Sauce and its website <https://agency sauce.com> accessed June 2018. Neither website was operational in January 2024. CFFG had two employees, Matt Zarb-Cousins, a one-time political researcher, ex-Corbyn press officer and ex-gambling addict and Adrian Parkinson, an ex-Tote betting shop manager.

<sup>365</sup> £5bn gambled on Britain's poorest high streets: see the data. (2013, 04/01/2013). *The Guardian*. <https://www.theguardian.com/news/datablog/2013/jan/04/5bn-gambled-britian-poorest-high-street>. The statement that the Guardian was friends with the CFFG was based on a meeting between the author, the CFFG and Randeep Ramesh, then social affairs editor of the Guardian where their collaboration was discussed.



Sacred'.<sup>366</sup> The story was about CFFG research that supposedly showed how much was being gambled on FOBTs in the 50 constituencies with the highest unemployment compared with the 50 constituencies with the lowest. Where the data was blatantly wrong was that it used a turnover figure instead of a Gross Gaming Yield (customer losses) one.<sup>367</sup> This statistical sleight of hand has been used by anti-gambling groups in the past to inflate gambling spend figures.<sup>368</sup> To give as an example, the CFFG provided data for the top 5 constituencies with the highest unemployment:

Table 6. CFFG/Guardian Report on Amount Gambled on FOBTs

<u>Constituency</u>	<u>Claimant Count</u>	<u>No. of betting shops</u>	<u>No. of FOBT's</u>	<u>Amount Gambled £</u>
Birmingham Ladywood	8,900	43	157	163,067,753
Leeds Central	7,278	35	127	132,729,567
Birmingham Hodge Hill	6,910	16	58	60,676,373
West Ham	6,405	42	153	227,052,280
Tottenham	6,277	32	116	172,992,213

Source:<sup>369</sup>

These extraordinarily large gambling spend figures were meant to shock and especially to shock the MPs of the 50 named constituencies with the highest unemployment. By linking gambling spend to high unemployment it brought up the image of rapacious gambling companies preying on the most poor and

<sup>366</sup>Ibid.

<sup>367</sup> Gross Gaming Yield is defined as Customer stakes minus Customer Winnings

<sup>368</sup>McKibbin, R. (1979). Working-Class Gambling in Britain 1880-1939. *Past and Present*, 82, 31. , pp.158-9.

<sup>369</sup>£5bn gambled on Britain's poorest high streets: see the data. (2013, 04/01/2013). *The Guardian*. <https://www.theguardian.com/news/datablog/2013/jan/04/5bn-gambled-britian-poorest-high-street>

needy, a trope that goes all the way back to the nineteenth century. The fact that betting shops have historically been a venue for working-class men seems to have been forgotten in this variant of moral relativism, especially as the work of Clapson highlights, such betting was usually done in moderation.<sup>370</sup>

What was clearly at fault were the numbers being paraded as fact. If we take Gambling Commission statistics we can see that for the period April 2012 to March 2013 there were 33,356 B2 gaming machines (FOBTs) in betting shops and they had a Gross Gaming Yield (GGY) of £1,542.12 million.<sup>371</sup> From this, we can calculate that the average GGY per machine was £46,232.16. If we then take that figure and multiply it by the number of FOBTs in each of the five constituencies we can show just how over inflated the CFFG numbers were.

Table 7. Estimate of the increase in the CFFG figure for FOBT GGY on the real figures

<u>Constituency</u>	<u>No. of FOBT's</u>	<u>Estimated GGY</u>	<u>CFFG figure</u>	<u>CFFG increase on estimate</u>
Birmingham Ladywood	157	£7,258,449	£163,067,753	2,146.6%
Leeds Central	127	£5,871,464	£132,729,567	2,160.6%
Birmingham Hodge Hill	58	£2,681,456	£60,676,373	2,162.8%
West Ham	153	£7,073,496	£227,052,280	3,109.9%
Tottenham	116	£5,362,912	£172,992,213	3,125.7%

<sup>370</sup> Clapson, M. (1992). *A bit of a flutter: Popular gambling and English society, c.1823-1961*. Manchester University Press.

<sup>371</sup> Gambling Commission. (2015a). *Industry Statistics April 2010 to March 2015*. (Ar 15/02). Gambling Commission, p.10

This methodology is obviously not perfect. The multiplication of averages does not provide the total figure but does demonstrate that CFFG figures were over inflated by a very large factor. This made sense if the variable being considered was turnover, the total of all the amounts fed into a machine, which as noted is an irrelevant number as it creates an over inflated number due to double counting. For example, if a person puts £10 into a machine and gets back £9, then puts £9 in a machine and gets back £8, the turnover is £19 while the GGY or customer loss is just £2. This was pointed out to the *Guardian* which changed the heading to Gross Amount Gambled, terminology which would not define the difference between meaningless turnover and GGY to all but the most knowledgeable.<sup>372</sup> The wording of the article and its headline is also misleading, '£5bn gambled on Britain's poorest high streets' does imply that this was the amount customers lost, not the meaningless amount recycled into machines. A simple look at the Gambling Commission's statistics would have shown the total amount spent on FOBTs in the whole country was £1,547.83 million.

This blatant misleading of the public worked and both press and parliamentarians provided the required commentary. Lucy Powell MP (Labour, Manchester Central) stated: 'According to these figures, there's more being spent on gambling than by the council in my constituency on services' in the *Mail Online*.<sup>373</sup> In the *Sun* and *Daily Star*, Diane Abbott MP (Labour, Hackney North and Stoke Newington) described FOBTs as 'a business model which sucks money from the poorest communities'.<sup>374</sup> An opinion piece in the *Financial Times* would repeat the often quoted phrase, 'the "crack cocaine of

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<sup>372</sup> The change in labelling was witnessed by the author. Unlike most *Guardian* articles which are updated, there is no record of this change being made

<sup>373</sup> Gladdis, K. (2013, 06/01/2013). Poorest gamblers spend £5bn on the 'crack cocaine' of betting machines. *Mail Online*. <https://www.dailymail.co.uk/news/article-2258146/Poorest-gamblers-spend-5bn-crack-cocaine-betting-machines.html>

<sup>374</sup> Poor Bet More. (2013, 06/01/2013). *The Sun*. , Walker, M. (2013, 07/01/2013). Brits £5bn gambling addiction. *Daily Star*. <https://www.dailystar.co.uk/news/latest-news/brits-5bn-gambling-addiction-18582906.amp>

gambling", when describing FOBTs.<sup>375</sup> The *Mail Online* would promote the phrase in its headline while the story filtered out to local papers. Graham Jones MP (Labour, Hyndburn) used the *Lancashire Telegraph* to state that FOBTs were 'making a disproportionate amount of money from poorer households in areas with high levels of deprivation'.<sup>376</sup>

Space does not permit further detailed examination of the role of both Derek Webb and the CFFG in the FOBT debate, as even though vitally important as the mouthpiece for the anti-gambling lobby, to provide the necessary space would require the removal of examinations into other key factors pertinent to this thesis. However, it does need to be emphasised that Derek Webb's influence on the debate is significant due to his prolific financing of pressure groups and research. When either are mentioned it will be highlighted.

Worthy of mention are the other CFFG's lobbying successes. They had spread the myth that it was possible to lose £18,000 on a FOBT.<sup>377</sup> This was based on the logic that a FOBT can play three spins of a roulette wheel per minute and thus in one hour if playing at maximum stakes,  $3 \times 60 = 180 \times £100 = £18,000$  can theoretically be lost. Unfortunately, the bookmakers were never able successfully to get the point across that while this was a theoretical possibility it was, at the practical level, almost impossible to both load the machine with the amount of money and maintain the number of spins. More importantly, it

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<sup>375</sup> Groom, B. (2013, 08/01/2013). Time to lower the gambling stakes? *The Financial Times*.

<sup>376</sup> Gladdis, K. (2013, 06/01/2013). Poorest gamblers spend £5bn on the 'crack cocaine' of betting machines. *Mail Online*. <https://www.dailymail.co.uk/news/article-2258146/Poorest-gamblers-spend-5bn-crack-cocaine-betting-machines.html>, Gambling hits poorest, warns Hyndburn MP. (2013, 08/01/2013). *Lancashire Telegraph*. <https://www.lancashiretelegraph.co.uk/news/10147052.gambling-hits-poorest-warns-hyndburn-mp/>

<sup>377</sup> Jones, D. (2013, 10/03/2013). Bandit country; you could lose £300 a minute. *The Sun*. , Tory MP who is bookies' best friend loses fight against anti-gambling campaign. (2013, 07/08/2013). *The Independent*. , Letter: Tod Sullivan Leader Waveney Labour group. (2014, 17/01/2014). I've spoken to many local people who have told me that they are fed up of seeing so many bookmakers operating as mini-casinos offering high-stakes gaming mach. *Lowestoft Journal*. , Doward, J. (2017, 17/09/2017). 'He's sweating and rubbing his nose. Within minutes, he's lost [pounds sterling]400 on the machines'; A crackdown on fixed-odds betting terminals is on the way. After a day at the bookies, the Observer's reporter discovers the true extent of the problem. *The Observer*.

overlooked winnings. This was the 'zombie myth'; it could not be killed and would appear in almost every Parliamentary debate to do with FOBTs. An example would be when Tom Greatrex MP (Labour, Rutherglen and Hamilton West) secured an adjournment debate on Fixed Odds Betting Terminals on the 22nd April 2013 where both Greatrex and Ian Lavery MP (Labour, Wansbeck) mentioned it.<sup>378</sup> This debate was also notable for Tracey Crouch MP (Conservative, Chatham and Aylesford), a future Minister with responsibility for gambling stating:

Surely it is our duty and responsibility as constituency MPs to look after the most vulnerable people in our constituencies, some of whom are drawn into gambling addiction because of the number of FOBTs in each betting shop.<sup>379</sup>

The CFFG can also be attributed with spreading the slogan 'crack cocaine' of gambling with regards to FOBTs.<sup>380</sup> The phrase supposedly originated with Donald Trump in the 1980s, condemning the game Keno which he saw as a threat to his casinos.<sup>381</sup> This would also be repeated in many Parliamentary debates.<sup>382</sup> The importance of these slogans or memes is that they became a campaigning shorthand for implying that the FOBTs themselves were dangerous and could cause problem gambling in its players. This was counter to the academic view of problem gambling at the time (as discussed in chapter one), the problem being with the player, and would chime with the views of the Public Health approach to gambling that will be discussed in the

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<sup>378</sup> HC Deb 22/4/13 Vol. 561 c. 725

<sup>379</sup> HC Deb 22/4/13 Vol. 561 c. 727

<sup>380</sup> Morgan, S. (2013, 19/05/2013). Against all odds; Recovering gambling addict blasts fixed odds terminals. *Wales on Sunday*. , Gentleman, A. (2013, 27/05/2013). G2: Wheel of misfortune: Fears are growing over the addictive nature of roulette machines - the crack cocaine of gambling - that keep bookies in business these days. Amelia Gentleman visits betting hotspot Slough and watches the punters' pounds 20 notes disappear into the machines. *The Guardian*. , Tory MP who is bookies' best friend loses fight against anti-gambling campaign. (2013, 07/08/2013). *The Independent*. , Shipman, T. (2013, 09/08/2013). Clampdown on the 'crack cocaine' gaming machines. *Daily Mail*.

<sup>381</sup> Snowden, C. (2013). *The Crack Cocaine of Gambling? Gambling Machines in the UK* (IEA Current Controversies, , Issue. Institute of Economic Affairs. , p.13

<sup>382</sup> HC Deb 30/10/18 Vol.648 c.863, HC Deb 20/11/18 Vol.649 cc.774, 777, 115, HL Deb 19/03/19 Vol.656 c.300WH

next chapter. By focussing on the machines rather than the players, an anti-bookmaker narrative could be created, painting bookmakers as exploitative while the gamblers became elevated to hapless victims. This fed into the existing narrative about gambling, as discussed in the chapter on land-based casinos. The media and Parliamentarians would be happy to endorse the view of bookmakers invading the high street with their 'toxic' machines, as Ed Miliband MP (Labour, Doncaster North) stated, 'like an epidemic'.<sup>383</sup> For post-New Labour politicians it provided a way of distinguishing themselves from the previous Blairite 'laissez fire' view of dealing with vice, as with drinking and the Licensing Act 2003, and returning to a more old Labour ethos of moralism and methodism. It also allowed them to show the Tory government as unwilling to bend to the demands of local authorities (albeit mostly Labour ones) who wanted the powers to determine what kinds of shops populated their high streets.

As well as using dubious statistics, the CFFG would also use opinion polls, such as those they used in Newham, the most vociferous anti-gambling council. The CFFG would argue in January 2013 that in Newham's 76 betting shops there were 277 FOBTs or an average of 3.6 per shop which fits in with the national average as per Appendix 1. Where the CFFG's numbers go astray is they state that each machine makes £1.5 million per year compared to the actual average per machine (see Appendix 1) of £ 46,232.16 or an increase of 3,144.51%.<sup>384</sup> In June 2013, Newham Council had refused a licence application for a 77<sup>th</sup> betting shop on the basis it would no longer be a betting shop (its primary gambling activity) as it would make the majority of its money from FOBTs and the applicant, Paddy Power, appealed the decision.<sup>385</sup> A FOIA request would show numerous emails between Councillor Ian Corbett from the

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<sup>383</sup> Pitel, L. (2013, 21/12/2013). Miliband declares war on gambling. *The Times*.

<sup>384</sup> York, M. (2013, 09/01/2013). "Shocking" figures reveal 410m gambling addiction in Newham. *Newham Recorder*. <https://www.newhamrecorder.co.uk/news/21453618.shocking-figures-reveal-410m-gambling-addiction-newham/>

<sup>385</sup> Bridge, S. (2013, 03/03/2013). Paddy Power in legal battle to scrap shop ban. *Mail on Sunday*.

sublicensing committee and the CFFG.<sup>386</sup> The CFFG had commissioned global market research agency 2CV (who would later have the Gambling Commission as a client) to do research and it surveyed 501 Newham residents and found 87% of FOBT users agreed that the machines were addictive and 76% said that they sometimes spent more than they planned to.<sup>387</sup> Although Newham would lose the court case and Paddy Power got their betting shop licence, the CFFG would use the 2CV research to argue that 63% of FOBT users played more than once per week with the average cash into machine per session of play of around £55, which was more than the existing research had found. Derek Webb would state 'What is more worrying is that 87% of FOBT gamblers think the machines are addictive'.<sup>388</sup> The fact that this survey was both self-reporting and being extrapolated to suggest this was of national significance, was ignored. The CFFG would also provide supposed economic evidence of the damage FOBTs were supposed to wreak in a report entitled *The Economic Impact of Fixed Odds Betting Terminals*. This was authored by a one-man-band economist and concocter of the myth that 60% of gambling profits come from problem gamblers (discussed later), Howard Reed of Landman Economics.<sup>389</sup> Reed would start a trend, followed by the Social Market Foundation, also funded by the CFFG, of suggesting that money spent on gambling has little economic impact due to the shortness of its supply chain and implied reduced multiplier effect.<sup>390</sup> Reed argued that 'an increase of £1bn in consumer spending on FOBTs destroys just over 13,000 jobs in the UK'.<sup>391</sup> This basically preposterous claim (as there are thousands of products of similar nature), would get little traction but it would be the first of many economic

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<sup>386</sup> Newham Council. (2014). *Information Governance Report Responses to Requests*. Newham

<sup>387</sup> Campaign Brands Gambling Commission "Unfit for Purpose" as Newham Council Lose Landmark Case. (2013, 17/06/2013). *PR Newswire Europe*. . More information about 2CV can be found at their website <https://www.2cv.com/about-us/>

<sup>388</sup> Ibid.

<sup>389</sup> Reed, H. (2013). *The Economic Impact of Fixed Odds Betting Terminals*. Landman Economics.

<sup>390</sup> Corfe, S., Bhattacharya, A., Shepherd, J. (2021). *Double or nothing? Assessing the economic impact of gambling*.

<sup>391</sup> Reed, H. (2013). *The Economic Impact of Fixed Odds Betting Terminals*. Landman Economics. p.3.

reports that Derek Webb/CFFG would commission over the years which would have questions raised about their methodology. What the anti-gambling lobby had realised was that when it comes to evidence-based policy making, which was the demand of the gambling industry and the stated strategy of DCMS, it helps to supply the evidence, however methodologically questionable, and to provide opinion polls, equally methodologically questionable, to show politicians that the public were on their side. The critical role of the CFFG was to highlight the supposed policy problem of FOBTs being addictive and forcing government to deal with it.

### **DCMS defends with Grant**

It fell to the fifth Minister with responsibility for gambling in our time frame, Helen Grant MP (Conservative, Maidstone and The Weald) to provide the last example of the government standing up for a true evidenced-based approach to gambling policy.

DCMS had announced its *Triennial Review of Gaming Machine Stake and Prize Limits* on the 14<sup>th</sup> January 2013.<sup>392</sup> The Government had expanded the remit of the Triennial Review to include social protection measures, the theme within which FOBTs were discussed:

The main source of local concern is often around the B2 machines they offer and their impact on local communities in terms of problem gambling. Many feel the clustering of these premises might be being driven by operators looking to capitalise on the apparent demand for these types of machines.<sup>393</sup>

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<sup>392</sup> Department for Culture Media and Sport announce consultation on Proposals for Changes to Maximum Stake and Prize Limits for category B, C and D Gaming Machines 15/01/13 Department for Culture Media & Sport. (2013a). *Consultation on Proposals for Changes to Maximum Stake and Prize Limits for Category B, C and D Gaming Machines*. Retrieved February 2018 from <https://www.gov.uk/government/consultations/consultation-on-proposals-for-changes-to-maximum-stake-and-prize-limits-for-category-b-c-and-d-gaming-machines#full-publication-update-history>

<sup>393</sup> Department for Culture Media & Sport. (2013b). *Gambling Act 2005: Triennial Review of Gaming Machine Stake and Prize Limits - Proposals for Changes to Maximum Stake and Prize Limits for Category B, C and D Gaming Machines*. London: DCMS, p.14



When considering a simple inflation-based increase in stakes for B2s which had not been asked for by the industry, DCMS would point out that: 'there is a shortage of data that makes it difficult to assess what the impact of such a change on problem gambling might be' on increasing the maximum stake from £100 to £121.80.<sup>394</sup> When considering the ABB's request for the status quo, DCMS held their evidence based policy-making line:

The difficulty for the Government in deciding whether to act in response to public concern about B2 machines is the lack of evidence on whether B2 gaming machines in themselves have had any significant effect on the level of problem gambling in Britain. The Government has a duty to ensure that any policy or regulatory changes it considers are based not on concern and anecdote alone but are supported by firm evidence and factual foundation.<sup>395</sup>

The Triennial Review report was published in October 2013. Both sides in the B2 debate, the bookmakers and the CFFG, had expressed their positions in their submissions. The ABB were 'seriously concerned about the bias and validity of the review's questions on B2 machines contained in the consultation, in particular given the divergent approaches taken by the Government in relation to different categories of gaming machines'.<sup>396</sup> By contrast, the CFFG argued that anecdotal evidence should be valid if no hard evidence exists.<sup>397</sup> Its submission, it could be argued, resembled little more than a rambling polemic which left few stakeholders free from their criticism, for example it would argue: 'Knowing the lack of Gambling Commission enforcement of the licensing objectives, it is easy to understand why there has also been an

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<sup>394</sup>*Ibid.*, p.15

<sup>395</sup>*Ibid.*, p.22

<sup>396</sup>Association of British Bookmakers. (2013b). *The Truth about Betting Shops and Gaming Machines – ABB submission to DCMS Triennial Review April 2013* Association of British Bookmakers. , p.5

<sup>397</sup>Campaign for Fairer Gambling. (2013). *The Campaign for Fairer Gambling: Consultation response to the DCMS Gambling Act 2005: Triennial Review of Gaming Machine Stake and Prize Limits April 2013*. Campaign for Fairer Gambling. , pp. 6, 7 and 20

inadequate delivery of the prevention of problem gambling objective'.<sup>398</sup> Yet actual evidence of FOBT harm was lacking.

The Review listed the key points of the submissions it had received: the bookmakers pointing out that problem gambling was person-focused not product-focused, that the majority of people playing FOBTs did not spend much, that there was no empirical evidence of harm, that they had voluntarily brought in a number of additional social responsibility measures, such as customer controls to limit time of play and stakes spent, and that the economic effect of reducing the stakes to £2 would be cataclysmic.<sup>399</sup> The CFFG in its submission called for the removal of all FOBT content, wanted the bookmakers to release FOBT data in order to assess its risks and argued that a reduction to a £2 stake would reduce customer losses.<sup>400</sup> The Faith and Community Groups also wanted a reduction to £2 for the same reason. They also cited the work of Professor Jim Orford, a secondary analysis of the 2010 Prevalence Study where he suggested that 23% of FOBT revenue came from problem gamblers.<sup>401</sup> DCMS correctly pointed out that this: 'was based on a very small sample size and so it is difficult to draw robust conclusions on this evidence alone'.<sup>402</sup> The Institute of Economic Affairs explained that the number of betting shops had not increased significantly in the FOBT period and according to the Prevalence Study rates of problem gambling linked to FOBTs were lower than those for those gambling on dog races, non-sports events, casino games, online slot machines or for those who play poker in a pub or club.<sup>403</sup> The local authorities

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<sup>398</sup>Department for Culture Media & Sport. (2013c). *Gambling Act 2005: Triennial Review of Gaming Machine Stake and Prize Limits Government Response to Consultation on Proposals for Changes to Maximum Stake and Prize Limits for Category B, C and D Gaming Machines*. Department for Culture Media & Sport. , p.22

<sup>399</sup>*Ibid.*, pp.13-14

<sup>400</sup>*Ibid.*, p.15

<sup>401</sup> Orford, J., Wardle, H., Griffiths, M. (2013). What proportion of gambling is problem gambling? Estimates from the 2010 British Gambling Prevalence Survey. *International Gambling Studies*, 13(1), 15. 8

<sup>402</sup>Department for Culture Media & Sport. (2013c). *Gambling Act 2005: Triennial Review of Gaming Machine Stake and Prize Limits Government Response to Consultation on Proposals for Changes to Maximum Stake and Prize Limits for Category B, C and D Gaming Machines*. Department for Culture Media & Sport. , p.15

<sup>403</sup>*Ibid.*, p.16

admitted that the evidence they had of problem gambling and of crime (customers attacking the machines of which the CFFG had made an issue) was anecdotal. One local authority claimed to have experienced clustering, one claimed to have conducted a survey and found a problem gambling rate of 20% (from a sample of 138 people) and: 'Other councillors, and some MPs, referred to a clustering of B2 machines in areas of deprivation and suggested this was in order to attract customers likely to display addictive gambling behaviours'.<sup>404</sup> Unsurprisingly, the charities and not-for-profit organisations section were anti-gambling groups -- GRASP (Gambling Reform and Society Perception) and Prof. Jim Orford's Gambling Watch UK—which tended to replicate the arguments of the CFFG, while the manufacturers just referred to the ABB submission. Of critical importance was the advice of the Gambling Commission and Responsible Gambling Strategy Board who stated: 'that a precautionary reduction in stakes is currently unsupported by the available evidence' and that: 'the current lack of transparency around the impact of B2 gaming machines is something that the industry must address'.<sup>405</sup> They highlighted the fact that FOBTs had the potential to use the data they captured to improve understanding of the issue and prevention of problem gambling.

DCMS acknowledged that the ABB had in September 2013 voluntarily brought in its own responsible gambling code of conduct for FOBTs. This included voluntarily money and time limits, loss amount and time played reminders, players being able to see their session data and a £20 limit on money loading.<sup>406</sup> The Government wanted the industry 'to carefully evaluate the effectiveness of these measures and will look to the success of the code in

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<sup>404</sup>*Ibid.*, p.17

<sup>405</sup>*Ibid.*, p.18

<sup>406</sup>Association of British Bookmakers. (2013a). *The ABB's code for responsible gambling and player protection in licensed betting offices in Great Britain*. Association of British Bookmakers, pp.13-15

reducing harm as a demonstration of the industry's commitment to the licensing objectives'.<sup>407</sup>

DCMS concluded that there was little empirical evidence available to make a judgment on FOBTs. The industry had provided averaged data which ignored the extremes where evidence of problematic play was found and those supporting a reduction in stakes had not provided evidence of what social impact such a reduction would have. DCMS, however, was still concerned that: 'there remains a very serious case to answer in relation to potential harm caused by B2 machines and are exploring what precautionary measures might be needed and when'.<sup>408</sup> This was based on the circumstantial evidence that high stakes gaming machines are problematic, the problem gambling charities were reporting increased numbers of cases related to FOBTs and that they had caused a lot of public controversy. DCMS were obviously on the horns of a dilemma: 'while it is clear that reducing stakes on B2 machines by varying degrees would have an adverse economic impact on the betting industry, it is currently not clear how great an impact a reduction would have on gambling related harm'.<sup>409</sup> DCMS then made clear that it was now up to the industry to provide the player data so an assessment could be made which could increase harm mitigation measures. DCMS's recommendation for the Triennial Review was that B2 stakes and prizes would remain the same and that local authorities already had significant powers to deal with betting shop clustering. The message was that the industry was on notice and had to come up with the data.

As 2014 drew to a close, the campaign against FOBTs had grown from political parties being primarily interested in local authorities feeling unable to control

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<sup>407</sup>Department for Culture Media & Sport. (2013c). *Gambling Act 2005: Triennial Review of Gaming Machine Stake and Prize Limits Government Response to Consultation on Proposals for Changes to Maximum Stake and Prize Limits for Category B, C and D Gaming Machines*. Department for Culture Media & Sport. , p.20

<sup>408</sup>*Ibid.*, p.19

<sup>409</sup>*Ibid.*, p.19

supposed proliferation of betting shops to the two main Opposition parties being actively supportive of a reduction to a £2 stake for FOBTs and the Lib Dems finally adopting it as Party policy in October 2014 but with key members signifying support prior to this.<sup>410</sup> The Labour Party took the opportunity of an Opposition Day debate on the 8<sup>th</sup> January 2014 to consider Fixed Odds Betting Terminals. First, Miliband asked Cameron at Prime Minister's Questions:

Does the Prime Minister recognise the concern of families and communities about the impact of fixed odds betting terminals, gaming machines on which people can gamble up to £300 a minute on our high streets?<sup>411</sup>

The Prime Minister quoted back the Labour Opposition Spokesman who had accepted the need for empirical evidence and then hinted there could be an opportunity for a cross-party solution:

this is a problem, and it does need to be looked at. We have a review under way. We are clearing up a situation that was put in place under the last Government, but I think that if we work together, we can probably sort it out.<sup>412</sup>

The opposition spokesman for DCMS, Clive Efford MP (Labour, Eltham) launched the Opposition Day debate by throwing in every allegation against them; that they were targeting deprived communities, that they were causing betting shop clustering, that customers could lose £100 every 20 seconds and that betting shop single staffing, where there is only one member of staff in a shop, was leaving staff vulnerable and unable to intervene if they see problem gambling.<sup>413</sup> The Labour Party wanted a *sui generis* planning use class for betting shops, spin speeds slowed down and customers interrupted after long periods of play. They also wanted local authorities to have the power to stop

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<sup>410</sup> Nelson, N. (2014, 12/10/2014). Lib Dems back campaign; Call for limit on gambling. *The People*.

<sup>411</sup> HC Deb 8/1/14 Vol. 573 c. 294

<sup>412</sup> HC Deb 8/1/14 Vol. 573 c. 294

<sup>413</sup> HC Deb 08/01/2014 Vol. 573 c.365

applications for betting shop licences.<sup>414</sup> Efford cited the first research into machines undertaken by the National Centre for Social Research (NatCen) into the socio-economic characteristics of where machines were located, written by Heather Wardle (previously mentioned and who features in the chapter on the Public Health approach to gambling):<sup>415</sup>

The distribution of gambling machines in Great Britain...displays a significant association with areas of socio-economic deprivation. The profile of the resident population living in HDMZs"— high-density machine zones— "mirrors the profile of those most at-risk of experiencing harm from gambling."

And added 'We cannot stand back and allow this to continue.'<sup>416</sup>

Unfortunately, a search of the document cannot find this quote so Efford must have been using another document to make the point that poorer people tend to gamble more than richer people and thus there tends to be more poorer people who are problem gamblers. The fact that there are more locations with gaming machines in poorer neighbourhoods is not just due to the fact there are poorer people there, the customers, but also due to the nature of the locations (e.g. cheaper rents, high streets are usually poorer than residential areas etc.) as the report points out.<sup>417</sup>

Efford's line of argument was supported by numerous Labour MPs, stating how they had far more betting shops in their deprived constituency or a neighbourhood than in a neighbouring more affluent one. When questioned about problem gambling, Efford was quite clear that it was not the remit of the debate and would go on to recount how a Local Government Association

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<sup>414</sup>HC Deb 8/1/14 Vol. 573 c. 365

<sup>415</sup> Wardle, H., Kelly, R., Thurstain-Goodwin, M., Astbury, G. (2011). *Machines Research 1 Mapping the social and economic characteristics of high density gambling machine locations*. NatCen GeoFutures.

<sup>416</sup>HC Deb 8/1/14 Vol. 573 c. 366

<sup>417</sup>Wardle, H., Kelly, R., Thurstain-Goodwin, M., Astbury, G. (2011). *Machines Research 1 Mapping the social and economic characteristics of high density gambling machine locations*. NatCen GeoFutures. , p.11

opinion poll had shown a majority of Londoners wanting less betting shops, takeaways and sex shops and that the then Mayor of London, Boris Johnson, had given his support to betting shops being *sui generis* as had the Liberal Democrats. When questioned about stakes and prizes and why he was not willing to wait for the research on it, he would again stress that was not the remit of the debate. However, Efford quoted a National Centre for Social Research report that stated that B2 data was inconsistent and argued that this would cause the final output of the research on stakes and prizes to be inconclusive.<sup>418</sup>

Then the Minister responsible for gambling moved an amendment in the name of the Prime Minister, a rare event for an Opposition Day motion. It was a rewriting of the Labour Motion, stating that this House:

believes that any development in the Government's policy on this matter should be evidence-led; calls upon the betting industry to provide the data required for a proper understanding of the impact of fixed odds betting terminals; and further notes that local authorities already have planning powers to tackle localised problems and target specific areas where the cumulative impact of betting shops or other specific types of premises might be problematic, as well as licensing powers to tackle individual premises causing problems.<sup>419</sup>

Helen Grant MP then launched a blistering attack on the Labour Party for bringing the debate since it was its Government which had introduced the machines, something she considered showed: 'rank hypocrisy, total cynicism, and great opportunism'.<sup>420</sup> She then explained what the Government had been up to regarding FOBTs stressing that there was a: 'need better to understand how they are used and the real impact on players'.<sup>421</sup> Interrupted by Joan Ruddock MP, alleging that bookmakers targeted deprived areas, Grant dismissed it with the response that bookmakers targeted football not

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<sup>418</sup>HC Deb 8/1/14 Vol. 573 cc. 373-374

<sup>419</sup>HC Deb 8/1/14 Vol. 573 c. 375

<sup>420</sup>HC Deb 8/1/14 Vol. 573 c. 375

<sup>421</sup>HC Deb 8/1/14 Vol. 573 c. 376

deprivation.<sup>422</sup> She then explained that she had met with the main bookmakers in December and demanded that they put forward a plan by the end of January 2014 that would solve the data problem that Efford had mentioned, of linking game information to players. The Minister stressed that the Government could not act until they had the evidence to do so and that the research was underway: 'Reports will be coming out imminently, and precautionary protections will be put in place by the industry at the end of March'.<sup>423</sup> As for planning issues, Grant reiterated the Government's line that Article 4 Directions were sufficient and that the London boroughs of Southwark, Barking and Dagenham had successfully used them. Furthermore, local authorities had powers when licensing premises to address the issues raised, and gave the example of Newham Council making it part of a licence condition that there were always two members of staff on duty and mystery shopper tests had to be undertaken to monitor if under aged gambling was happening. She rejected the idea that local authorities should have the power to dictate the number of machines in a betting shop as that would lead to a 'patchwork of regulation'.<sup>424</sup> The debate continued along similar lines, with Labour MPs returning to the theme of bookmakers targeting deprived areas and the need for a new planning class and to give local authorities more powers, while the Government benches stuck with the need for more research and a better use of existing powers by local councils. At its end, the division saw the original Opposition motion beaten by a majority of 82 and the Prime Minister's amendment victorious with a majority of 86. The press response either focussed on Prime Minister's Questions and how the Prime Minister had suggested a cross party deal or on how the share prices of the main bookmakers had dropped after the debate.<sup>425</sup>

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<sup>422</sup> HC Deb 08/01/14 Vol.573 c. 377

<sup>423</sup> HC Deb 8/1/14 Vol. 573 c. 380

<sup>424</sup> HC Deb 8/1/14 Vol. 573 c. 381

<sup>425</sup> Holehouse, M. (2014, 09/01/2014). *Cameron ready to deal on casino games in the bookies. Daily Telegraph.* , Coates, S. (2014, 09/01/2014). *Tory adviser takes gaming Job as PM warns of 'PS100 a go' machines. The Times.* , Shipman, T. (2014, 09/01/2014). *PM vows to act on 'crack cocaine' slot machines. Daily Mail.*



On Wednesday 30<sup>th</sup> April 2013, the Parliamentary Under-Secretary of State for Culture, Media and Sport, Helen Grant MP, issued a written statement on Betting Shops and Gambling.<sup>426</sup> It contained the three key points; planning, player protection and advertising that were provided in more detail in the document published on the same day by DCMS, *Gambling Protections and Controls*.<sup>427</sup> Grant argued that: 'many local communities' concerns have been expressed about the clustering of betting shops on high streets' and that 'given the growth in marketing and promotion of virtual and electronic gambling, which present fewer opportunities for face-to-face interaction', she believed that 'new measures are necessary to ensure that vulnerable players are protected'.<sup>428</sup> Talking specifically about FOBTs, she had 'decided that Government should adopt a precautionary approach and take targeted and proportionate action to protect players further when using high-stake gaming machines on the high street'.<sup>429</sup>

*Gambling Protections and Controls* first addressed planning issues. The Government was changing its policy of arguing that local authorities already had sufficient powers if there were unwanted new betting shop applications by stating that: 'it is right to give local residents an opportunity to make their voices heard' and by putting betting shops into a *sui generis* planning class.<sup>430</sup> This would become part of a wider consultation on change of use by the Department for Communities and Local Government in summer 2014. The Government also obliged betting shop operators to provide the local authority with a plan of how they intended to comply with social responsibility codes when they applied for their premises licence.

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<sup>426</sup>HC Deb 30/4/14 Vol. 579 cc.53-54WS

<sup>427</sup> Department for Culture Media & Sport. (2014). *Gambling Protections and Controls*. London: DCMS

<sup>428</sup>HC Deb 30/4/14 Vol. 579 c. 53WS

<sup>429</sup>HC Deb 30/4/14 Vol. 579 c. 54WS

<sup>430</sup>Department for Culture Media & Sport. (2014). *Gambling Protections and Controls*. London: DCMS, p.4

Additional player protection measures were deemed necessary since: 'some people have encountered considerable problems with their gambling despite the obligations on operators to supervise their customers'.<sup>431</sup> Specifically with B2s, the Government felt that it was possible for customers to lose large sums of money in a short period of time, so they had decided to adopt: 'a precautionary approach to high stake gaming machines on the high street' and they stated their measures were: 'justified on a proportionate, targeted basis to help people remain in control of their gambling'.<sup>432</sup> The measures introduced would become known as the '£50 journey' as they obligated any customer who wished to stake more than £50 to either use account-based play (using a player loyalty card) or load the cash over the counter. Both methods were meant to allow either interaction with a member of staff or the ability for a player to monitor their own play. The £50 limit was chosen, it would appear, purely arbitrarily.

The Government also considered a strengthened version of the ABB's responsible gambling code of conduct for FOBTs part of the Licensing Conditions and Codes of Conduct that every betting shop operator had to abide by. This would mean that every FOBT player being given the choice to set staking and time limits before they could play, being given regular warning messages and pauses in play so they could reflect on their actions and the development of an enhanced self-exclusion system.<sup>433</sup>

The following year, 2015, saw the publication of the government's own assessment of the impact of the '£50 journey' which required customers accessing higher stakes (over £50) to load their cash via staff interaction or to use account-based play. The results were unsurprising:

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<sup>431</sup>*Ibid.*, p.5

<sup>432</sup>*Ibid.*, *ibid.*, p.5

<sup>433</sup>*Ibid.*, p.6

The evidence shows a large number of players opted to stake below £50 and increase the duration of their session in response to the regulations.

There has been a consequent fall in the two quarters since the regulation was implemented of about £6.2bn in the amount bet in stakes over £50 from 2014 to 2015 for Q2 and Q3. There has also been a £5.1bn increase in the total amount staked at the £40-£50 range for the two quarters since the regulation was implemented.<sup>434</sup>

The report's conclusion highlighted the divergence between the opposing views of what happens when you try and restrict people's gambling:

This [the results] could be interpreted as either: i. Players circumventing authorisation of higher stakes to maintain their anonymity with no associated increase in control of their play or; ii. Those who are no longer staking over £50 are doing so because the authorisation mechanisms have given them greater control over their staking behaviour. In this respect it could be said to be increasing player control in line with the policy's objective.<sup>435</sup>

The industry view, as expressed to the author, was that player behaviour was changed to avoid the need for authorisation. The government obviously hoped that a more positive outcome had happened. Without undertaking a prevalence study, at some expense, there was no way to know whether this measure had the desired outcome and this would be a recurring theme for the following years as restrictions on gambling were imposed and no follow up research undertaken to see if the restrictions actually worked.<sup>436</sup>

Helen Grant MP would be reshuffled when the Conservative's won their second term in office on the 7<sup>th</sup> May 2015. Grant later related to the author, in 2018, that her time as a DCMS Minister was particularly fraught due to the FOBT debate being so antagonistic, with neither side attempting compromise. Grant

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<sup>434</sup>Department for Culture Media & Sport. (2016a). *Evaluation of Gaming Machine (Circumstances of Use) (Amendment) Regulations 2015*. DCMS, p.3

<sup>435</sup> Ibid

<sup>436</sup> The Public Accounts Committee 2020 report 'Gambling regulation: problem gambling and protecting vulnerable people' would highlight the lack of evaluation of the impact of restrictions, as referred to in chapter five

had tried to impose evidence-based policy making when there was a lack of evidence and when that evidence was sought it had been inconclusive. Seeking the evidence took time, which allowed the anti-gambling lobby and the Opposition parties to paint her as defending the 'exploitative' bookmakers. In turn the bookmakers had continued to roll-out the B2 estate and increase the number of betting shops, albeit by a small amount.

### **DCMS attacks with Crouch**

The new Minister with responsibility for gambling was Tracey Crouch MP (Conservative, Chatham and Aylesford) appointed the day after the new Secretary of State for DCMS, Sir John Whittingdale MP (Conservative, Maldon). It is thought that Whittingdale, who was not anti-gambling may have restrained Crouch, but unfortunately he was replaced, just over a year later, by Karen Bradley MP (Conservative, Staffordshire Moorlands).

The new Minister had made her views about FOBTs known previously, as mentioned above. Crouch had also chaired an All Party Group on Alcohol Misuse and called, with other Kent MPs for a ban on Legal Highs so was obviously interested in potentially addictive pursuits.<sup>437</sup> It was also reported that: 'She told of personal friendships whose lives had been "shattered" because of gambling'.<sup>438</sup> Crouch was also not opposed to spreading the CFFG's falsified statistics when posing a question to her soon-to-be predecessor Helen Grant MP, in a debate in October 2013: 'The Minister will be aware that the Kent Messenger recently reported that gamblers across Kent and the Medway lost £33 million on FOBTs, including £1.6 million in my constituency and £1.9 million in her own constituency. Does she agree,

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<sup>437</sup>Cox, L. (2014, 11/08/2014). Parliamentary group chaired by Chatham MP Tracey Crouch calls for alcohol clampdown. *Kent Online*. <https://www.kentonline.co.uk/medway/news/mps-call-for-alcohol-clampdown-21677/>, Kaur, K. (ibid.21/01/2014). Legal high crackdown from Kent MPs Julian Brazier and Tracey Crouch. <https://www.kentonline.co.uk/kent/news/mps-fight-for-end-to-11519/>

<sup>438</sup> Campaign for Fairer Gambling. (2016). *The smoke and mirrors of the Responsible Gambling Trust exposed at their own conference*. Politics Home - The House,. Retrieved 12/09/2022 from <https://www.politicshome.com/members/article/the-smoke-and-mirrors-of-the-responsible-gambling-trust-exposed-at-their-own-conference>

therefore, that we need to look properly at the devastating impact that these high-risk, high-stake machines are having on our constituents?'.<sup>439</sup>

In September 2016, the 'leading free market think tank', the Institute for Economic Affairs published its '*Fixed-odds betting terminals: A briefing*' by its Head of Lifestyle Economics, Christopher Snowdon. This would point out that there had been no measurable increase in the number of betting shops or the rate of problem gambling. That the call for a £2 would 'put an end to FOBTs by the back door because such a severe reduction in stakes and prizes would reduce consumer appeal and amount to a de facto ban' and that the 'campaign against fixed-odds betting terminals closely resembles previous moral panics about new gambling products and can largely be attributed to ignorance and misinformation: ignorance about how gambling works and misinformation from a small but well-organised group of campaigners who make claims that cannot be supported by evidence'.<sup>440</sup>

The following month, Crouch's department launched a Call for Evidence in their *Review of Gaming Machines and Social Responsibility Measures*. In the foreword Crouch asked for 'evidence across all types of gaming machines, looking at whether the stake and prize limits set out in legislation and the rules on where these machines can be played are right'. Crouch stated she was 'also keen to receive evidence on the effectiveness of social responsibility measures across industry, including requirements around gambling advertising'.<sup>441</sup> The report's consultation period closed on 4<sup>th</sup> December 2016 and DCMS's response would be published in May 2018.

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<sup>439</sup> HC Deb 31/10/13 Vol. Col. 1057

<sup>440</sup>Institute of Economic Affairs. (2016). *Fixed-odds betting terminals* by Christopher Snowdon. Institute of Economic Affairs. . p.5 & p.6

<sup>441</sup>Department for Culture Media & Sport. (2016b). *Review of Gaming Machines and Social Responsibility Measures - Call for Evidence*. DCMS, p.3

In the intervening period, a number of important reports were published.<sup>442</sup> Much referenced would be the December 2016, GambleAware funded, Institute for Public Policy Research (IPPR), publication, *Cards On The Table - The Cost To Government Associated With People Who Are Problem Gamblers In Britain*. This was one of the first attempts to undertake a cost- benefit analysis of British gambling. As will be seen in chapter six, where the 2021 Public Health England (PHE) report *Gambling-related harms evidence review: the economic and social cost of harms*, there is a theme with such cost-benefit analyses, that of not entertaining the concept of a benefit to gambling, having no hard data to provide methodologically proven assertions and expressing a large number as a probable cost. In the IPPR's case this was between £260 million and £1.16 billion per year, the size of the range exemplifying the lack of certainty. At least the IPPR's report was gracious enough to state that:

It is not possible to isolate problem gambling from other comorbidities. This means we cannot identify the direction of causality between problem gambling and the incurrence of cost, nor can we be sure that other, confounding factors are not contributing to both.<sup>443</sup>

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<sup>442</sup> An example of these reports are: NERA Economic Consulting. (2016). *Impact Assessment on the Reduction of B2 Machine Maximum Stakes - Prepared for bcta.* , which estimated that LBO profits fall by 15 to 29 % with no shop closures if a £20 maximum stake was introduced and 36 to 42 % and a maximum of 11% of shop closures from the introduction of a £10 maximum stake, relative to the current £50 soft cap. Douglas, E., Noyes, J., Blond, P. (2017). *Wheel of Misfortune: The case for lowering the stakes on Fixed Odds Betting Terminals.* , which argued that the FOBT stake should be dropped to £2 due to the economic damage the short supply chain of the FOBTs added to the burden on taxpayers, the police and the NHS. Wardle, H., Astbury, G., Thurstain-Goodwin, M., Parker, S. (2016). *Exploring area-based vulnerability to gambling-related harm: Developing the gambling-related harm risk index*. GeoFutures Ltd. which postulated that people with the following features: young people, old people, women, ethnic groups, the poor, the unemployed, homeless, immigrants, prisoners, people on probation, those with low IQ, low qualifications, learning disabilities, those who drink or take drugs and problem gamblers were at risk to gambling related harm and therefore locations with high incidences of these people, should be considered by local authorities as per the local risk assessments for gambling. Although the report admits there is no causal evidence that these people were suffering gambling related harm.

<sup>443</sup>Thorley, C., Stirling, A., Huynh, E. (2016). *Cards on the Table - the cost to government associated with people who are problem gamblers in Britain*. Institute for Public Policy Research. , p.10

On 31<sup>st</sup> October 2017, DCMS published *Consultation on proposals for changes to Gaming Machines and Social Responsibility Measures*.<sup>444</sup> Tracy Crouch MP wrote in her foreword:

this consultation brings forward a package of proposals which responds to strong evidence and public concerns about the risks of high stakes gambling on the high street, with the aim of enhancing player protections on gambling machines that enable high rates of loss in short periods of time.<sup>445</sup>

Of note is the statement that the strong evidence and public concerns is about the high rates of loss in short periods of time and not about problem gambling. This subtle change, arguably, shows that there was no evidence of FOBTs causing problem gambling but there was of people losing large amounts of money.

The consultation paper considered B2 gaming machines (FOBTs), stakes and prizes on other gaming machines, gaming machine allocations and social responsibility measures including player protections on gaming machines, online gambling, gambling advertising and research, education and treatment (RET) for gambling-related harm. The paper was also acting as the Triennial Review which, as the name suggests, was a tri-annual review of gaming machine stakes and prize limits. The purpose of this was to ensure that limits kept up with inflation and other associated factors; as had happened in every Triennial Review it had also provided the machines industry with an opportunity to lobby for more machines with higher stake and prize limits and the anti-gambling groups to lobby for less.

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<sup>444</sup> Department for Culture Media & Sport. (2017). *Consultation on proposals for changes to Gaming Machines and Social Responsibility Measures*. London: DCMS, Retrieved from [https://assets.publishing.service.gov.uk/media/5a757480ed915d6faf2b31dc/Consultation\\_on\\_proposals\\_for\\_changes\\_to\\_Gaming\\_Machines\\_and\\_Social\\_Responsibility\\_Measures.pdf](https://assets.publishing.service.gov.uk/media/5a757480ed915d6faf2b31dc/Consultation_on_proposals_for_changes_to_Gaming_Machines_and_Social_Responsibility_Measures.pdf)

<sup>445</sup> *Ibid.*, p.3

The Consultation paper laid out the extent of the lobby against the FOBTs, by quantifying the support they had received for a £2 stake:

This is supported by the Local Government Association (LGA) and by 93 local authorities (LAs) across England and Wales from across all political parties (although we only received 27 submissions to the call for evidence from LAs, 93 LAs supported a Sustainable Communities Act submission in 2015 calling for a reduction to £2). This is also supported by a variety of campaign groups, charities and faith groups (those publicly supporting this proposal include the Church of England, Methodist Church and Quaker Foundation). In addition we received a submission from the All-Party Parliamentary Group on FOBTs which is calling for a reduction to £2 and a petition from the campaign group, 38 degrees, with over 100,000 signatories<sup>446</sup>

The All Party Parliamentary Group on FOBTs will be discussed later, but their arguments were summarised as the arguably commercial 'disparity between the maximum stakes on B2 machines of £100 and the maximum stake on other gaming machines in accessible locations of only £2' and the mostly anecdotal 'gambling-related harm, wider harm to communities, and in some instances, anti-social behaviour'.<sup>447</sup>

The Association of British Bookmakers (ABB), supported by the suppliers of the FOBTs, provided their standard defence in that 'income from B2 machines has become increasingly important to maintaining the viability of many high street betting shops. In addition, the ABB stated that there is no correlation between the increased number of B2 machines over time and levels of at-risk and problem gambling during the same period, and that B2 machines do not cause increased harm to problem gamblers'.<sup>448</sup>

DCMS went on to dismiss the social responsibility measures that the industry had brought in as having no marked effect.<sup>449</sup> They also saw their own reduction to

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<sup>446</sup>*Ibid.*, p.9

<sup>447</sup>*Ibid.*, p.9

<sup>448</sup> *Ibid* p.10

<sup>449</sup> Association of British Bookmakers. (2013a). *The ABB's code for responsible gambling and player protection in licensed betting offices in Great Britain*. Association of British Bookmakers.



£50 as having little impact on harm and just changed player behaviour. The emphasis did seem to be about the perceived 'exploitation of the poor' argument as they stated that: 'measures taken to date do nothing to counter the wider social impact and the potential amplification of harm for those living in the most deprived communities' and remain concerned about the current regulation of this sub-category of machine in terms of the impact on players and their wider communities. There are still large numbers of higher-staking machines in accessible locations, often in more deprived areas, where it is possible to lose a large amount of money very quickly'.<sup>450</sup>

Again the argument that FOBTs caused problem gambling was less of a focus, it was now about poor people losing large amounts of money and the harm this caused their neighbourhoods. There is no mention of the evidence for this or what DCMS expected bookmakers to do about their betting shops being located near their customers. What is undeniable is that FOBTs were attractive to problem gamblers, as they provide quick play and an illusion of control with the roulette games.

The Consultation paper cited evidence of higher use of FOBTs by problem gamblers found in prevalence studies and used Nat Cen's 2016 report by Heather Wardle, *People who play machines in bookmakers: secondary analysis of loyalty card survey data*, to aid their argument for poor people being exploited:

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: The measures relating to gaming machines include suspensions in play if voluntary time and money limits are reached; mandatory alerts that tell players when they have been playing for 30 minutes or when £250 has been spent; training staff to recognise the opportunity to interact with customers repeatedly loading money; and no longer siting cash machines that can be used from within a betting shop. Additional measures were introduced in November 2014; these require gaming machine customers to make a choice as to whether they wish to set a time and/or money limit. In December 2015, the ABB launched the Player Awareness Scheme (PAS). The system worked by using data from players' playing behaviour to identify if such behaviour was problematic and message the player through the terminal's screen accordingly.

<sup>450</sup>Department for Culture Media & Sport. (2017). *Consultation on proposals for changes to Gaming Machines and Social Responsibility Measures*. London: DCMS, Retrieved from [https://assets.publishing.service.gov.uk/media/5a757480ed915d6faf2b31dc/Consultation\\_on\\_proposals\\_for\\_changes\\_to\\_Gaming\\_Machines\\_and\\_Social\\_Responsibility\\_Measures.pdf](https://assets.publishing.service.gov.uk/media/5a757480ed915d6faf2b31dc/Consultation_on_proposals_for_changes_to_Gaming_Machines_and_Social_Responsibility_Measures.pdf), p.10

players of B2 machines also tend to live in areas with greater levels of income deprivation than the population average; and alongside problem gamblers, those who are unemployed are more likely to use the maximum stake more often than any other socio-economic group<sup>451</sup>

Nat Cen's report has the self-admitted issues of being undertaken before the £50 limit was introduced and of being representative of those with player loyalty cards, a subset of players thought to be 10% of total players, who by its very nature are high volume players.<sup>452</sup> Of interest is the tone of both the report and in the consultation paper about the fact that unemployed people had placed a maximum bet of £100, rarely not often, and in the report that vulnerable people were vulnerable simply by being of an ethnic minority.<sup>453</sup> An opportunity for further research would be an analysis of the FOBT campaign or even the wider anti-gambling campaign of Public Health from a class perspective and a comparison with attitudes of the 19<sup>th</sup> century, where the poor were infantilised and considered exploited by bookmakers rather than utilising choice on how to spend their money.

Having taken this rather weak evidence as substantial enough for policy change, DCMS then admitted: 'that there is limited evidence to inform exactly at what level the revised maximum stake should be'.<sup>454</sup> It therefore put forward a number of policy options:

- Option 1 - Maximum stake reduced to £50 on all B2 content (the status quo)
- Option 2 - Maximum stake reduced to £30 on all B2 content

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<sup>451</sup> Ibid p.11

<sup>452</sup> Wardle, H. (2016). *People who play machines in bookmakers: secondary analysis of loyalty card survey data*. Nat Cen. <https://www.begambleaware.org/sites/default/files/2020-12/natcen-secondary-analysis-of-loyalty-card-survey-final.pdf>

<sup>453</sup> This is the same conclusion as the Wardle authored report mentioned in note 417, *Exploring area-based vulnerability to gambling-related harm: Developing the gambling-related harm risk index*

<sup>454</sup> Department for Culture Media & Sport. (2016b). *Review of Gaming Machines and Social Responsibility Measures - Call for Evidence*. DCMS, p.12

- Option 3 - Maximum stake reduced to £20 on B2 non-slots and £2 on B2 slots
- Option 4 - Maximum stake reduced to £2 on all B2 content

Respondents to the consultation were asked to answer, by the 23<sup>rd</sup> January 2018:

Q1. Do you agree that the maximum stake of £100 on B2 machines (FOBTs) should be reduced?

If yes, what alternative maximum stake for B2 machines (FOBTs) do you support?<sup>455</sup>

In Parliament, Tracy Crouch MP, responded to a question from her Parliamentary Shadow, Tom Watson MP (Labour, West Bromwich East), to announce the consultation. After Crouch gave the detail of the consultation, Watson responded by praising her for keeping him briefed, then criticised:

The Government's response, after a year-long process of delay after delay, and hundreds of submissions from industry, local government, charities, campaigners and Church groups, among others, is deeply disappointing. Instead of taking firm and reasonable action to counter the well-known problems with FOBTs, the Government have simply kicked the process further into the long grass and announced another consultation extending beyond the Budget.

Watson finished with:

This is a missed opportunity to settle the issue of FOBTs once and for all. Quite frankly, we expected more. The Government had a strong hand to play, but this is a busted flush.<sup>456</sup>

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<sup>455</sup> Ibid pp.14-15

<sup>456</sup> HC Deb. 31/10/17 Vol.630 Col. 703

Sir John Whittingdale MP (Conservative, Maldon), who would be DCMS Minister with responsibility for gambling in 2020-21 and one of the most gambling knowledgeable MPs in the House, asked of the Minister<sup>457</sup>:

Will the Minister confirm that the Government's position remains that any future decisions will be evidence-based?

To which the Minister responded:

I can confirm that to be the case. The call for evidence brought in many people's views and made the need to take action very clear. The consultation sets out four options for the reduction in stakes, but the call for evidence makes it certain that the status quo will not be maintained.<sup>458</sup>

Whether intended by the Minister or not, her answer does imply that the evidence in evidence-based policy making was considered by her to be the submissions that were made regardless of their veracity or basis in fact or science. Space does not permit a discussion about the finer detail of what is evidence-based policy but Knill and Tosun do state that: 'exactly what constitutes the 'evidence' in evidence-based policy-making remains contentious in the literature'.<sup>459</sup> Head suggests that there are 'kinds of knowledge (and corresponding views of 'evidence') that are especially salient for policy. These forms of knowledge arise from:

- political know-how;
- rigorous scientific and technical analysis; and
- practical and professional field experience.'<sup>460</sup>

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<sup>457</sup>House of Commons Culture Media and Sport Committee. (2012). *The Gambling Act 2005: A bet worth taking?* (HC 421 (Incorporating HC 1554-i to vii of Session 2010-12)). London: The Stationery Office,. House of Commons Culture Media and Sport Committee. (2013). *Pre-legislative scrutiny of the draft Gambling (Licensing and Advertising) Bill* (HC 905). London: The Stationery Office,

<sup>458</sup> HC Deb. 31/10/17 Vol.630 Col. 705

<sup>459</sup> Christoph Knill, J. T. (2020). *Public Policy - A New Introduction*. Bloomsbury Publishing. .p.160

<sup>460</sup>Head, B. (2008). Three Lenses of Evidence-Based Policy. *The Australian Journal of Public Administration*, 67(1), 11. .p.5

It would appear that in this case, political knowhow was emphasised more than rigorous scientific and technical analysis. Head also argues that:

Sometimes the partisan use of evidence is tactical, casual or opportunistic; but sometimes it is more systematically linked to a cohesive ideological outlook, characterised by some commentators as faith-based politics.<sup>461</sup>

The press response to the Consultation reflected the consultation responses, the majority supportive of a cut in stakes. Most regional newspapers referred to FOBTs as the 'crack cocaine' of gambling, while the *Telegraph* and the *Guardian* expressed surprise about the length of time for the consultation and some MPs took it as an opportunity to have a piece in their local paper to claim victory for all their campaigning, such as Graham Jones MP (Labour, Hyndburn), Sir Peter Bottomley MP (Conservative, Worthing West), Dame Margaret Hodge (Labour, Barking), and Sir David Crausby MP (Labour, Bolton North East).<sup>462</sup> The *Financial Times* reported that senior bookmaking executives: 'believed that the government would settle on a maximum stakes cut to about

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<sup>461</sup> Ibid p.5

<sup>462</sup> 'Crack cocaine of gambling' used on 31/10/17; *Maximum stake to be cut on 'crack cocaine' fixed-odds betting terminals.* (2017, 31/10/2017). *The Courier (Garstang).* , Hurst, B. (2017, 31/10/2017). *Fixed odds betting changes - what are new proposals for 'crack cocaine' of gambling? High-stake, high-speed electronic casino games said to be dangerously addictive; High-stake, high-speed electronic casino games said to be dangerously addictive.* Crosby Herald. , , Johnson, J. (2017, 31/10/2017). *Maximum bets set to be slashed on 'dangerously addictive' gambling machines.* Southern Daily Echo. , Jagger, D. (2017, 31/10/2017). *Politicians are split over betting review.* Telegraph and Argus. , *Fixed odds maximum bet could drop to 2 after gambling review.* (2017, 31/10/2017). Warrington Guardian. , William, H., Wylie, C. (2017, 31/10/2017). *The maximum stake on fixed-odds betting terminals (FOBTs) -- known as the crack cocaine of gambling -- is to be cut from [pounds sterling]100 to between [pounds sterling]50 and [pounds sterling]2.* Western Daily Press. , *Maximum stake to be cut on fixed-odds betting terminals.* (2017, 31/10/2017). Yorkshire Evening Post. . Marko, N. (2017, 31/10/2017). *MP praises 'victory' as betting stakes to be cut on machines known as crack cocaine of gambling.* Yorkshire Telegraph. *Surprise at delay: Davies, R.* (2017, 31/10/2017). *Crackdown on fixed-odds betting terminals unveiled; Maximum bet to fall to between [pounds sterling]2 and [pounds sterling]50 as minister addresses gaming and advertising concerns but Labour calls review 'deeply disappointing'.* Guardian. , Gerrard, B. (2017, 31/10/2017). *Bookmakers to avoid overnight crackdown on betting terminals.* Daily Telegraph.

[pounds sterling]20, accepting that leaving limits any higher would leave the government facing a political backlash'.<sup>463</sup>

Over the following months of the consultation, there was a constant stream of Parliamentary Questions about FOBTs from MPs. These would mostly take the form of questions that the questioners knew could not be answered. These would include questions such as 'what was the estimated spend on FOBTs or number of FOBTs in their constituency' or 'what has been the impact of problem gambling rates in my constituency' or questions that would just get a standard response, such as 'what is the progress of the review of FOBTs' or will they 'reduce stakes to £2' or 'what are they doing to reduce problem gambling?'.<sup>464</sup> All would be met with the same answer that the consultation

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<sup>463</sup> Ahmed, M., Pickard, J. (2017, 01/11/2017). High-stakes battle begins over plans to cap bets on fixed-odds machines; Gambling industry lines up against review that proposes curbs on maximum punt offered by terminals. *Financial Times*.

<sup>464</sup> Estimated spend/number in constituency: Ryan, J.(2017), UK Parliament Written Question, 31/10/17, HC 110518 <https://questions-statements.parliament.uk/written-questions/detail/2017-10-31/110518> accessed 16/08/22. Carden, D. (2018), UK Parliament Written Question, 07/02/18, HC 127447 <https://questions-statements.parliament.uk/written-questions/detail/2018-02-07/127447> accessed 16/08/22. Problem gambling in my constituency: Pidcock, L. (2017), UK Parliament Written Question, 14/11/17, HC 114039 <https://questions-statements.parliament.uk/written-questions/detail/2017-11-14/113049> accessed 16/08/22. Rowley, D.(2017) UK Parliament Written Question, 14/12/17, HC 119521 <https://questions-statements.parliament.uk/written-questions/detail/2017-12-14/119521> accessed 16/08/22. Atoniazzi, T. (2017) UK Parliament Written Question, 20/12/17, HC 120726 <https://questions-statements.parliament.uk/written-questions/detail/2017-12-20/120726> accessed 16/08/22. Carden, D. (2018), UK Parliament Written Question, 07/02/18, HC 127448 <https://questions-statements.parliament.uk/written-questions/detail/2018-02-07/127448> accessed 16/08/22. Standard response: Smith, H. (2017), UK Parliament Written Question, 10/11/17, HC 112220 <https://questions-statements.parliament.uk/written-questions/detail/2017-11-10/112220> accessed 16/08/22. Jardine, C. (2017), UK Parliament Written Question, 13/11/17, HC 112535 <https://questions-statements.parliament.uk/written-questions/detail/2017-11-13/112525> accessed 16/08/22. Brown, L.(2017), UK Parliament Written Question, 20/11/17, HC 114558 <https://questions-statements.parliament.uk/written-questions/detail/2017-11-20/114558> accessed 16/08/22. Harris, C.(2017), UK Parliament Written Question, 13/11/17, HC 903090 <https://questions-statements.parliament.uk/written-questions/detail/2017-12-21/903090> accessed 16/08/22. Timms, S. (2018) UK Parliament Written Question, 05/01/18, HC 121125 <https://questions-statements.parliament.uk/written-questions/detail/2018-01-05/121125> accessed 16/08/22. Timms, S. (2018) UK Parliament Written Question, 15/01/18, HC 122780 <https://questions-statements.parliament.uk/written-questions/detail/2018-01-15/122780> accessed 16/08/22. Rowley, D. (2018) UK Parliament Written Question, 31/01/18, HC 125995 <https://questions-statements.parliament.uk/written-questions/detail/2018-01-31/125995> accessed 16/08/22. Harris, C.(2018), UK Parliament Written Question, 07/03/18, HC 131475 <https://questions-statements.parliament.uk/written-questions/detail/2018-03-07/131475> accessed 16/08/22. Clark, C. (2018), UK Parliament Written

was ongoing. These MPs would have known that they would not get any answer, they were asking simply to keep lobbying, either directly or indirectly and to be able to say they were involved in the debate since public opinion, if this is what the newspapers reflect (as above), was against the FOBTs.<sup>465</sup>

On 19<sup>th</sup> March 2018, the Gambling Commission published its submission to the consultation. As the regulator and statutory advisor to the government on gambling policy, this was of importance. The first thing of note is that its advice contained no mention or consideration of any economic implications for the bookmaking industry. Its concern was 'to reduce the risks that consumers, especially those that are vulnerable, face from gambling' and that 'action – from government, the Gambling Commission and operators – is needed to achieve that aim'. Its 'thinking is underpinned by robust evidence, applying the precautionary principle where appropriate'.<sup>466</sup>

Worthy of repeating in full is its description of the robust evidence<sup>467</sup>:

Two pieces of evidence that we should mention specifically come from work that we carried out or commissioned as part of the review. The first concerns work to repeat analysis conducted in 2011 by academics at Harvard University, but using different data. The study by LaPlante et al used data from the British Gambling Prevalence Survey 2007. It showed that controlling for gambling involvement substantially reduced or

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Question, 22/03/18, HC 904537 <https://questions-statements.parliament.uk/written-questions/detail/2018-03-22/904537> accessed 16/08/22.

<sup>465</sup> The odd exception was Maria Eagle MP (Labour, Garston and Halewood) who asked 'what limit has been placed on the number of fixed-odds betting terminals which can be situated in work-place staff canteens'. This exemplifies how much knowledge some Members had of the debate that they were willing to partake in. Eagle, M. (2018), UK Parliament Written Question, 12/03/18, HC 132023 <https://questions-statements.parliament.uk/written-questions/detail/2018-03-12/132023> accessed 16/08/22

<sup>466</sup> Gambling Commission. (2018c). *Review of gaming machines and social responsibility measures – formal advice*. Gambling Commission,, p.1

<sup>467</sup> The Commission did also receive advice from the Responsible Gambling Strategy Board, Responsible Gambling Strategy Board. (2017). *Advice in relation to the DCMS review of gaming machines and social responsibility measures*. Retrieved from <https://cliffondavies.com/wp-content/uploads/2017/10/RGSB-Advice-in-relation-to-the-DCMS-review-of-gaming-machines-and-social-responsibility-measures.pdf>. This pointed out that there was no evidence that FOBTs caused problem gambling just that problem gamblers used them. There was also no evidence that reducing stakes would reduce the amount of harm.(p.2)

eliminated all statistically significant relationships between individual gambling activities and problem gambling, except in the case of machines in bookmakers. Our study, following the same methodology but using data from 2010 and 2012, also found no consistent evidence that particular gambling activities are predictive of problem gambling, after controlling for the level of involvement. But the 2007 finding that machines in bookmakers are the exception did not persist into 2010 and 2012.<sup>468</sup>

Which it concludes with:

These findings are part of a complicated overall picture from which it is only possible to conclude that there is no clear-cut evidence that reducing maximum stake alone would be an appropriate action to reduce gambling-related harm. However, we think that there is sufficient evidence of harm to justify a precautionary approach.<sup>469</sup>

Since there was no scientific reasoning for reducing stakes rather than the obvious, reduction of losses, the Commission relied on what it considered to be the evidence in evidence-based policy making:

Gambling regulation needs to be rooted in an understanding of what is acceptable in society. So, it is important to take account of public opinion in considering the balance between protecting vulnerable people and allowing people to choose how they gamble. We have taken account of concerns expressed by Parliamentarians, local authorities, faith groups, other stakeholders and in the media. We also added questions to our own online tracker survey to assess the extent of public concern.<sup>470</sup>

The Commission recommended that:

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<sup>468</sup>Gambling Commission. (2018c). *Review of gaming machines and social responsibility measures – formal advice*. Gambling Commission,, p.6 LaPlante, D. A., Nelson, S. E., LaBrie, R.A., Shaffer, H.J. (2011). Disordered gambling, type of gambling and gambling involvement in the British Gambling Prevalence Survey 2007. *European Journal of Public Health*, 21(4), 532-537. and Gambling Commission. (2018f). *Types of gambling and gambling involvement*. <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/types-of-gambling-and-gambling-involvement>

<sup>469</sup>Gambling Commission. (2018c). *Review of gaming machines and social responsibility measures – formal advice*. Gambling Commission,, p.7

<sup>470</sup> Ibid p.4



- There is a precautionary case for a £2 stake limit for B2 slots games and a stake limit at or below £30 for B2 non-slots [electronic roulette].

It also suggested:

- Banning the facility for machines to allow different categories of games to be played in a single session.
- That there was a case for making tracked play mandatory across Category B2 (and B1 and B3) machines. It thought there might be merit in running a trial to get a better understanding of the costs and challenges associated with implementing it.
- That the industry should work with Gambling Commission and others to make player-set time and monetary limits more effective, and
- There should be monitoring of the impact of any changes, and consideration of further options to manage risks arising.<sup>471</sup>

The Commission admitted 'that problem gambling – and gambling-related harm – occurs at all staking levels' and that there were 'challenges of identifying from single, unlinked, sessions of play the risks of harm to individuals' and that there was 'inadequate data to test robustly the effectiveness of regulatory policy changes and operators' player intervention strategies'.<sup>472</sup>

Its choice of a £30 stake limit for non-slot games was based on the experience of imposing the £50 limit where customers had just lowered their stakes and played longer. The Commission's concern was that if stakes were set too low then customers would either extend their play session or switch to other forms of gambling. It expressed the same concern as that of Professor Collins in relation to his speeding limit analogy explained in the next section:

A very low stake limit is likely to mean that roulette would no longer be a commercially viable product. Consumers would still have a wide choice of other activities, but removing a popular product from the high street would be a significant change, and any restriction on freedom of choice requires careful consideration.<sup>473</sup>

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<sup>471</sup> Ibid p.6

<sup>472</sup> Ibid p.15

<sup>473</sup> Ibid p.9

The Times responded:

The recommendation will put Ministers in a tricky position politically, with a growing number of MPs supporting a £2 maximum. A survey found that almost three quarters of them wanted there to be a significant reduction. Almost two thirds back a £2 maximum.

Campaigners are likely to be outraged that the commission will not explicitly back a £2 limit and will question the definitions of harm used in its analysis.<sup>474</sup>

Before the outcome of the consultation is considered, we should analyse the role played by a further policy actor: the All-Party Parliamentary Group on Fixed Odds Betting Terminals.

### **The All-Party Parliamentary Group on Fixed Odds Betting Terminals**

In January 2017 the All-Party Parliamentary Group on Fixed Odds Betting (APPGFOBT) published "*Fixed Odds Betting Terminals - Assessing the Impact*". This All Party Group had been set up in May 2016 over its concerns about FOBTs.<sup>475</sup> It included as its Officers the previously mentioned David Lammy MP, Stephen Timms MP (Labour, East Ham) who has Newham Council in his constituency, and was Chaired by Carolyn Harris MP (Labour, Swansea East), a relative newcomer as only becoming an MP in 2015.<sup>476</sup> The Group received

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<sup>474</sup> Ellson, A. (2018, 19/03/2018). Watchdog backs away from tough betting curbs. *The Times*, 2. [https://go-gale-com.salford.idm.oclc.org/ps/retrieve.do?tabID=Newspapers&resultListType=RESULT\\_LIST&searchResultsType=SingleTab&retrieveId=2edfa2ff-a826-4e6c-bdca-7636470ec93f&hitCount=4&searchType=AdvancedSearchForm&currentPosition=3&docId=GALE%7CYGUMSO830182156&docType=Article&sort=Pub+Date+Forward+Chron&contentSegment=ZTMA-MOD3&prodId=TTDA&pageNum=1&contentSet=GALE%7CYGUMSO830182156&searchId=R1&userGroupName=salcal2&inPS=true](https://go-gale-com.salford.idm.oclc.org/ps/retrieve.do?tabID=Newspapers&resultListType=RESULT_LIST&searchResultsType=SingleTab&retrieveId=2edfa2ff-a826-4e6c-bdca-7636470ec93f&hitCount=4&searchType=AdvancedSearchForm&currentPosition=3&docId=GALE%7CYGUMSO830182156&docType=Article&sort=Pub+Date+Forward+Chron&contentSegment=ZTMA-MOD3&prodId=TTDA&pageNum=1&contentSet=GALE%7CYGUMSO830182156&searchId=R1&userGroupName=salcal2&inPS=true)

<sup>475</sup> A Parliamentary All Party Group or All Party Parliamentary Group (APPG) is a group of 'backbencher' MPs and Peers who have an interest in a topic (usually a country or a subject). They meet regularly to discuss topic based issues and hear from speakers. They have no formal powers or influence and an analogy would be a debating society.

<sup>476</sup> UK Parliament. (2016). *Register Of All-Party Parliamentary Groups [as at 3 June 2016]* *Betting Terminals*. Retrieved 25/07/2022 from <https://publications.parliament.uk/pa/cm/cmallparty/160603/betting-terminals.htm>

Secretariat services from Interel Consulting UK Ltd, a lobbying firm.<sup>477</sup> According to the Office of the Registrar of Consultant Lobbyists, Interel Group was funded by BACTA, the trade association for slot machine operators and suppliers, and the CFFG to support the APPGFOBT.<sup>478</sup> Although funding such a Group does not obviously mean direct influence over it, the demands of the APPGFOBT were almost identical to the CFFG and to a major extent, BACTA.

The APPGFOBT report was the result of an inquiry styled upon the workings of a Select Committee with written submissions invited and oral submissions heard from witnesses. Unsurprisingly, the majority of speakers were from the anti-FOBT persuasion.<sup>479</sup> Surprisingly the bookmakers chose not to attend, even though invited. The Minister responsible for gambling attended, which was a generous act as there was no obligation for her to do so. The report is considered in some detail as it highlights the arguments of those opposed to the FOBTs and the tactics used.

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<sup>477</sup> The ABB complained to the Commissioner of Standards that the Group had failed to properly report Interel's participation in the creation of the report in a timely fashion and the complaint was upheld. Parliamentary Commissioner of Standards. (2017). *FOBT APPG Rectification*. London Retrieved from <https://cliftondavies.com/wp-content/uploads/2017/05/Parliamentary-Commissioner-for-Standards-FOBT-APPG-rectification.pdf>

<sup>478</sup> Office of the Registrar of Consultant Lobbyists. (2023). *Dentons Global Advisors UK Limited Key registration information Alternative trading names Interel Consulting UK Ltd*. Retrieved 25/07/2022 from [https://orcl.my.site.com/CLR\\_Public\\_Profile?id=00124000006aZvHAAU](https://orcl.my.site.com/CLR_Public_Profile?id=00124000006aZvHAAU)

<sup>479</sup> The providers of oral evidence were: Previous FOBT Gamblers (anti) Derek Webb, The Campaign for Fairer Gambling (anti) Sir Robin Wales, Newham Council (anti) Councillor Anita Lower, Local Government Association (anti) Martin Kettle, Church of England (anti) Dan Boucher, CARE (anti) Helena Chambers, Quaker Action (anti) Dirk Hanson, GamCare (neutral) John White, Chief Executive, Bacta (anti) Jason Frost, President, Bacta (anti) Tracey Damestani, Chief Executive of National Casino Forum (neutral) Dennis Dowling, Member, National Casino Forum (neutral) Simon Thomas, CEO, Hippodrome Casino (anti) Fintan Drury, Former Chairman, Paddy Power (anti) Tracey Crouch, Minister for Sport Tourism and Heritage (neutral at this time) Sarah Harrison, Chief Executive, Gambling Commission (neutral) Kate Lampard, Chair, Gamble Aware (neutral) Marc Etches, Chief Executive, Gamble Aware (neutral) Sir Christopher Kelly, Chair, Responsible Gambling Strategy Board (neutral) Bill Bennett, ex bookmaker (anti), Barry Phillips, ex bookmaker (anti) Stephen Sharman, University of Lincoln (anti), Dr Sean Cowlshaw, University of Bristol (anti) Dr Simon Dymond, Swansea University (anti) Prof Jim Orford, University of Birmingham (anti), Peter Collins, University of Cape Town (neutral). The designation of anti is based on the individual having made anti-FOBT statements

The report sets out a line of argument that would become the formula for anti-gambling groups to this day. This is that as there was only anecdotal evidence of harm caused by the FOBTs (or, for that matter, any other form of gambling or gambling advertising), the government should act to restrict it due to the precautionary principle. The report criticises the regulator for not doing the same and cites the Gambling Commission's own statement about the precautionary principle: "In interpreting the available evidence, the Commission will take a precautionary approach. For example, caution may be justified where evidence is mixed or inconclusive, and the Commission would not want to restrict its discretion by requiring conclusive evidence that something was unsafe before taking measures to restrict it."<sup>480</sup>

The precautionary principle was first invoked by Tessa Jowell when discussing the new casinos during the passing of the Gambling Act.<sup>481</sup> It appears to have emerged as a concept within the environmental policy area in West Germany in the 1970s. O'Riordan and Jordan state: 'The *vorsorgeprinzip* (precautionary principle) was used by the German government to justify the implementation of vigorous policies to tackle acid rain, global warming and pollution of the North Sea in the mid- to late 1980s'.<sup>482</sup> O'Riordan and Jordan go on to identify core elements of the principle, while developed for environmentalist purposes some of which have resonance for the approach of anti-gambling groups and Public Health as examined in this and later chapters. These include a 'willingness to take action in advance of scientific proof, or in the face of fundamental ignorance of possible consequences, on the grounds that further

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<sup>480</sup>Fixed Odds Betting Terminals All Party Parliamentary Group. (2017). *Fixed Odds Betting Terminals Assessing the Impact*. Fixed Odds Betting Terminals All Party Parliamentary Group. , pp.7-8 citing Gambling Commission. (2015b). *Outcome of consultation on amendments to the Gambling Commission's: Statement of principles for licensing and regulation Licensing, compliance and enforcement policy statement. Responses document*. London: Gambling Commission, Retrieved from <https://assets.ctfassets.net/j16ev64qyf6l/7eXzgN7IryEppPV1cGmvpV/646dcd0992cc96841d11b05aad0abeb2/SOP-consultation-responses.pdf>

<sup>481</sup> HC Deb, 7 April 2005, c1629

<sup>482</sup> O'Riordan, T., Jordan, A. (1995). The Precautionary Principle in Contemporary Environmental Politics. *Environmental Values*, 4(3), 21.

delay or thoughtless action could ultimately prove far more costly than the 'sacrifice' of not carrying on' and shifting the burden of proof from the afflicted to the inflictor and that the polluter pays.<sup>483</sup>

The Group heard from Derek Webb, founder of the CFFG, without declaring his financial interests in the Group and accepted his statements of considerable evidence of FOBTs causing harm, while presenting no other evidence apart from a focus on reports by NERA Consulting and Landsman Economics, without declaring that both were commissioned by the CFFG.<sup>484</sup> This is not just an issue of transparency: as will be argued in the next chapter on the Public Health approach to gambling, part of the credo has been to discredit any research commissioned by the gambling industry itself.

The Group also heard from the Local Government Association and the Mayor of Newham Council, both of whom had been vocal in their dislike of FOBTs.<sup>485</sup> Their initial irritation was that the Gambling Act 2005 had done away with the Demand Test for gambling as specifically stated in s.153 (2): In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide. There was anecdotal evidence of clustering, especially due to planning laws that allowed betting shops to move into the High street when banks and building societies were moving out.

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<sup>483</sup> Ibid pp.195-96

<sup>484</sup>NERA Economic Consulting. (2014). *The Stake of the Nation - Balancing the Bookies Review of the Association of British Bookmakers' Impact Assessment Published by the Campaign for Fairer Gambling.* . Reed, H. (2015). *The Economic Impact of Fixed Odds Betting Terminals: 2015 update.* Landman Economics.

<sup>485</sup> See House of Commons Culture Media and Sport Committee. (2012). *The Gambling Act 2005: A bet worth taking? (HC 421 (Incorporating HC 1554-i to vii of Session 2010-12))*. London: The Stationery Office, and in November 2014, Newham Council lodged a proposal with the Department for Communities and Local Government (DCLG), demanding that the Government reduce the maximum stake on B2 machines to £2. The proposal was supported by 93 councils - 31 from London and 62 others from around the country and held by all political parties. The Government rejected the proposal on 15 July 2015.

With the supposed influx of FOBTs came the allegations of increased crime and anti-social behaviour and the perception of increased social externalities, such as domestic abuse, which comes with problem gambling. Again much was anecdotal at best:

research conducted by Westminster and Manchester Councils found that the crime related to FOBTs occurred outside or inside shops and could be quantified. But the other impacts such as domestic violence, theft, use of food banks and impact to children was unquantifiable and the police were not able to monitor this aspect.<sup>486</sup>

Haringey Council were concerned about the: ' "impact of problem gambling and FOBT use on health" and on the young and vulnerable. The [APPGFOBT] Group agrees that it is critical for the Government to consider the impact on health and health service provision as a result of the impact of FOBTs'.<sup>487</sup> Again no evidence was provided of any health issues regarding FOBT use.

The London Borough of Newham raised another trope, that of bookmakers preying on the poor, as referenced earlier with Harriet Harman MP in 2011:

- Newham is concerned with the apparent correlation of greater numbers of betting shops in areas of deprivation, with more than twice as many betting shops in the poorest 55 boroughs compared with the most affluent 115, which are equivalent by population.
- Betting shops with gaming machines tend to be located in higher density urban areas and there is a correlation between close proximity to those shops and rates of crime and deprivation.<sup>488</sup>

This allegation, again, fails to recognise that betting shops are located mostly in urban areas which tend to be less affluent, are mostly on the high street,

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<sup>486</sup>Fixed Odds Betting Terminals All Party Parliamentary Group. (2017). *Fixed Odds Betting Terminals Assessing the Impact*. Fixed Odds Betting Terminals All Party Parliamentary Group. , p.20

<sup>487</sup> Ibid p.20

<sup>488</sup> Ibid p.21

which tend to be less affluent areas and that their customers tend to be less affluent. Less affluent areas tend to have higher rates of crime and deprivation.

Tracy Crouch MP, the Minister responsible for gambling controversially stated; 'that she welcomed the opportunity to address the group. She said that the Group's inquiry was extremely valuable and that she was pleased that it had been set up'.<sup>489</sup> Sarah Harrison, CEO of the Gambling Commission, was more circumspect, stating she could not say much due to the DCMS's own review of FOBTs. What is worthy of question is why Tracy Crouch MP felt that while her department was undertaking a review she should not act like Sarah Harrison and exhibit political neutrality on the topic, rather than congratulating, participating and encouraging a pseudo-inquiry by an overtly 'anti' policy actor? The same would happen with Chris Philp MP (Conservative, Croydon South), when Minister responsible for gambling, when he attended a rally by the APPG on Gambling Related Harms (the successor to the APPGFOBTs) while DCMS undertook the review of the Gambling Act, whose publication is the end point of this thesis, in March 2022.<sup>490</sup>

Of the academic witnesses who gave evidence, only one had completed relevant research, Professor Peter Collins. Peter Collins (who died in 2022) was one of the most respected academics of gambling politics and his book, *Gambling and the Public Interest*, is one of the most well regarded in a very scant canon, alongside the also deceased Professor Bill Eadington, who authored numerous works on gambling and public policy.<sup>491</sup> Peter Collins had

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<sup>489</sup> Ibid p.34

<sup>490</sup> Department for Culture Media & Sport. (2022b). *Gambling Reform Rally speech Minister Chris Philp's keynote speech at the Gambling Reform Rally organised by the Gambling Related Harm APPG and Peers for Gambling Reform*. WWW.Gov.uk,. Retrieved 03/08/2022 from <https://www.gov.uk/government/speeches/gambling-reform-rally-speech>

<sup>491</sup> Collins, P. (2003). *Gambling and the Public Interest*. Praeger. Eadington, W. (1988). *Gambling Research: Public policy and commercial gaming industries throughout the world*. Bureau of Business and Economic Research College of Business Administration University of Nevada-Reno,. *Gambling and Public Policy: International Perspectives*. (1991). (J. A. Cornelius, Eadington, W.R., Ed.). Institute for the Study of Gambling and Commercial Gaming College of Business Administration University of Nevada Reno,. *Gambling: Public Policies and the Social*

conducted research, commissioned and funded by BACTA to answer one single question:

“What would be the likely effect of substantially reducing the maximum permitted stake per spin from £100 to, say, £10 for people playing roulette in betting shops, especially but not exclusively in relation to the third objective of the Gambling Act (2005), i.e. “to protect the vulnerable”?”<sup>492</sup>

Collins is upfront about the fact that the research is being paid for by an organisation that was publicly vocal against the FOBTs and goes to great lengths to show how his research is independent and transparent, going as far as providing the raw data. A consistent theme of the APPGFOBT report is not to mention who had commissioned research that was critical of FOBTs, such as BACTA or Derek Webb/CFFG but to accept that any research by the industry, however arm's length, was tainted.

Collins's conclusion was: 'All the evidence we have gathered cumulatively supports the view that the Government should, in the interest of protecting the vulnerable and in line with its policy of prioritising mental health issues, impose a substantial reduction on the maximum stake currently permitted when playing FOBTs in betting shops'.<sup>493</sup> What the APPGFOBT did not relate in its summary of Collins's research was that he made an analogy of the stake limits with speed limits, arguing that 100mph was way too high for any road except a racetrack but setting a speed limit too low, such as: 'a universal speed limit of 4 mph. would make driving all but pointless, even though it would undoubtedly virtually eliminate road deaths and mutilations'.<sup>494</sup> Collins

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Sciences. (1997). (J. A. Cornelius, Eadington, W.R., Ed.). Institute for the Study of Gambling and Commercial Gaming College of Business Administration University of Nevada Reno..

<sup>492</sup>Collins, P., Barr, G., Scott, L. (2016). *Report on results of research into the likely effects of substantially reducing the maximum permitted stake of £100 per 20-second spin on category B2 electronic gambling machines in UK Betting Shops.* ,p.16

<sup>493</sup> Ibid p.12

<sup>494</sup> Ibid p.13



believed that a £10 stake limit was the correct 'speed' as the majority of players did not stake more than this. This differed from the likes of the CFFG which was arguing for £2, the 4mph option.

Other academics who gave evidence appeared to be firmly in the anti-FOBT camp, irrespective of the fact that they had not actually undertaken any research specifically into the machines.

Professor Jim Orford, a psychologist and creator of the anti-gambling campaign group 'Gambling Watch UK' and author of anti-gambling books '*An Unsafe Bet - The Dangerous Rise of Gambling and the Debate We Should Be Having*', '*Gambling and Problem Gambling in Great Britain*' and '*The Gambling Establishment: Challenging the Power of the Modern Gambling Industry and Its Allies*'.<sup>495</sup> Orford argued that there were three sources of evidence that suggested that FOBTs were extremely dangerous, the first being rather confusing:

the evidence is theoretical, which he likened to putting a known dangerous and addictive drug on the market but focus mainly on its non-addictive components.<sup>496</sup>

The second also being confusing:

The second factor is the variety on offer. B2 or B3 content can be played on a FOBT, players can bet on numbers or colours which could yield a big return. Players can win small or medium prizes and there is even a possibility of winning large prizes making the machines volatile.<sup>497</sup>

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<sup>495</sup>Gambling Watch. (2023). *Gambling Watch UK*. Retrieved 05/08/2022 from <https://www.gamblingwatchuk.org/>. Orford, J. (2010). *An Unsafe Bet - The Dangerous Rise of Gambling and the Debate We Should Be Having*. Wiley. *Gambling and Problem Gambling in Britain*. (2003). (J. Orford, Sproston, Kerry, Mitchell, Laura, Ed.). Routledge. Orford, J. (2019). *The Gambling Establishment: Challenging the Power of the Modern Gambling Industry and Its Allies*. Routledge. .

<sup>496</sup>Fixed Odds Betting Terminals All Party Parliamentary Group. (2017). *Fixed Odds Betting Terminals Assessing the Impact*. Fixed Odds Betting Terminals All Party Parliamentary Group. , p.43

<sup>497</sup> Ibid p.44

FOBTs are B2 category gaming machines and are mostly played for electronic roulette. While they can offer B3 content (a B3 being a slot machine with an electronic representation of spinning reels), by far the largest majority of games on a B2 are roulette. Roulette is very different from a slot machine. The highest return on a slot machine can be over 1000-1 while for roulette it is 35-1. This is why a larger stake limit than a slot machine is needed for a FOBT as there is no opportunity for big returns.

Orford's third source of evidence was the accessibility of FOBTs. Ignoring the fact that betting shops had allowed people to gamble large sums over the counter for decades, he pointed out that if FOBTs were only allowed in casinos, as the casinos trade association argued, they would 'still be dangerous forms of gambling, they would not be as easily available to people in particular social demographic groups, who find it easy to access betting shops but not casinos'.<sup>498</sup> Orford had obviously not visited a casino post the liberalisation that the 2005 Act brought.<sup>499</sup>

Dr Simon Dymond, a behavioural psychologist from the University of Swansea also seemed preoccupied by the features of a slot machine even though the topic in question was a machine that offered roulette. He was concerned with the "near miss effect" which is defined as when a 'losing outcome resembles, approximates or comes close to a win'.<sup>500</sup> He argued that the way a slot machine produces "near misses" was 'creating a neuro behavioural trap for people with a certain sensitivity or propensity to develop a gambling problem'.<sup>501</sup> The University of Lincoln's environmental psychologist, Steve Sharman, expressed his concerns about "losses disguised as wins" which is

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<sup>498</sup> Ibid p.44

<sup>499</sup> The main liberalisation that the Gambling Act 2005 brought to land-based casinos was the removal of the membership requirement although Orford's comments could be construed as having a class prejudice about them.

<sup>500</sup> Ibid p.45

<sup>501</sup> Ibid p.45

‘when a gambler wins a small amount, which is less than the amount they originally staked, but when the flashing of the machines disguises the impact of their loss’.<sup>502</sup> Again this is a slot machine issue not relevant to roulette, but Sharman had some anecdotes about problem gamblers using FOBTs and would later provide research about homeless people and gambling. Dr Simon Cowlishaw, from the University of Bristol had spent time working in problem gambling in Australia. His view was that problem gambling was akin to alcohol dependency in that there were gamblers not recognised as problem gamblers who were being harmed by gambling. He also brought with him the Australian Public Health view on research by stating: ‘If Government were looking to make policies based on scientific evidence it needs to be funded by them. The UK gambling industry seems to have a very prominent role in funding research and have undue influence on research’.<sup>503</sup>

The conclusions of the APPGFOBT report, based on six months of hearings were hardly surprising. They recommended a reduction in FOBT stakes, a universal request from the mostly partisan witnesses. They requested it to be to £2, a request only made by their sponsor, the CFFG, and expressly against the recommendation of the only academic to research the topic.<sup>504</sup>

### **The response of the betting industry**

Consideration must be given to the response of the betting industry throughout the FOBT debate. The reason the title of this chapter has been called the FOBT debacle is that the response from the industry, directed via their trade association, the Association of British Bookmakers (ABB) was from a lobbying perspective, atrociously poor. Space does not permit a forensic investigation, so instead the focus will be on the recollections of this author who as Secretariat of the Parliamentary All Party Betting & Gaming Group (APPGBG), a gambling friendly All-Party Group, from 2007 – 2023, was party to many

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<sup>502</sup> Ibid p.45

<sup>503</sup> Ibid p.46

<sup>504</sup> Ibid p.49

meetings between the Group's members and the ABB and provided many briefings for the Group on the ongoing state of the debate.

The main problem this author perceived with the bookmakers' lobbying strategy is that they had not addressed sufficiently that they were dealing with an inherently emotional argument, that alleged the FOBTs were causing harm. They simply stuck to the line that any reductions in stake level would cause betting shops to close and therefore there would be job losses and a reduction in tax revenue. Whilst this was a pertinent response and as history showed, would be proven factual, all it did was reinforce the narrative of the bookmakers as being exploitative and preying on the poor. In numerous meetings, it was suggested to the ABB that they should voluntarily reduce maximum stakes to show their understanding of the concerns about the FOBTs, but this was always refused.<sup>505</sup> They argued that there was no evidence of causality between the machines and problem gambling, but considering their substantial funds they failed to commission research to prove this, thus allowing the likes of Derek Webb to commission research to imply it and fill the evidence void. A rumour that arose in the industry from about 2016 onwards was that the bookmakers realised that FOBTs had no future, so were just holding out as long as possible before they were banned as the senior management of the firms were financially recompensed in part by their performance.

### **Effective abolition**

On 17<sup>th</sup> May 2018, the Government published its response to the consultation. Tracy Crouch MP announced that the government would be disregarding their statutory advisor's advice and that B2 gaming machines (FOBT's) would have their maximum stake limit set at £2. Their reasoning was that problem gamblers

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<sup>505</sup> All Party Betting & Gaming Group meetings were all under Chatham House rules so no records were kept

liked using them, problem gamblers seeking treatment had admitted using them and that they were located in areas of high deprivation.<sup>506</sup>

The most telling of statements was:

£2 has been found to be the stake limit that would most substantially impact on harm by reducing the ability to suffer high session losses, while also targeting the greatest proportion of problem gamblers, and mitigating risk for the most vulnerable players for whom even moderate losses might be harmful<sup>507</sup>

To again use Professor Collins's analogy, this was exactly like setting a speed limit at 4mph, and arguably worse. The government response stated that there was no evidence of losses of between £5,000 - £10,000 at a £2 stake or below.<sup>508</sup> This is hardly surprising as a) why would anyone play roulette at a £2 stake limit when the best odds available is 35-1 so making a maximum prize of £70 when the maximum prize for a B3 at the same stake is £500 and b) to lose £5,000 would take a minimum of 2,500 spins, allowing for no wins which is theoretically possible but highly improbable, and at 20 seconds per spin would take over 13 hours of continuous play and the ability to have £5,000 in £1 coins and the dexterity to feed them in continuously.

To give some idea of the numbers involved, according to the Gambling Commission, in 2017, post the £50 limit, the number of player sessions where losses of between £5,000 - £10,000 at a £2 stake for non-slot B2 were 0 as they were up to every staking band until £20-£30 where there were 2 occurrences per day. This is out of 128,168,215 player sessions per day.<sup>509</sup>

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<sup>506</sup>Department for Culture Media & Sport. (2018b). *Government response to the consultation on proposals for changes to Gaming Machines and Social Responsibility Measures*. London: DCMS,, p.3

<sup>507</sup> Ibid p.3

<sup>508</sup> Ibid p.5

<sup>509</sup> Gambling Commission. (2017). *Cross-venue machines data*. Gambling Commission,. Retrieved 17/08/2022 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/cross-venue-machines-data>LBO machines data Excel spreadsheet download

DCMS was arguably reflecting a move to the Public Health approach as detailed in the next chapter by stating: 'only at very low levels would a stake reduction have an impact on the large proportion of problem gamblers who typically place stakes at relatively modest levels'.<sup>510</sup> This accepts the argument that problem gamblers play at all stake limits but ignores the corollary of this that stake limits are therefore not an effective method of controlling problem gambling. What it does is express the view, as will be discussed in the next chapter, that any form of loss at gambling is harmful due to the very loose definition of what harm is.

DCMS was also keen to dismiss the advice of the Gambling Commission by stating:

While we acknowledge the risks of potential displacement, the nature of this, and the effect on overall harm, are impossible to predict and it does not necessarily follow that those who displace to other forms of gambling will be exposed to the same or higher levels of harm.<sup>511</sup>

Which in some respects goes completely against the ethos that DCMS had been arguing that where there was a lack of hard evidence, the precautionary principle should apply. To say that it is impossible to predict what gamblers who like gambling with the features akin to a FOBT (high stakes, high payout, high frequency), which are considered by all sides of the debate to be features of a gambling game that are in the higher range of risk, would then move to games that were low risk (low stakes, low payout, low frequency) shows either incompetence or obfuscation. Any person with the knowledge of gambling to be involved in the consultation would know that they would probably move either to B3 machines or online casino games and slots. The

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<sup>510</sup>Department for Culture Media & Sport. (2018b). *Government response to the consultation on proposals for changes to Gaming Machines and Social Responsibility Measures*. London: DCMS,, p.15

<sup>511</sup> Ibid p.16

idea that they would not gamble or move to buying a weekly lottery ticket is simply ridiculous.

Where it is highly suspected that the motivation for the £2 stake came from can be seen in the consultation responses:

Over two thirds (69%) of those who answered the online survey question on this issue agreed that the maximum stake of £100 should be reduced. Those who answered yes were asked a separate question about what the specific stake level should be; over two thirds (69%) supported a reduction to £2

In addition to those survey responses, we had supporting submissions for a reduction to £2 from local authorities, faith groups, Parliamentarians, charities, interest groups and academics. We received a petition from campaign group 38 Degrees, with over 137,000 signatures calling for a reduction to £2.<sup>512</sup>

Add this to a Minister with responsibility for gambling who had been highly vocal in her support for a £2 stake and it does appear that gambling policy was more about a popularity competition, that the bookmakers lost rather than a conventional approach to evidence-based policy making.<sup>513</sup> This is not to argue that the wishes of the public should be ignored when it comes to gambling or any other policy, just that there are some policies that by convention have not been opened up to the whims of populist sentiment; examples would be the death penalty and national service. As already discussed in the development of the theory-variant Masked Morality is how susceptible the regulated gambling industry is to concerted lobbying against it.

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<sup>512</sup> Ibid pp.16-17

<sup>513</sup> Tracy Crouch MP vocal about £2 stake: Nelson, N. (2017, 29/10/2017). Victory at last; But there's still plenty at stake in FOBT fight. *The People.* , Crouch, T. (ibid.05/11/2017). We protect vulnerable. and above

## **Conclusion about FOBTs**

The FOBT debacle is important from a policy perspective because it is where the concept of the new variant of morality politics, Masked Morality, first exhibits itself. It is also a prime example of moral panics. But most importantly from a historical perspective, it is the first time in the modern era that we see a gambling product effectively abolished due, in the main, to the work of policy actors, fully expressing Masked Morality and fully utilising moral panics. The other key actor was undoubtedly a Minister with responsibility for gambling not being a fan of gambling. It is also where lobbying techniques, by anti-gambling groups such as the funding of opinion polls, supportive research and Parliamentary groups are first tested successfully and as chapter six will show, utilised effectively against the online gambling industry. It is also where activist anti-gambling academics, the focus of the next chapter, first join sides with the anti-gambling pressure groups.

It cannot be emphasised enough how gambling is a victim of a public narrative that is based on a mixture of a British history of illegality and crime (due to its prohibition from the 1850s to 1961) and the mass media, influenced much by the American experience that almost always implies widespread criminality and human misery due to addiction. As stated previously, the image of 'homburgs and tommy guns'. This can be seen in the fact that in 2020, according to a Gambling Commission survey only '29% of respondents agreed with the statement that gambling is conducted fairly and can be trusted' and an enormous '42% of respondents agreed with the statement that gambling was associated with criminal activity'.<sup>514</sup> This can be compared to the 42% of adults (16+) who said they had participated in at least one form of gambling in the previous four weeks, down from 2019 where 47% had, the drop probably due to Covid-19.<sup>515</sup> The British public is obviously almost evenly split between those who gamble and those who do not, and between those who

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<sup>514</sup> Gambling Commission. (2020h). *Industry Statistics - November 2020*. Gambling Commission,. Retrieved 09/01/2024 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/industry-statistics-november-2020#notes>

<sup>515</sup> Ibid



know it is highly regulated, completely fair and with no significant criminality and those who do not. This significant negative bias in the cultural milieu makes the framing of policy problems by the anti-gambling lobby far easier and also provides a cue as to which way to vote/argue for uninformed Parliamentarians.

This means that there is also the arguably under-studied phenomenon of 'political band-wagonism' where opportunist politicians support a policy issue purely due to them seeing it gaining public support and wishing to be on the 'right side of history'. Future research with interviews with MPs could prove or disprove this hypothesis. A flip side to 'political band-wagonism' would be that of an equally under-studied phenomenon, that of political expediency as expressed by the government.<sup>516</sup>

The anti-gambling groups, having defined FOBTs as a policy problem that needed to be dealt with because of the alleged but un-evidenced harm they were supposed to cause, then effectively present the government with a choice: either to investigate the problem, as happened under Helen Grant MP or move to regulate, as chosen by Tracey Crouch MP. The former route is much harder politically, because the time and resources necessary to doing so open up the Minister to criticism with no guarantee that there will be a result that solves the policy problem -- thus creating more of a political problem. By seeking to regulate the perceived policy problem, the Minister gets to work with the cultural narrative, be seen as 'acting tough' without very little departmental costs. In the case of Crouch it was also very evident that she had an ideological belief in what she was doing.

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<sup>516</sup> Searches of the Salford University library database and a number of Public Policy textbooks found no theoretical references to either political band-wagonism or expediency.

From a theoretical perspective, these phenomena are probably most in tune with John Kingdon's 2003 book, *Agendas, Alternatives, and Public Policies*.<sup>517</sup> This is an evolution of the Garbage Can model of policy making, mentioned in chapter two.<sup>518</sup> Kingdon identifies three streams, a policy stream, a political stream and a problem stream, each having different actors and each operating separately until they combine. The policy stream is the ongoing policy debate between the policy experts, in this case we can use the ongoing discussions between DCMS and the Gambling Commission as an example. There would also be input from academics, researchers and even the ABB and the CFFG. The emphasis of this stream is on the ongoing nature of policy discussion and formulation with policy entrepreneurs, i.e. the ABB and the CFFG, trying to get their demands heard. Greer uses the example: 'advocates are like horseshoe players, throwing their policies until they catch; or that policies are like Christmas trees, covered in justifications that advocates add as they try to connect them to a current issue'.<sup>519</sup> The political stream is about the beliefs, motivations and ideals of the politicians involved in the policy and this is where we can see the differences between the Ministers with responsibility for gambling. Crouch had a history of interest in addiction issues and a vocal dislike for FOBTs. Grant, having been a professional athlete before entering politics had a general belief in fairness and thus a belief in the concept of evidence-based policy-making as well as an understanding of how gambling companies funded grass roots and professional sport. The final stream is the problem stream: it may have people populating it, arguably the consistent pressure of the anti-gambling policy actors, and it must seem solvable, such as stake restriction presented by Grant or effective abolition by Crouch. The 'window of opportunity' was when the three came together; unfortunately for the bookmakers this happened twice, once with Grant and then with Crouch.

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<sup>517</sup> Kingdon, J. W. (2003). *Agendas, Alternatives, and Public Policies*. Harper Collins.

<sup>518</sup> Cohen, M. D., March, J.G., Olsen, J.P. (1972). "A Garbage Can Model of Organizational Choice." *Administrative Science Quarterly* 17(1), 25.

<sup>519</sup> *The Oxford Handbook of Classics in Public Policy and Administration*. (2015). (S. J. Balla, Lodge, M., & Page, E.C., Ed.). Oxford University Press,. .p.421

The following chapters show how these policy actors are joined by the (activist) academic research associated with the Public Health approach to gambling, bringing supposed scientific weight to evidence-based policy making. As will be argued, this is done with, at times, questionable methodology and potentially an exaggeration of the facts. This combination of anti-gambling policy actors and academic research, along with a campaigning media, result in a rather supine DCMS eventually producing a gambling White Paper that, as the final chapter discusses, radically alters British gambling policy from the original foundations of the Gambling Act 2005.

## **Chapter 5: The Public Health approach to Gambling (PHAG)**

### **Introduction**

This chapter focuses on the one policy source that has arguably done the most to perpetuate the idea that the Gambling Act 2005 has been a policy failure, that of activist academic research which supports the Public Health approach to gambling (PHAG). This chapter will consider the concept of gambling harms and how it is being used by PHAG activists to shift the goalposts of the political debate by arguing that the number of problem gamblers is not as important as the number of people supposedly suffering so called gambling harms. How these harms are defined will be critiqued due to arguably poor methodology used, which appears as a common theme in PHAG research, as will be shown. The chapter concludes with the question of how to deal with academic research supplying contentious evidence for 'evidence-based policy making'.

### **The introduction of harm**

For the period from the start of our timeframe, the key performance indicator for measuring the success of British gambling policy has arguably been the number of people in the population considered to be problem gamblers. The way this number has been estimated is by using a survey of a representative sample of the population, asking them about their gambling behaviours, allocating scores to those answers and once aggregated, categorising the results as low risk, moderate risk and problem gamblers, and these numbers are then extrapolated for the population. While there are many issues about this approach that space does not permit further investigation of, the results would suggest that gambling policy has been something of a success:

Table 8: Problem Gambling rates in Britain 2000 - 2022 (% of adult population)

Date of Survey	2000	2007	2010	2015	2016A	2016B	2017	2018	2019	2020	2021	Sep-22
Low Risk	n/a	5.1	5.5	2.8	2.4	3.7	3.2	3.3	2.7	2	1.9	1.8
Moderate Risk	n/a	1.4	1.8	1.1	1.1	1.8	1.9	1.5	1.2	0.9	0.8	1.1
Problem Gambler	0.6	0.5	0.7	0.6	0.5	0.7	0.6	0.5	0.6	0.3	0.3	0.3

Sources:<sup>520</sup>

The above table includes a mixture of different survey types, such as DSM-IV and PGSI and PGSI Short Screen and methods, such as self-reporting questionnaires and telephone interviews that have been used to achieve the same thing, an estimate of the number of problem gamblers in the adult population of Great Britain.<sup>521</sup> In 2020, at the same time that the Commission started seeing with its quarterly telephone surveys that problem gambling

<sup>520</sup> 2000: Sproston, K., Erens, B., Orford, J. . (2000). *Gambling Behaviour in Britain: Results from the British Gambling Prevalence Survey*. Nat Cen. - DSM-IV screen. 2007:Wardle, H., Sproston, K., Orford, J., Erens, B., Griffiths, M., Constantine, R., Pigott, S. (2007). *British Gambling Prevalence Survey 2007*. Nat Cen. . - PGSI Screen. 2010:Wardle, H., Moody, A., Spence, S., Orford, J., Volberg, R., Jotangia, D., Griffiths, M., Hussey, D., Dobbie, F. (2011). *British Gambling Prevalence Survey 2010*. The Stationery Office. . 2015:Conolly, A., Fuller, E., Jones, H., Maplethorpe, N., Sondaal, A., Wardle, H. (2017). *Gambling behaviour in Great Britain in 2015 Evidence from England, Scotland and Wales*. Nat Cen. , - PGSI Screen. 2016A: Conolly, A., Davies, B., Fuller, E., Heinze, N., Wardle, H. (2018). *Gambling behaviour in Great Britain in 2016 Evidence from England, Scotland and Wales*. Nat Cen. - PGSI Screen. 2016B, 2017, 2018, 2019, 2020: Gambling Commission. (2020h). *Industry Statistics - November 2020*. Gambling Commission,. Retrieved 09/01/2024 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/industry-statistics-november-2020#notes> - PGSI Short Screen. 2021: - PGSI Short Screen. September 2022: Gambling Commission. (2022i). *Statistics on participation and problem gambling for the year to Sept 2022*. Gambling Commission,. Retrieved 06/03/2022 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/statistics-on-participation-and-problem-gambling-for-the-year-to-sept-2022-> PGSI Short Screen

<sup>521</sup> DSM-IV = Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, which is the American guide to addiction amongst other disorders. PGSI=Problem Gambling Severity Index, it was originally known as the Canadian Problem Gambling Index. PGSI Short Screen = Short-form Problem Gambling Severity Index (SF-PGSI)

numbers were dropping significantly, it stated that it wanted to change the way it collected problem gambling statistics (which it is legally obliged to collect). The Commission argued that it wanted to set a 'gold standard' in surveys as the previous methods used different methodologies and had practical issues in data collection and collection.<sup>522</sup> Of interest, was the fact that that there has never been a celebratory or congratulatory acknowledgement by the Commission that problem gambling rates had been halved and were now the lowest ever recorded in the U.K. or how they were now some of the lowest in the world.<sup>523</sup> The Gambling Commission stated in April 2023: 'Whilst our current figures show the overall problem gambling rate is statistically stable at 0.2%, the pilot data [for the new survey] suggested that rate for participants was 1.3%. The figures are different. We make no apology for that'.<sup>524</sup>

The Commission wanted to include a greater focus on gambling harms as opposed to just numbers of problem gamblers. As will be examined later, the adoption, in 2016, of PHAG by the then Responsible Gambling Strategy Board (the Gambling Commission's academic advisor on problem gambling), and then by the Gambling Commission in 2018, and PHAG being in 2019 the basis for the National Strategy to Reduce Gambling Harms, has all meant that gambling harms would be at the forefront of Commission research.<sup>525</sup> The

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<sup>522</sup> Gambling Commission. (2020d). *Consultation on gambling participation and problem gambling prevalence research*. Gambling Commission, Retrieved from [https://consult.gamblingcommission.gov.uk/author/participation-and-prevalence/supporting\\_documents/Print%20Survey%20%20Participation%20and%20Prevalence.pdf](https://consult.gamblingcommission.gov.uk/author/participation-and-prevalence/supporting_documents/Print%20Survey%20%20Participation%20and%20Prevalence.pdf)

<sup>523</sup> See table 8 and Calado, F., Griffiths, M.D. (2016). Problem gambling worldwide: An update and systematic review of empirical research (2000–2015). *Journal of Behavioral Addictions*, 5(4), 21., 592-613.

<sup>524</sup> Gambling Commission. (2023g). *Westminster Media Forum - Ian Angus keynote*. Gambling Commission,. Retrieved 15/08/2023 from <https://www.gamblingcommission.gov.uk/news/article/westminster-media-forum-ian-angus-keynote>

<sup>525</sup> Responsible Gambling Strategy Board. (2016a). *Gambling-related harm as a public health issue Position paper December 2016*. RGSB, Retrieved from [https://www.yhphnetwork.co.uk/media/1591/gambling\\_related\\_harm\\_as\\_a\\_public\\_health\\_issue.pdf](https://www.yhphnetwork.co.uk/media/1591/gambling_related_harm_as_a_public_health_issue.pdf) Gambling Commission. (2019c). *National Strategy to Reduce Gambling Harms 2019*

controversial aspect of this would be how gambling harms would be measured in the new survey.

The Commission had already been piloting questions about gambling harm from June 2020 to September 2021 in the quarterly telephone surveys it has been so reticent to publish good news about.<sup>526</sup> The survey included 27 questions about harms the respondents may have suffered. The concerns are that while very legitimate harms are being considered, such as has someone committed crime to fund their gambling or have they self-harmed or lost a job or a relationship due to their gambling, they also ask questions which arguably, most people would not consider harms.

Examples of which are:

- feeling like a failure
- feelings of embarrassment, guilt or shame
- feelings of stress and anxiety
- reduction or loss of spending on recreational expenses such as eating out, going to the cinema or other entertainment
- spending less time with the people you care about<sup>527</sup>

While it is fully understandable that in a clinical setting asking such questions is important, when the questions are in a population survey then their purpose is arguably simply there to alter public policy about gambling. By lowering the threshold of what is a 'harm' to mere issues that affect most people in their day-to-day lives, you insure that the number of people impacted by 'harm' remains high and thus provides the evidence for the need for regulatory action. It is difficult to understand why these questions were developed (such as asking about feelings of guilt and feeling like a failure). If it did not reflect a

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to 2022. Birmingham: Gambling Commission, Retrieved from

<https://www.gamblingcommission.gov.uk/print/national-strategy-to-reduce-gambling-harms>

<sup>526</sup> Gambling Commission. (2022j). *Update: Pilot of survey questions to understand gambling-related harm*. Gambling Commission,. Retrieved 21/03/2023 from <https://www.gamblingcommission.gov.uk/about-us/guide/update-pilot-of-survey-questions-to-understand-gambling-related-harm#definition-of-gambling-related-harms>

<sup>527</sup> Ibid.

form of cultural myopia (as such emotions are not only integral to every act of gambling but are incredibly common in anybody who supports sports teams), then the question arises as to whether there might be political reasoning behind the inclusion of these questions.

### **Questionable science**

It is unsurprising that such 'bar lowering' has happened as the two pieces of academic work primarily responsible for the Commission's development of harms questions epitomise the problems with a proportion of the academic work on PHAG, either being methodologically questionable or being primarily based on citations of the author's own work and that of their colleagues. The Commission cites the work of Queensland University's Matthew Browne et al, '*Breaking Bad: Comparing Gambling Harms Among Gamblers and Affected Others*' and the then London School of Hygiene and Tropical Medicine's Heather Wardle, and her work '*Measuring gambling-related harms - A Framework For Action*'.<sup>528</sup>

Browne's work is the major and practically only piece of academic work on gambling harms (mentioned in Chapter one). It appears in many guises. The most cited is *Assessing gambling-related harm in Victoria: A public health perspective*.<sup>529</sup> This is based on a paper from the previous year, with similar authors, Langham et al entitled; *Understanding gambling related harm: a proposed definition, conceptual framework, and taxonomy of harms*.<sup>530</sup> Both

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<sup>528</sup>Li, E., Browne, M., Rawat, V., Langham, E., Rockloff, M. (2017). Breaking Bad: Comparing Gambling Harms Among Gamblers and Affected Others. *Journal of Gambling Studies*, 33(1), 25. . Wardle, H., Reith, G., Best, D., McDaid, D., Platt, S. (2018). *Measuring gambling-related harms: a framework for action*. Birmingham: Gambling Commission Retrieved from [https://eprints.lse.ac.uk/89248/1/McDaid\\_Gambling-Related\\_harms\\_Published.pdf](https://eprints.lse.ac.uk/89248/1/McDaid_Gambling-Related_harms_Published.pdf)

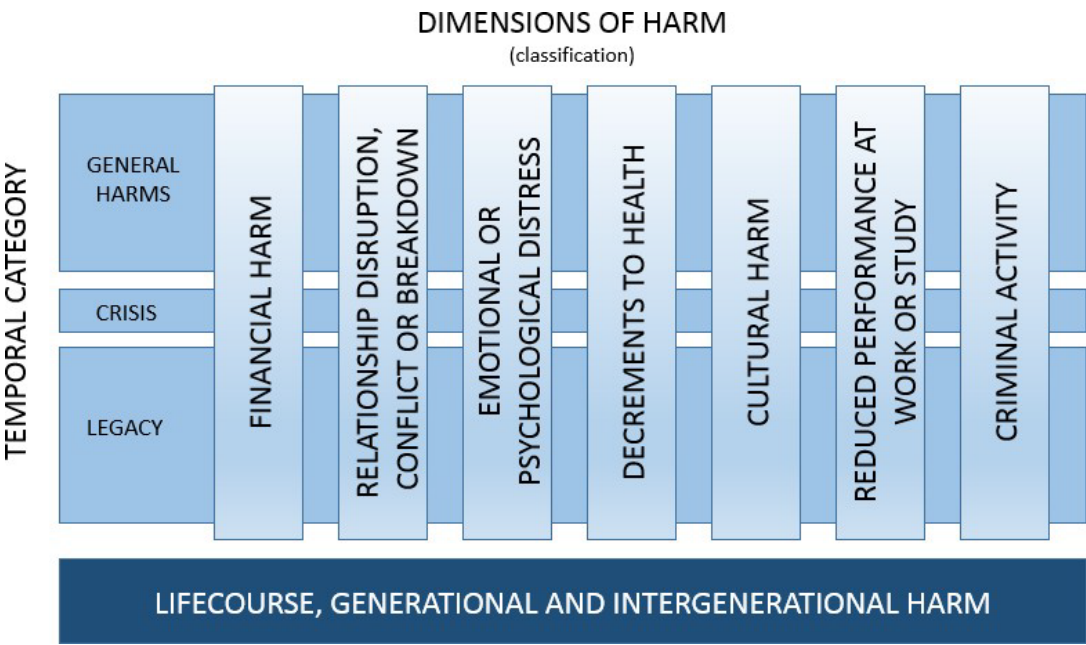
<sup>529</sup> Browne, M., Langham, E., Rawat, V., Greer, N., Li, E., Rose, J., Rockloff, M., Donaldson, P., Thorne, H., Goodwin, B., Bryden, G., Best, T. (2016). *Assessing gambling-related harm in Victoria: a public health perspective*. Melbourne, Australia: Victorian Responsible Gambling Foundation, Retrieved from <https://responsiblegambling.vic.gov.au/resources/publications/assessing-gambling-related-harm-in-victoria-a-public-health-perspective-69/>

<sup>530</sup> Langham, E., Thorne, H., Browne, M., Donaldson, P., Rose, J., Rockloff, M. (2016). Understanding gambling related harm: a proposed definition, conceptual framework, and taxonomy of harms. *BMC Public Health* 16(80), 23.



papers set out a taxonomy of harms, of which the framework is provided below:

Table 9: Browne et al (2016) Conceptual framework of gambling related harm



Source: <sup>531</sup>

Based on a literature review, focus groups, interviews, internet forum posts, Langham and Browne et al categorised 70+ different types of harm. <sup>532</sup> The importance of this work is not only that they had attempted to identify and categorise the types of harm that problem gamblers and their affected others (immediate friends and family) suffer but also the severity of the harms.

<sup>531</sup>Browne, M., Langham, E., Rawat, V., Greer, N., Li, E., Rose, J., Rockloff, M., Donaldson, P., Thorne, H., Goodwin, B., Bryden, G., Best, T. (2016). *Assessing gambling-related harm in Victoria: a public health perspective*. Melbourne, Australia: Victorian Responsible Gambling Foundation, Retrieved from <https://responsiblegambling.vic.gov.au/resources/publications/assessing-gambling-related-harm-in-victoria-a-public-health-perspective-69/>, p.40

<sup>532</sup>Langham, E., Thorne, H., Browne, M., Donaldson, P., Rose, J., Rockloff, M. (2016). Understanding gambling related harm: a proposed definition, conceptual framework, and taxonomy of harms. *BMC Public Health* 16(80), 23. .pp3-4

It is in this work that we see the appearance of what are arguably non-harms or at least issues that are very questionable as harms, issues that are due to personal choice rather than obligation and of questionable attribution to gambling alone, such as:

- Reduction or loss of discretionary spending such as non-gambling-related entertainment or other family members' activities (i.e. children's sports)
- Reduced amount of time spent with spouse, partner, children, family, friends, or community
- Reduced quality of time spent with spouse, partner, children, family, friends, or community
- Emotional and psychological distress caused by living outside of your value system
- Experience of distorted cognitions or erroneous beliefs
- Reduced feelings of self-worth and pride
- Increased feelings of shame
- Increased feelings of insecurity and vulnerability
- Loss of "face" or reputation due to impact of other harms
- Increased sedentary behaviour during time spent gambling
- Reduced engagement in cultural rituals
- Culturally based shame in relation to cultural roles and expectations
- Reduction of contribution to community and cultural practices of the community
- Reduction of cultural practices
- Reduced connection to cultural community
- Reduced performance due to tiredness or distraction
- Reduced availability to contribute to the community through volunteer work<sup>533</sup>

Langham et al (2015) had been even more wide ranging with its consideration of what the authors considered gambling related harms to be, adding to the above with questionable harms:

- Reduction or loss of capacity to purchase luxury items such as holidays, electronics
- Minor health ailments (headache migraine) relating to focussing on a screen for long periods of time with particular gambling products<sup>534</sup>

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<sup>533</sup> Ibid pp.70-73

<sup>534</sup>Langham, E., Thorne, H., Browne, M., Donaldson, P., Rose, J., Rockloff, M. (2016). Understanding gambling related harm: a proposed definition, conceptual framework, and taxonomy of harms. *BMC Public Health* 16(80), 23. .pp.14-17

While neither Langham et al or Browne et al address the question of why such issues are categorised as harms, Browne et al does admit methodological issues with their work:

It is important to caveat that many of the harms reported could occur due to other behavioural choices and can be influenced by comorbidities or existing dysfunction. Similarly, this was an exploratory investigation with a non-representative sample subject to a number of biases. The most prominent being selection bias due to the self-selection of participants<sup>535</sup>

By itself it would seem that there is some value in listing all the potential harms suffered from problem gambling, whether it be by the gambler or their affected others. Browne et al (2016) makes the discovery that affected others (close family, partners) suffer about half the harms that problem gamblers do.<sup>536</sup> As stated above, this becomes problematic if used in a scoring system and this is exactly what happens with Browne et al when they try and assess the severity of harm. To do this they ventured into the world of health economics that uses 'health-adjusted life years (HALYs) and the two most commonly used measures are quality-adjusted life years (QALYs) and disability-adjusted life years (DALYs). The two measures differ in a number of key aspects but both are calculated using health related quality of life (HRQL) weights'.<sup>537</sup> Unfortunately, the complexities of gambling harms mean that; 'Given the state of knowledge regarding incidence and life-course morbidity patterns of gambling problems, it is not practicable to calculate a true QALY or DALY measure for the impact of gambling related harm within the present

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<sup>535</sup> Ibid p.85

<sup>536</sup>Browne, M., Langham, E., Rawat, V., Greer, N., Li, E., Rose, J., Rockloff, M., Donaldson, P., Thorne, H., Goodwin, B., Bryden, G., Best, T. (2016). *Assessing gambling-related harm in Victoria: a public health perspective*. Melbourne, Australia: Victorian Responsible Gambling Foundation, Retrieved from <https://responsiblegambling.vic.gov.au/resources/publications/assessing-gambling-related-harm-in-victoria-a-public-health-perspective-69/>, p.104

<sup>537</sup> Ibid p.107

study'.<sup>538</sup> Instead they developed their own methodology which involved an algorithm that created vignettes describing particular examples of gambling related harm. For example:

Your gambling is affecting your quality of life. The gambling is making you feel distressed. You have less spending money and have reduced savings.<sup>539</sup>

This created a total of 798 vignettes, arguably designed with a negative emphasis on the gambling experience, which were collated into random selections of six vignettes, each which would be provided to the online participants. The participants in the survey were made up of gamblers, their affected others, experts in the field of problem gambling and the general population. Of the participants, 36% had possible gambling problems and 50.4% had contact in their personal lives with someone experiencing gambling-related harms.<sup>540</sup>

Each participant was presented with the six vignettes and performed a Visual Analogue Scale (VAS) task which involved assessing the harm explained in each vignette and then imagining they suffered from it. They would then award a score on a scale of 0 (least harmful) to 100 (death). They would be given nine reference points to medical conditions on the same scale, for example, Bipolar Disorder – Manic Episode is scored 48 and Severe Traumatic Brain Injury - Short term with or without treatment is scored 24.<sup>541</sup> These were taken from the *2010 Global Burden of Disease Study*, of which more later.<sup>542</sup> They then would undertake a Time Trade-Off (TTO) task. This task involved participants imagining they had 10 years left to live. For each vignette,

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<sup>538</sup> Ibid p.113

<sup>539</sup> Ibid p.115

<sup>540</sup> Ibid p.119

<sup>541</sup> Ibid p.117

<sup>542</sup> Salomon, J. A., Haagsma, J.A., Davis, A., Maertens de Noordhout, C., Polinder, S., Havelaar, A.H., Cassini, A., Devleeschauwer, B., Kretzschmar, M., Speybroeck, N., Murray, C.J.L., Vos, T. (2015). Disability weights for the Global Burden of Disease 2013 study. *Lancet Global Health*, 3(11), e712-e723.

participants were then instructed to identify how much time, of this 10 year period, they would give up, in order to avoid the harms as described in the vignette.<sup>543</sup> These results were then translated into a HRQL score from 0 – 1. These were then translated into PGSI scores, thus providing a figure for the level of severity of harm suffered by gamblers as assessed on a PGSI screen. This provided the following results:

Table 10: Browne et al (2016): Harm by PGSI

PGSI score	PGSI category	Harm	Upper CI	Lower CI
1	Low risk	0.13	0.14	0.11
2		0.13	0.15	0.11
3	Moderate risk	0.24	0.28	0.20
4		0.30	0.33	0.27
5		0.31	0.34	0.29
6		0.32	0.35	0.30
7		0.34	0.40	0.30
8	Problem gambler	0.42	0.46	0.38
9		0.42	0.46	0.38
10		0.44	0.47	0.41
11		0.44	0.47	0.41
12		0.44	0.47	0.41
13		0.44	0.47	0.41
14		0.45	0.49	0.42
15+		0.45	0.49	0.42

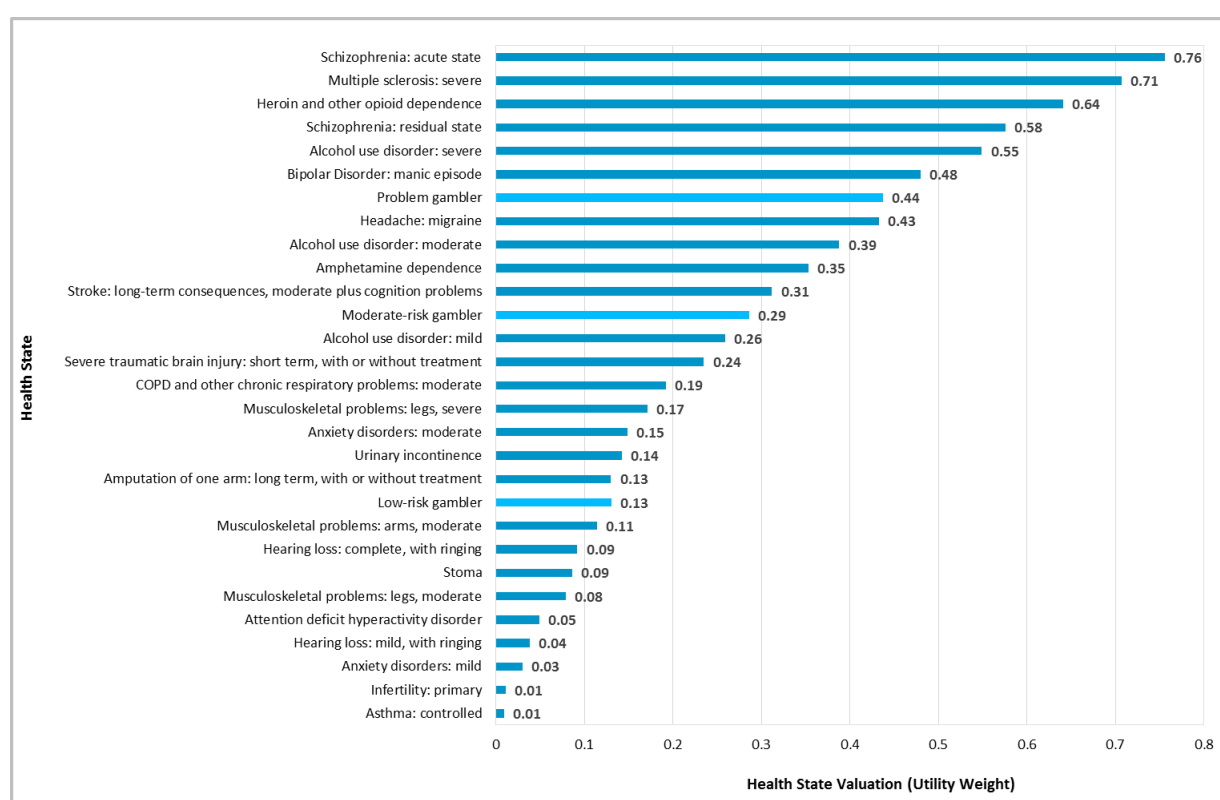
Source:<sup>544</sup>

<sup>543</sup>Browne, M., Langham, E., Rawat, V., Greer, N., Li, E., Rose, J., Rockloff, M., Donaldson, P., Thorne, H., Goodwin, B., Bryden, G., Best, T. (2016). *Assessing gambling-related harm in Victoria: a public health perspective*. Melbourne, Australia: Victorian Responsible Gambling Foundation, Retrieved from <https://responsiblegambling.vic.gov.au/resources/publications/assessing-gambling-related-harm-in-victoria-a-public-health-perspective-69/>, p.118

<sup>544</sup> Ibid p.126

These scores; Low Risk (0.13), Medium Risk (0.24-0.34), Problem Gambler (0.42-0.45) are then put within the spectrum of health states provided by the 2010 *Global Burden of Disease Study*. Browne et al (2016) provides the following table:

Table 11: Browne et al (2016): HRQL utilities for gambling compared to other health states



Source:<sup>545</sup>

What is of interest is the comparisons made between the Gambling Commission's own definitions of gambling harm and the health conditions which are, according to Browne et al, comparable.

For Low Risk, the Gambling Commission defines this as 'gamblers who experience a low level of problems with few or no identified negative

<sup>545</sup> Ibid p.128

consequences'.<sup>546</sup> According to Salomon et al, some of the health states that equate to or near the score Browne et al gave for a Low Risk gambler of 0.13 are:

Infectious disease: acute episode, severe	0.133
Diabetic neuropathy	0.133
Crush injury: short or long term, with or without treatment	0.132
Amputation of one arm: long term, with or without treatment	0.13
Ear pain	0.13
Epididymo-orchitis	0.128
Dislocation of knee: long term, with or without treatment	0.113
Amputation of thumb: long term	0.11
Parkinson's disease: mild	0.10 <sup>547</sup>

Questions surely must be asked if it is suggested that someone who scores just one point on the PGSI, sometimes having felt guilty about their gambling, suffers the same amount of harm as someone having an arm amputated and more harm than having a knee dislocated or a thumb amputated. The reasons for this must be found within the methodology of Browne et al and to some extent the methodology of Salomon et al, who created their table by getting 32,000 people from around the world to rank health conditions based purely on their reading of a short description of the condition, without ever suffering the condition or indeed, in the majority of cases one would suppose, even being aware of it.<sup>548</sup>

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<sup>546</sup> Gambling Commission. (2020k). *Problem gambling vs gambling-related harms*. Gambling Commission,. Retrieved 2022 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/problem-gambling-vs-gambling-related-harms>

<sup>547</sup> Supplementary Appendix to Salomon, J. A., Haagsma, J.A., Davis, A., Maertens de Noordhout, C., Polinder, S., Havelaar, A.H., Cassini, A., Devleeschauwer, B., Kretzschmar, M., Speybroeck, N., Murray, C.J.L., Vos, T. (2015). Disability weights for the Global Burden of Disease 2013 study. *Lancet Global Health*, 3(11), e712-e723. .

<sup>548</sup> Ibid.e714

This research may well be why when it came to developing the new survey on gambling harms and gambling prevalence, the Gambling Commission makes it clear that 'The pilot is not aiming to form the basis of the development of a headline score or scale of gambling-related harms'.<sup>549</sup> They do however, ignore Browne's et al's example above, as they cite *Breaking Bad: Comparing Gambling Harms Among Gamblers and Affected Others*, written by the same authors as the previous 2015 and 2016 papers, as a main reference for their endeavours. This paper is almost identical to the previous 2015 and 2016 papers in creating a taxonomy of gambling related harms but focuses on harms and the number of harms suffered by gamblers and their affected others. Unfortunately for the advocates of PHAG, as will be discussed later, its results fall very much into the traditional view that the most severe harms are suffered by those with the highest PGSI scores. Affected others suffered about half of the harms their problem gambler sibling/partner/child/parent suffered. Some harms could be indicators of potential to become a problem gambler and some, such as feelings of shame/stigma, could be potential barriers to people seeking treatment.

There is the potential for some concern about the work of Browne, in that he goes on in 2018 to develop a Short Gambling Harm Screen (SGHS) as a tool for assessing gambling harms.<sup>550</sup> This consists of ten questions, which, as can be seen below, includes, arguably, just one harm (no. 6) and nine irritations or issues integrally linked to the act of gambling:

1. Reduction of my available spending money
2. Reduction of my savings
3. Less spending on recreational expenses such as eating out, going to movies or other entertainment.
4. Had regrets that made me feel sorry about my gambling

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<sup>549</sup> Gambling Commission. (2022k). *What is not in scope for this pilot*. Retrieved 24/01/2024 from <https://www.gamblingcommission.gov.uk/about-us/guide/update-pilot-of-survey-questions-to-understand-gambling-related-harm#what-is-not-in-scope-for-this-pilot>

<sup>550</sup> Browne, M., Goodwin, B.C., Rockloff, M.J. (2018). Validation of the Short Gambling Harm Screen (SGHS): A Tool for Assessment of Harms from Gambling. *Journal of Gambling Studies* 34(2), 13.



5. Felt ashamed of my gambling
6. Sold personal items
7. Increased credit card debt
8. Spent less time with people I care about
9. Felt distressed about my gambling
10. Felt like a failure<sup>551</sup>

The Gambling Commission considered this as part of the development of its new pilot survey. In fact, practically all of the academic work considered was by Browne.<sup>552</sup> This is not an off-hand dismissal of Browne's work, rather to emphasise that his preoccupation is with harms related to gambling, many of which are not actually harms. This concern was raised by Delfabbro & King in their 2019 paper, *Challenges in the conceptualisation and measurement of gambling-related harm*, where they state:

where does one draw a line between what one might consider harm as opposed to a relative cost associated with the choice? Every consumer choice to spend money (e.g., to go out for an expensive meal vs. play a gaming machine) involves a choice to spend time and money on one activity rather than another. Thus, a person who is an ardent football supporter will, by definition, reduce his or her savings, incur greater credit card debt and limit other leisure activities, including time with family. Such decisions represent an opportunity cost which can be, in theory, measured in relation to the subjective utility forgone by not engaging in the other activities. In other words, engaging in one activity (e.g., gambling) and investing time and money might not really be a harm. A potential problem, therefore, with the items used by Browne et al. (2016) is that several of the items which were particularly identified as harms associated with lower risk gambling could potentially be just a leisure choice and nothing more.<sup>553</sup>

The other academic cited by the Gambling Commission is Dr Heather Wardle and her paper, *'Measuring gambling-related harms - A Framework For Action*

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<sup>551</sup> Ibid p.505

<sup>552</sup> Gambling Commission. (2022b). *Developing gambling-related harms survey questions - References*. Gambling Commission,. Retrieved 24/01/2024 from <https://www.gamblingcommission.gov.uk/about-us/guide/page/developing-gambling-related-harms-survey-questions-references>

<sup>553</sup> Delfabbro, P., King, D.L. (2019). Challenges in the Conceptualisation and Measurement of Gambling-Related Harm. *Journal of Gambling Studies*, 35(3), 12.

– 02/07/2018'.<sup>554</sup> A fellow co-author is Prof. Gerda Reith. Both are now at the University of Glasgow, both are sociologists by training and both are the leading proponents of PHAG in the UK and have been part of the majority of commissioned academic work to do with gambling over the last twenty years.<sup>555</sup>

The irony of this is that in 2020, both of them were signatories, amongst numerous other academics, of an open letter in the *British Medical Journal* calling on the government for 'the need for independent funding for the prevention and treatment of gambling harms'.<sup>556</sup> Their own research was commissioned by either the Gambling Commission or the Responsible Gambling Trust/Gamble Aware, so paid for indirectly by funds provided by the gambling industry itself. Yet, they were now arguing that the same industry had undue influence over research and only a mandatory Levy could stop this. As previously stated, the fact is that those arguing about industry influence have never provided a single piece of evidence of 'influenced' research, something which does not seem to have proven a problem for the authors of such research or the broader academic community.<sup>557</sup>

Wardle et al's 'Measuring gambling-related harms - A Framework For Action – 02/07/2018' was the result of an apparent failure to provide 'satisfactory' research into gambling harms. The then RGSB, now the Advisory Board for Safer

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<sup>554</sup> Wardle, H., Reith, G., Best, D., McDaid, D., Platt, S. (2018). *Measuring gambling-related harms: a framework for action*. Birmingham: Gambling Commission Retrieved from [https://eprints.lse.ac.uk/89248/1/McDaid\\_Gambling-Related\\_harms\\_Published.pdf](https://eprints.lse.ac.uk/89248/1/McDaid_Gambling-Related_harms_Published.pdf)

<sup>555</sup> Prof Gerda Reith CV University of Glasgow. (2023a). *School of Social & Political Sciences: Our Staff: Prof Gerda Reith*. Retrieved 27/03/2023 from [https://www.gla.ac.uk/schools/socialpolitical/staff/gerdareith/Dr Heather Wardle CV](https://www.gla.ac.uk/schools/socialpolitical/staff/gerdareith/Dr%20Heather%20Wardle%20CV) University of Glasgow. (2023b). *School of Social & Political Sciences: Our Staff: Prof Heather Wardle*. Retrieved 27/03/2023 from <https://www.gla.ac.uk/schools/socialpolitical/staff/heatherwardle/>

<sup>556</sup> Wardle, H. (2020). Open letter from UK based academic scientists to the secretaries of state for digital, culture, media and sport and for health and social care regarding the need for independent funding for the prevention and treatment of gambling harms [Open Letter]. *British Medical Journal*.

<sup>557</sup> Heather Wardle has been emailed by the author asking for evidence of industry influence and has yet to respond with any

Gambling (ABSG), had set out in its April 2016 report, *National Responsible Gambling Strategy 2016-17 to 2018-19*, as its 'Priority action 1: Understanding and measuring harm'.<sup>558</sup> It hoped to find a way of measuring the total harm suffered so the resources needed to reduce the harm could be assessed. The overall ambition of the strategy was that 'All those who choose to gamble are able to do so responsibly, and without harming themselves or others' which does suggest that there was a belief that gambling harm could be eradicated.<sup>559</sup> It would take a failed attempt at research before the RSGB brought in its Vice-Chair to do the work two years later.<sup>560</sup>

This document contained some of themes of PHAG that would become apparent throughout its history. The first, is the belief that prevention is better than cure; 'Prevention of harm is better than having to help individuals, families and society deal with the consequences after the event. However, effective treatment should still be available to those who need help'.<sup>561</sup> This sounds uncontroversial in terms of health matters, but is core to the argument between the different strategies of Responsible Gambling (RG) and the Public Health approach to gambling (PHAG), as RG practice was mostly focussed on identifying those suffering harm and providing treatment.

Second, is the belief that the gambling industry is mostly to blame for gambling harm; 'It is they who operate and promote gambling, they who have the relationship with the customer, they who design and market new products. It is their companies which profit from losses incurred by customers who have a

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<sup>558</sup>Responsible Gambling Strategy Board. (2016b). *The National Responsible Gambling Strategy 2016-17 to 2018-19*. Responsible Gambling Strategy Board, Retrieved from [https://consult.gamblingcommission.gov.uk/author/copy-of-national-strategy-to-reduce-gambling-harms/user\\_uploads/the-current-national-responsible-gambling-strategy.pdf](https://consult.gamblingcommission.gov.uk/author/copy-of-national-strategy-to-reduce-gambling-harms/user_uploads/the-current-national-responsible-gambling-strategy.pdf), p.5

<sup>559</sup>Ibid p.13

<sup>560</sup> Responsible Gambling Strategy Board. (2018). *Two years on: progress delivering the National Responsible Gambling Strategy*. Responsible Gambling Strategy Board, Retrieved from <https://assets.ctfassets.net/j16ev64qyf6l/1ksOqxJx0oL7Tc93mUDeBE/0c75643cf24531030058e3947f58128f/RGSB-Progress-Report-2017-18.pdf>, p.6

<sup>561</sup> Ibid p.15

problem with their gambling'.<sup>562</sup> But there are also other actors with responsibilities: 'People who choose to gamble should be expected to take responsibility for their own actions, often a necessary first step to recovery. But gambling behaviour is shaped by many influences. Some people may be more vulnerable to harm than others, for health reasons or because of the circumstances of their lives. So alongside individual responsibility there is a wider responsibility on the state and a range of other actors. The state also receives significant tax revenues from gambling activity'.<sup>563</sup> This implies that although gamblers have responsibility for their actions this may be diminished due to their membership of particular 'vulnerable' demographic groups, such groups just happen to make up a large proportion of the population.<sup>564</sup>

Third and fourth (linked together), is a stated need for haste in its actions and the lack of requirement for knowing all of the facts. 'A sense of urgency is required. So too is realism about the amount of time it can take to research, experiment, evaluate and implement. We should not be held back by a desire for perfect information. We should proceed on the basis of what is known or can be reasonably inferred'.<sup>565</sup> This PHAG approach does appear to contradict a statement by Shaffer, Blaszczynski & Ladouceur (2020) in their defence of Responsible Gambling as opposed to PHAG, to be discussed later, where they state:

'A public health perspective requires evidence derived from scientific research. Currently, there is considerable debate about what research

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<sup>562</sup> Ibid p.15

<sup>563</sup> Ibid p.16

<sup>564</sup> As per note 417 in chapter 4: . Wardle, H., Astbury, G., Thurstain-Goodwin, M., Parker, S. (2016). *Exploring area-based vulnerability to gambling-related harm: Developing the gambling-related harm risk index*. GeoFutures Ltd. which postulated that people with the following features: young people, old people, women, ethnic groups, the poor, the unemployed, homeless, immigrants, prisoners, people on probation, those with low IQ, low qualifications, learning disabilities, those who drink or take drugs and problem gamblers were at risk to gambling related harm and therefore locations with high incidences of these people, should be considered by local authorities as per the local risk assessments for gambling. Although the report admits there is no causal evidence that these people were suffering gambling related harm

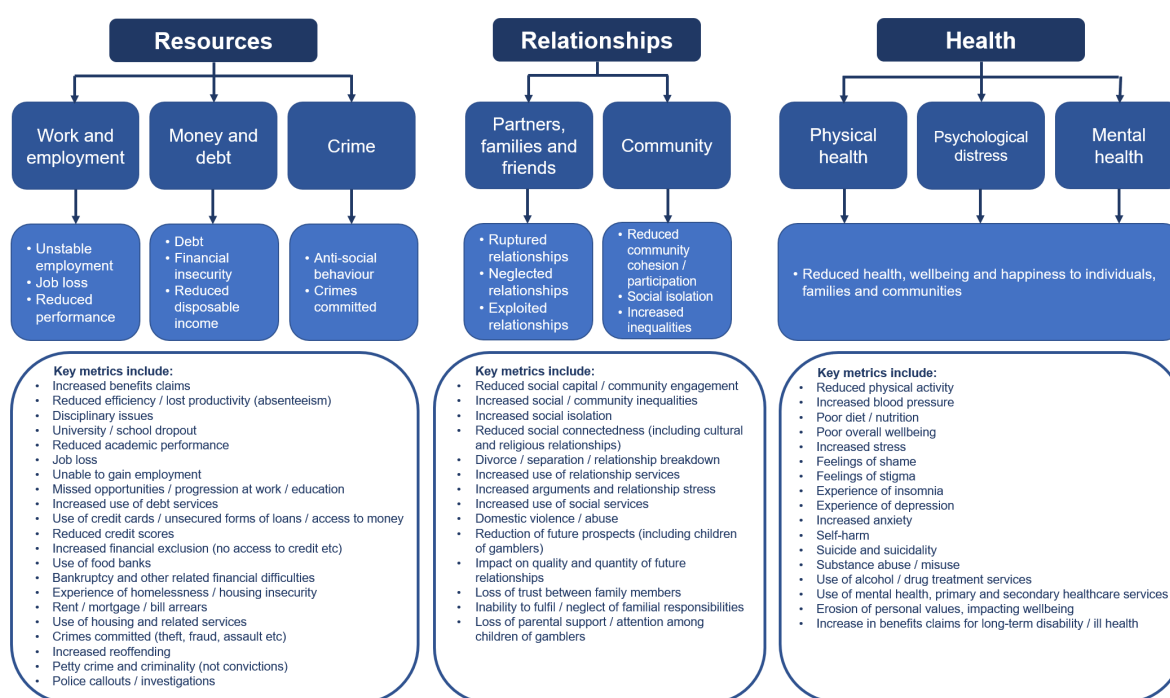
<sup>565</sup> Ibid p.33

is scientific and what research is biased by beliefs and opinions rather than the independent pursuit of knowledge'.<sup>566</sup>

In asserting the need for speed over the collection of evidence, this author suggests that the PHAG approach indeed suffers from the bias of belief and opinion rather than an independent pursuit of knowledge. The concept that doing something quickly rather than doing the right thing based on research will be considered when the concept of Affordability is considered in the next chapter.

Wardle's report in itself is rather derivative, as can be seen from the diagram below:

Table 12: Wardle et al (2018): A framework of harms – key metrics relating to gambling-related harms



<sup>566</sup> Shaffer, H. J., Blaszczynski, A., Ladouceur, R. (2020). Considering the Public Health and Reno Models: Strategic and Tactical Approaches for Dealing with Gambling-Related Harms. *International Journal of Mental Health and Addiction*, 18, 12. p.810

Source:<sup>567</sup>

Wardle et al's framework seems to be very similar to that of Browne et al in 2016, arguably with less non-harms, and to an earlier work (2013) by Abbott et al, neither of which are referenced in the report.<sup>568</sup> Of the 19 works cited, 11 are self-citations to works of the authors, Wardle being represented by 7 and Reith by 2.

Before this approach is examined further, a basic discussion on what is PHAG is necessary and before that we need to consider what is Public Health.

### **Public Health and the Public Health approach to gambling (PHAG)**

The Public Health approach to gambling or PHAG is actually a misnomer. There has been a public health approach to gambling since the passing of the Gambling Act 2005. As pointed out in an earlier chapter, the Gambling Act 2005, was the first time British gambling legislation included a statutory obligation to have the regulator protect children and the vulnerable and the regulations that all licensed operators had to abide by from the onset of the new regime included requirements to identify potential problem gamblers and signpost them to help.

The development called PHAG constituted, in fact, the overthrow of the existing public health model, known as the Reno model. This had been named

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<sup>567</sup>Wardle, H., Reith, G., Best, D., McDaid, D., Platt, S. (2018). *Measuring gambling-related harms: a framework for action*. Birmingham: Gambling Commission Retrieved from [https://eprints.lse.ac.uk/89248/1/McDaid\\_Gambling-Related\\_harms\\_Published.pdf](https://eprints.lse.ac.uk/89248/1/McDaid_Gambling-Related_harms_Published.pdf), p.16

<sup>568</sup>Browne, M., Langham, E., Rawat, V., Greer, N., Li, E., Rose, J., Rockloff, M., Donaldson, P., Thorne, H., Goodwin, B., Bryden, G., Best, T. (2016). *Assessing gambling-related harm in Victoria: a public health perspective*. Melbourne, Australia: Victorian Responsible Gambling Foundation, Retrieved from <https://responsiblegambling.vic.gov.au/resources/publications/assessing-gambling-related-harm-in-victoria-a-public-health-perspective-69/>. Abbott, M., Binde, P., Clark, L., Hodgins, D., Johnson, M., Manitowabi, D., Quilty, L., Spångberg, J., Volberg, R., Walker, D., Williams, R. . (2018). *Conceptual Framework of Harmful Gambling: An International Collaboration*. [https://www.greo.ca/Modules/EvidenceCentre/files/Abbott%20et%20al%20\(2018\)%20Conceptual%20framework%20of%20harmful%20gambling%20-%20third%20edition.pdf](https://www.greo.ca/Modules/EvidenceCentre/files/Abbott%20et%20al%20(2018)%20Conceptual%20framework%20of%20harmful%20gambling%20-%20third%20edition.pdf).

after the city where a collection of eminent psychiatrists and psychologists specialising in problem gambling met to discuss and write a paper on how governments should deal with problem gambling. We will discuss this revolution in thinking about problem gambling after we have considered the foundation of this approach: the meaning of 'public health'?

Some basic definitions are provided in the Wardle et al work mentioned above:

Health: In this report, we follow the World Health Organisation's definition and take health to mean a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

Public health: Public health can be considered as 'the science and art of preventing disease, prolonging life, and promoting health through the organised efforts of society'.<sup>569</sup>

*Healthy Lives, Healthy People: Our strategy for public health in England* (30/11/10) was the White Paper that turned into the Health and Social Care Act 2012 that would set up Public Health England which will be one of the focuses of the next chapter.<sup>570</sup> It provides the following definition:

The Faculty of Public Health defines public health as: The science and art of promoting and protecting health and wellbeing, preventing ill health and prolonging life through the organised efforts of society.

There are three domains of public health: health improvement (including people's lifestyles as well as inequalities in health and the wider social influences of health), health protection (including infectious

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<sup>569</sup> Wardle, H., Reith, G., Best, D., McDaid, D., Platt, S. (2018). *Measuring gambling-related harms: a framework for action*. Birmingham: Gambling Commission Retrieved from [https://eprints.lse.ac.uk/89248/1/McDaid\\_Gambling-Related\\_harms\\_Published.pdf](https://eprints.lse.ac.uk/89248/1/McDaid_Gambling-Related_harms_Published.pdf), p.2 citing World Health Organisation. (2023). *Constitution*. World Health Organisation,. Retrieved 30/10/2023 from [https://www.who.int/about/accountability/governance/constitution#:~:text=Health%20is%20a%20state%20of,belief%2C%20economic%20or%20social%20condition.&Detels, R. \(2009\). The scope and concerns of public health. Oxford University Press. .](https://www.who.int/about/accountability/governance/constitution#:~:text=Health%20is%20a%20state%20of,belief%2C%20economic%20or%20social%20condition.&Detels,%20R.%20(2009).%20The%20scope%20and%20concerns%20of%20public%20health.%20Oxford%20University%20Press.%20)

<sup>570</sup> Secretary of State for Health. (2010). *Healthy Lives, Healthy People: Our strategy for public health in England*. (CM7985 ). London: The Stationery Office, Retrieved from [https://assets.publishing.service.gov.uk/media/5a74fd1640f0b6360e472767/dh\\_127424.pdf](https://assets.publishing.service.gov.uk/media/5a74fd1640f0b6360e472767/dh_127424.pdf)

diseases, environmental hazards and emergency preparedness) and health services (including service planning, efficiency, audit and evaluation).<sup>571</sup>

The 88 page document points out that public health in the UK has 'formidable achievements to its name: clean air and water, enhanced nutrition and mass immunisation have consigned many killer diseases to the history books'.<sup>572</sup> The proposed new approach would look at health inequalities as 'People living in the poorest areas will, on average, die 7 years earlier than people living in richer areas and spend up to 17 more years living with poor health. They have higher rates of mental illness; of harm from alcohol, drugs and smoking; and of childhood emotional and behavioural problems'.<sup>573</sup> Amongst the usual fare of promising a radical approach, utilising localism and empowerment, it also would be 'positively promoting healthy behaviours and lifestyles; and adapting the environment to make healthy choices easier; and balance the freedoms of individuals and organisations with the need to avoid harm to others, use a 'ladder' of interventions to determine the least intrusive approach necessary to achieve the desired effect and aim to make voluntary approaches work before resorting to regulation'.<sup>574</sup>

Behaviour change is a key part as 'Some 15.4 million people in England have a longstanding illness, and this is set to rise. Many of the diseases we now suffer from are linked to lifestyle and ageing. The numbers of people smoking, taking illicit drugs and drinking harmful levels of alcohol have all declined in recent years, but many of us still lead harmful lifestyles'.<sup>575</sup> 'Many premature deaths and illnesses could be avoided by improving lifestyles. It is estimated that a substantial proportion of cancers and over 30% of deaths from circulatory

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<sup>571</sup> Ibid p.11 citing Griffiths, S., Jewell, T., Donnelly, P. (2005). Public health in practice: the three domains of public health. *Public Health*, 119(10), 16. .

<sup>572</sup> Ibid p.5

<sup>573</sup> Ibid p.5

<sup>574</sup> Ibid p.6

<sup>575</sup> Ibid p.14



disease could be avoided, mainly through a combination of stopping smoking, improving diet and increasing physical activity'.<sup>576</sup>

Of more pertinence to our topic is the assurance that:

the Government will balance the freedoms of individuals and organisations with the need to avoid serious harm to others. We will look carefully at the strength of the case before deciding to intervene and to what extent. This must be based on a rigorous assessment of the evidence about health and wider harms, with the potential benefits balanced against the social and economic costs to individuals, organisations and wider society<sup>577</sup>

The White Paper sees it as the job of government to help citizens make healthier lifestyle choices, with its 'aim to use the least intrusive approach necessary to achieve the desired effect'.<sup>578</sup> They would use a ladder of interventions to 'nudge' people in the right direction.

Table 13: The Nuffield Council on Bioethics' 'intervention ladder'

Highest rung

- Eliminate choice: regulate to eliminate choice entirely
- Restrict choice: regulate to restrict the options available to people
- Guide choice through disincentives: use financial or other disincentives to influence people to not pursue certain activities.
- Guide choice through incentives: use financial and other incentives to guide people to pursue certain activities.
- Guide choice through changing the default: make 'healthier' choices the default option for people.
- Enable choice: enable people to change their behaviours.
- Provide information: inform and educate people.
- Do nothing or simply monitor the current situation

Lowest rung

Source:<sup>579</sup>

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<sup>576</sup> Ibid p.20

<sup>577</sup> Ibid p.28

<sup>578</sup> Ibid p.30

<sup>579</sup> Ibid p.30 Based on The Nuffield Council on Bioethics' 'intervention ladder'

The White Paper is very clear that 'There is significant scope to use approaches that harness the latest techniques of behavioural science to do this – nudging people in the right direction rather than banning or significantly restricting their choices'.<sup>580</sup> The Government wishes to intervene with unhealthy lifestyles, by which it means reducing tobacco and alcohol use, increasing healthy eating and exercise, improving sexual education and mental wellbeing. The idea of public health is that many different government departments and agencies as well as charities and community groups will be used to provide a set of joined up government policies. Nowhere in the document is gambling mentioned. This is because the wider health community did not adopt it as a public health issue until 2019.

Public health approaches can be summarised as the idea of using a mixture of supply side and demand side strategies to reduce demand for products that are considered unhealthy. Demand side strategies involve mostly public education campaigns but can go as far as being part of school curriculums, medical directives, and integrated into a wide range of government policies. Their objective is to change public opinion about the targeted products and therefore create behavioural change. This is linked with supply side strategies that use different forms of regulation, from make accessing the product more difficult right through to banning it.

Public health has understandably come under a lot of criticism for being a 'Nanny State' as seen by the condemnation of recent campaigns against excessive fat, salt and sugar in foods, obesity in children and minimum alcohol pricing.<sup>581</sup> Whilst not in the scope of this thesis, there are valid contextual

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<sup>580</sup> Ibid p.30

<sup>581</sup> Minimum alcohol pricing plan 'to be dropped'. (2013, 12/07/2013). *BBC News*. <https://www.bbc.co.uk/news/health-23283821>, Trigg, N. (2016, 28/05/2016). Dawn of the nanny state? Ibid. <https://www.bbc.co.uk/news/health-35885396>, Wheeler, B. (2018, 11/10/2018). Are we living in a 'nanny state'? Ibid. <https://www.bbc.co.uk/news/uk-politics-45356189>

questions to be raised around public health that purports to be about ending health inequalities when the majority of its campaigns appear to be attacking working class culture and recreational activities. Nowhere in the public health lexicon is there a strategy for improving the economic conditions of the working classes so they do not have the need to eat cheap food and self-medicate via alcohol and tobacco due to the anxiety caused by their economic situation.

### **Responsible Gambling**

The first public health model for gambling applied to the UK was, as mentioned above, the Reno Model or Responsible Gambling. It has its origins in the 1999 journal article by Korn and Shaffer, *Gambling and the Health of the Public: Adopting a Public Health Perspective*.<sup>582</sup> They argue that the value of a public health perspective is that it 'encourages the application of a conceptual continuum to the range of risk, resiliency, and protective factors that can influence the development and maintenance of gambling-related problems'.<sup>583</sup> People's gambling can range from no gambling, to light/infrequent gambling, to heavy/frequent gambling, to problem gambling, to pathological gambling and move backwards and forwards between all these stages, even if the demarcation between these stages is arbitrary. 'At many points along this continuum, people can experience problems associated with their gambling, though these difficulties tend to emerge more among frequent gamblers who wager at higher levels'.<sup>584</sup> They argue that problems at any stage along the spectrum can have costs to society although do not divulge what they are.

Korn and Shaffer consider gambling compared to other addictions, they point out the main significant difference, that;

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<sup>582</sup>Korn, D. A., Shaffer, H.J. (1999). Gambling and the Health of the Public: Adopting a Public Health Perspective. *Journal of Gambling Studies*, 15(4), 76. , pp.289-365

<sup>583</sup> Ibid p.306

<sup>584</sup> Ibid p.308

gamblers, in contrast to substance abusers, do not introduce chemicals into their bodies to achieve the desired effects. Thus, there is no toxic damage to organs due to substances (e.g., liver cirrhosis in alcoholism or chronic obstructive lung disease with smoking).<sup>585</sup>

They see a good comparison with alcohol, as both are marketed as recreational activities, both are regulated products with restrictions on whether they are sold and how they are marketed and both provide tax revenue to the state.

It is here we see the beginnings of the idea of responsible gambling, which will germinate into the Reno Model which will be discussed below. Responsible alcohol use, an existing public health strategy, included education programmes about misuse, dealing with peer pressure, promotion of healthy lifestyles, low risk drinking guidelines, treatment programmes, server intervention policies, municipal alcohol policies and industry messaging promoting responsible drinking, as well as the creation of the concept of healthy drinking, promoting the idea of moderate intake in low risk environments.<sup>586</sup> This would provide a blueprint for the Reno model.

They also considered tobacco, which at the time of the paper's writing saw a belligerent tobacco industry fighting off lawsuits after it had: 'continued unabated cigarette production and advertising, and challenged the scientific basis of the health findings'.<sup>587</sup> They point out that in the ever litigious United States, lawsuits had been unsuccessfully launched that implied that high risk gambling products such as Video Lottery Terminals (VLTs), which have some similar features to FOBTs, are addiction causing. They argue that the tipping point with shifting public opinion against tobacco was the acceptance of second-hand smoke being harmful and so smokers were not just harming

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<sup>585</sup> Ibid p.318

<sup>586</sup> Ibid p.319

<sup>587</sup> Ibid p.320

themselves but others too. There was already research, which they cited, which showed that problem gambling caused wider issues such as family violence, child neglect and abuse, financial problems and crime (much the same as other addictions) so there was the potential for public opinion to move against gambling.<sup>588</sup> They suggested that 'the gambling industry has the capacity to produce public awareness messages and prevention and harm reduction strategies. These messages and strategies can minimize or avoid both future health and social problems for others and the potential for public backlash against the industry'.<sup>589</sup>

Korn and Shaffer were correctly predicting that the gambling industry would come under attack for supposedly causing harm not just to problem gamblers but to others and that responsible gambling measures could act as a defence against this. Arguably, the Big Tobacco experience in the USA has not only formed anti-gambling industry prejudices but has also provided the motivation to focus on the harm gambling supposedly causes: by showing it causes harms to others, as with tobacco, it breaks the classical liberal defence, that adults should be able to do what they want to themselves as long as they do not

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<sup>588</sup> Ibid pp.323-324 citing: family dysfunction and domestic violence including spousal and child abuse (Bland et al., 1993; Heineman, 1989; Jacobs et al., 1989; Lesieur & Rothschild, 1989; Lorenz & Yaffee, 1988; Moody, 1989; Wildman, 1989); (3) youth and underage gambling (e.g., Eadington & Cornelius, 1993; Shaffer & Hall, 1996; Shaffer et al., 1997; Shaffer, Hall, Walsh, & Vander Bilt, 1995a); (4) alcohol and other drug problems (Crockford & el-Guebaly, 1998; Cunningham-Williams et al., 1998; Lesieur & Heineman, 1988; Shaffer, Vander Bilt, & Hall, 1999; Smart & Ferris, 1996; Spunt, Lesieur, Hunt, & Cahill, 1995; Steinberg, Kosten, & Rounsaville, 1992); (5) psychiatric conditions including major depression, bipolar disorder, antisocial personality, anxiety and attention deficit disorder (e.g., Blaszczynski & Steel, 1998; Crockford & el-Guebaly, 1998; Cunningham-Williams et al., 1998; Horvath, 1998; Knapp & Lech, 1987; McCormick, 1984; Rugle & Melamed, 1993; Shaffer et al., 1999); (6) suicide, suicidal ideation and suicide attempts (Bland et al., 1993; Crockford & el-Guebaly, 1998; Cunningham Williams et al., 1998; McCleary et al., 1998; Phillips, Welty, & Smith, 1997); (7) significant financial problems including bankruptcy, loss of employment and poverty as a direct result of wagering (Blaszczynski & McConaghy, 1994; Fessenden, 1999; Gerstein et al., 1999a; Gerstein et al., 1999b; Ladouceur et al., 1994; Lesieur, 1998; Marshall, 1998); and (8) criminal behavior ranging from prostitution and theft to drug trafficking and homicide (Brown, 1987b; Gerstein et al., 1999a; Lesieur, 1987; National Research Council, 1999; Smith & Wynne, 1999).

<sup>589</sup> Ibid p.321

harm others.<sup>590</sup> The focus on gambling harms rather than problem gambling constitutes the tipping point to move public opinion against gambling.

Korn and Shaffer's lengthy treatise promotes the idea of a Public Health approach as:

A public health approach to gambling is valuable because it offers a broad viewpoint on gambling per se and not solely a focus on the more specific matter of gambling addiction<sup>591</sup>

This would be expanded on in a paper five years later, the work of the same Howard Shaffer, joined by Canadian, Robert Ladouceur and Australian, Alex Blaszczynski, *A Science-Based Framework for Responsible Gambling: The Reno Model*.<sup>592</sup> This would be the model for how problem gambling was dealt with from the implementation of the Gambling Act 2007 until it was usurped by PHAG in 2018.

Its purpose is clearly stated as to put forward a strategic framework that will promote public health:

A strategic framework should guide key stakeholders to develop socially responsible policies that are founded on sound empirical evidence rather than those that emerge solely in response to anecdotally-based socio-political influences.<sup>593</sup>

It is obvious that the authors, had experienced issues similar to the existing situation in the U.K.:

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<sup>590</sup>Johnstone, P., Regan, M. (2020). Gambling harm is everybody's business: A public health approach and call to action. *Public Health*, 184, 3. pp.63-66. Van Schalkwyk, M. C. I., Petticrew, M., Cassidy, R., Adams, P., McKee, M., Reynolds, J., Orford, J. (2021). A public health approach to gambling regulation: countering powerful influences. *The Lancet Public Health*, 6(8), e614-e619. . Gambling Research Exchange Ontario. (2017). *Applying a public health perspective to gambling harm*. <https://www.greo.ca/en/programs-services/resources/Applying-a-public-health-perspective-to-gambling-harm---October-2017.pdf>

<sup>591</sup> Ibid p.321

<sup>592</sup>Blaszczynski, A., Ladouceur, R., Shaffer, H.J. (2004). A Science-Based Framework for Responsible Gambling: The Reno Model. *Journal of Gambling Studies*, 20(3), 16. , pp.301-317

<sup>593</sup> Ibid p.302

these providers [problem gambling counsellors and advocacy groups] consider the degree of availability, accessibility and acceptability of gambling as an aspect of the structural characteristics of the environment and games within the community as one primary causative factor for the development of gambling-related harm. In response, some of these groups have adopted an anti-gambling perspective, lobbying for government agencies to substantially if not totally reduce the level of available gambling in the community.<sup>594</sup>

They see one of the critical issues being the lack of clarity of defining what is gambling related harm. They argue that the language used, especially when defining what is a problem gambler and what is a pathological one, and how these groups can be merged or delineated, differ from country to country and from one organisation to another.

Therefore, it is difficult to obtain a clear estimate of the qualitative level of severity, harm or numbers of individuals that might require assistance simply by evaluating their gambling behaviours. In other words, simply evaluating gambling-related behaviours fails to reveal the clinical significance of events associated with gambling.<sup>595</sup>

Almost twenty years later and in the UK this problem is still very apparent when considering questionable public health research. They go on to argue that when it comes to responsible gambling policies – policies to reduce and prevent gambling harm – there is no consensus on what they should be and therefore it is impossible to research them properly. This then leads to the problem that many responsible gambling policies are not based on evidence but ‘derive instead from anecdotes, common sense and personal belief’.<sup>596</sup> Other issues are that the responsibility for reducing gambling harms is blurred between the consumer, the government and the industry and that the industry will have a tendency to be wary of research that could find it liable to litigation or could cause the implementation of restrictive practices. They argue that

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<sup>594</sup> Ibid p.303

<sup>595</sup> Ibid p.306

<sup>596</sup> Ibid p.306

that resources should be focussed on vulnerable groups and not wasted on recreational gamblers and that any responsible gambling policies fail if they cannot be monitored and measured to show what works and what can be improved. They highlight that until more research is undertaken, it will be impossible to develop effective gambling industry staff programmes and precise policies as to when and how to prevent, intervene and treat problem gambling.

Blaszczynski, Ladouceur and Shaffer go on to propose that the key stakeholders, industry, scientists, governments, health and welfare providers and interested community and consumer groups collaborate to develop evidence-based public policy based on long and short term priorities to reduce gambling harms, and that these should be scientifically monitored. They stress that from the gambling industry's perspective, 'the primary objective of a coordinated responsible gambling strategy is to reduce the incidence of gambling-related harms at the individual, group, community and societal level. Incidence refers to the number of new cases of a disorder or condition (i.e. harm) that occur over a defined period of time. Responsible gambling is about reducing the rate of the development of new cases of harm or disorder that is gambling-related'.<sup>597</sup> Prevalence is what the government is concerned with as this informs it on how to allocate resources, while incidence shows whether responsible gambling strategies are working. As stated previously, numbers matter.

Integral to responsible gambling strategies are a number of assumptions that would prove problematic to PHAG, namely:

- safe levels of gambling participation are possible;
- gambling provides a level of recreational, social and economic benefits to individuals and the community;

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<sup>597</sup> Ibid p.308



- for some gamblers who have developed gambling-related harm, controlled participation and a return to safe levels of play represents an achievable goal.<sup>598</sup>

Equally antagonistic to the current regime is the belief that only a tiny minority of gamblers suffer gambling harms. Gambling happens on a continuum, with the numbers in each category reducing. It starts with no gambling then progresses to low risk gambling, then medium risk gambling, then high risk gambling.

Players at the right hand end of the high risk boundary are at greater risk of developing gambling-related harm. Finally, in the gambling-related harm cell are the minority of players who have developed more serious problems with gambling, that is, apparent loss of control over time and money spent gambling.<sup>599</sup>

Blaszczynski, Ladouceur and Shaffer are considering the gambling harm of problem gamblers not pathological gamblers. Pathological gamblers can suffer suicide, job and relationship loss, criminality etc. PHAG considers all stages of gambling as having the potential for harm as extreme as that suffered by pathological gamblers.<sup>600</sup>

The essential difference between the Reno Model and the later version of the Public Health approach (PHAG) can be summed up by the Reno Model's view on responsibility for gambling harms, and its answer to whether it is located with the individual or with the gambling industry:

Any responsible gambling program rests upon two fundamental principles: (1) the ultimate decision to gamble resides with the individual and represents a choice, and (2) to properly make this decision, individuals must have the opportunity to be informed.<sup>601</sup>

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<sup>598</sup> Ibid p. 309

<sup>599</sup> Ibid p. 310

<sup>600</sup> Gambling Commission. (2020k). *Problem gambling vs gambling-related harms*. Gambling Commission,. Retrieved 2022 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/problem-gambling-vs-gambling-related-harms>

<sup>601</sup> Blaszczynski, A., Ladouceur, R., Shaffer, H.J. (2004). A Science-Based Framework for Responsible Gambling: The Reno Model. *Journal of Gambling Studies*, 20(3), 16. , p.311

They stress that :

Within the context of civil liberties, external organizations cannot remove an individual's right to make decisions.<sup>602</sup>

The Reno Model is based on the concept of informed choice, a principle of human rights policies. This is the idea that gamblers make their decisions as to whether to gamble and how, based on information that provides them with options to choose. This information needs to be accurate and relevant:

the gambling industry should adopt a policy of accurate disclosure. That is, they should provide the necessary information regarding probabilities and likelihood of winning and payout schedules. In addition, advertising and promotional activities should meet industry standards of ethical practice and comply with advertising regulations by not presenting misleading information or misrepresentations of the chance of winning.<sup>603</sup>

However, they did accept that changing behaviour may need more than education; underlying beliefs, values and influences will need to be challenged. How this will be done they do not say, they just accept that the gambling industry does not have the skillset to treat problem gamblers and this should be left to the clinicians. The implication therefore being that the industry's role is to provide informed choice through how it markets its products and educates its players. The industry would intervene if problematic behaviour is identified and signpost these players to places they can seek help.

The Reno Model would evolve with three later papers, colloquially known as Reno models mark I, II, III and IV. 2008 saw the publication of Reno Mark II or '*Informed Choice and Gambling: Principles for Consumer Protection*'.<sup>604</sup> This

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<sup>602</sup> Ibid p.311

<sup>603</sup> Ibid p.312

<sup>604</sup> Blaszczynski, A., Ladouceur, R., Nower, L., Shaffer, H.J. (2008). Informed Choice and Gambling: Principles for Consumer Protection. *The Journal of Gambling Business and Economics* 2(1), 15., 103–118

paper's primary objective was 'to clarify the issue of personal responsibility and the role of industry in providing relevant and sufficient information for informed decision-making'.<sup>605</sup> It stresses that decisions to gamble are ultimately down to the gambler, however diminished their ability to make decisions due to mental health issues, and that it is the responsibility of the gambling industry to provide all the relevant information necessary to make those decisions and not to exploit the gambler. It is the responsibility of the government to ensure this happens. They accept that gamblers will on occasion make ill-informed decisions, either to spend too much or based on false assumptions but, 'This circumstance can create minor and transient harm for them'.<sup>606</sup> They argue that in the main, gamblers suffer little lasting harm and however diminished their cognitive functions, they still maintain responsibility for their actions:

Acknowledging the difficulty that emotional factors may have on impulse control even under these conditions, individuals nevertheless retain the ultimate responsibility for their decisions and actions. This position holds for a range of impulsive behaviours that have the potential to become excessive, including, compulsive shoplifting, aggressive outbursts, and aberrant sexual behaviours such as rape, paedophilia, and exhibitionism<sup>607</sup>

Blaszczynski, Ladouceur, Nower and Shaffer recommended that information be supplied to gamblers that shows them that gambling is for recreation only and not a way to make money, that dispels the myths about systems that suggest that you can 'beat the House' and the risks and consequences of excessive gambling. This can be outside the gambling venue as well, including education campaigns in schools and community centres. Gamblers should be able to set financial limits on their gambling and be provided with information about the odds and payout ratios of the games they play. Gambling operators must also provide information directed specifically at those with problems with

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<sup>605</sup> Ibid p.104

<sup>606</sup> Ibid p.106

<sup>607</sup> Ibid p. 110

their gambling, such as means to assess if a gambler has problems and if identified, signposts of where to seek help.

Reno mark III or '*Responsible Gambling: General Principles and Minimal Requirements*' was published in 2011.<sup>608</sup> Its aim was to 'describe the fundamental principles and minimal features necessary to sustain a safe environment for gamblers'.<sup>609</sup> Based on a meeting of problem gambling experts from around the world, the paper sets out what they considered to be the minimal requirements for a responsible gambling framework. These were:

- Initiating population-based education (e.g., media campaigns and school curriculum) about the nature of gambling and statistical odds of winning;
- Initiating staff training;
- Providing information on help-line numbers and brochures listing available rehabilitation/ counselling treatment programs;
- Limiting direct marketing to underage populations, self-excluded gamblers, and those in receipt of social welfare payments;
- Displaying signs that warn about the possible adverse consequences associated with excessive gambling;
- Restricting underage gambling through enforcement procedures and employee training;
- Restricting the sale of alcohol to minors, to patrons while gambling, and to visibly intoxicated persons;
- Making available and accessible self-exclusion options to patrons;
- Establishing ethical practices for advertising and marketing materials that display responsible gambling messages (e.g., restricting advertisements that target minors or unduly expose minors to gambling activities);
- Modifying structural features and environmental variables that might contribute to excessive gambling (e.g., bill acceptors, free-spins, and reel 'hold' facilities on electronic gambling machines, and the availability of ATMs within gambling venues).<sup>610</sup>

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<sup>608</sup>Blaszczynski, A., Collins, P., Fong, D., Ladouceur, R., Nower, L., Shaffer, H.J., Tavares, H., Venisse, J.L. (2011). Responsible Gambling: General Principles and Minimal Requirements. *Journal of Gambling Studies*, 27(4), 8. :565–573

<sup>609</sup> Ibid p.566

<sup>610</sup> Ibid pp.568-569

The authors accepted that there was little research on the extent to which these components had been implemented or their effectiveness and realised that until this was solved there would always be confusion about the contributory roles of stakeholders (gamblers, the gambling industry and government) in implementing responsible gambling programmes. They also acknowledged that there would always be conflicts of interest between stakeholders, 'Governments and gambling providers must balance profitability/taxation revenue against the economic burden of mental health care, social and legal costs, and the personal distress of problem gamblers and their family members' and proposed cost benefit analyses to resolve this.<sup>611</sup>

Reno Mark III goes much further than the previous two papers in recommending structural changes to machines and gambling venues, insisting that gambling operators have responsible gambling policies at the heart of their businesses with all customer-facing staff adequately trained and restrictions on marketing practices to prevent exploitation. The authors conclude 'This paper advances the argument that governments, industry operators, and individuals hold a joint responsibility to work cooperatively to ensure that any harm consequent to excessive gambling is optimally minimized'.<sup>612</sup>

Reno mark IV, referred to as Collins et al as its main author is Prof Peter Collins, takes a more philosophical tone and is entitled '*Responsible Gambling: Conceptual Considerations*'.<sup>613</sup> With as much relevance today as when it was written, the paper states that 'Discussions of what constitutes responsible conduct by individuals, businesses, and governments with respect to gambling contain some claims that are steeped in moral values and which prescribe

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<sup>611</sup> Ibid p.569

<sup>612</sup> Ibid p. 572

<sup>613</sup> Collins, P., Blaszczynski, A., Ladouceur, R., Shaffer, H., Shaffer, J., Fong, D., & Venisse, J.L. . (2015). Responsible gambling: Conceptual considerations. *Gaming Law Review and Economics*, 19(8), 6.

how people ought to behave'.<sup>614</sup> The paper is obviously the result of the growing anti-gambling lobby that had been attacking the concept of responsible gambling. 'A proportion of the population consider the term "responsible gambling" objectionable. This is usually because they predominantly consider all gambling to be morally reprehensible, exploitative, and/or predatory, and consequently, an inherently unacceptable and/or irresponsible activity. From this vantage point, "responsible gambling" can only be perceived as an oxymoron'.<sup>615</sup>

The paper provides a previously mentioned taxonomy of those in the gambling debate: prohibitionists who want to see gambling banned, libertarians who want it allowed without restriction and restrictivists who think banning gambling as problematic but see the need to restrict who gambles, what they can gamble on and where and when. It then proceeds to examine their arguments. Prohibitionists see gambling as ruining the lives of gamblers and their families, affecting social cohesion due to its supposed money-for-nothing credo and stealing the resources of time and money from those connected to the gamblers. With relevance to PHAG, the paper argues that prohibitionists believe 'The availability of commercial gambling in a community has been considered to represent a type of moral pollutant or public health toxin'.<sup>616</sup> Prohibitionists want gambling either banned or severely restricted. Libertarians are the opposite, seeing gambling as a prime example of an activity where adults should be allowed to do exactly as they want as long as it does not harm others. They see the concept of responsible gambling as overtly paternalistic and counter to personal freedom. Linked to this is a strong belief in personal choice and consequences. Those making the choice to gamble and suffering as a result, bear the consequences of their actions which to them are some of the elements of freedom and adulthood. Restrictivists sit somewhere between the two, not wishing gambling banned but not seeing it as a business just like

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<sup>614</sup> Ibid

<sup>615</sup> Ibid pp.594-595

<sup>616</sup> Ibid p.596

any other. 'The fundamental principle held is that while adults wishing to gamble should be allowed to do so, the supply of commercial gambling services should be restricted to ensure that those who gamble do so responsibly'.<sup>617</sup>

Collins et al states that as gambling expansion took place in the 1990s, gambling operators realised that responsible gambling was 'good for business' as it salved the concerns of legislators and allowed both government and operators to get on with the business of earning profits and tax revenue. For prohibitionists, there was the realisation that the complete prohibition was not what the public wanted, 'they would be more effective politically if they concentrated on gambling-related harm issues rather than on moral ones'.<sup>618</sup> Thus the debate has become focussed on the extent of responsible gambling and its effectiveness. The paper's authors state that there are legitimate concerns about whether the changes to gaming machine design, the exposure of people to gambling, limits to stakes, prizes and time spent gambling, education about gambling and the types of treatment offered have on those who have problems with their gambling. They conclude that:

in general, public policies in these areas are shaped by the need of policymakers to accommodate prevailing moral views amongst the general public as well as by the empirical evidence generated by scientists. Progress in promoting responsible gambling is likely to be impeded as long as people's responses to proposed responsible gambling measures is mainly a reflection, not of their assessment of available evidence, but rather of their moral convictions.<sup>619</sup>

The Reno model arguably provides the balance between the conflicting needs of a gambling industry wishing to make money, customers wanting to gamble and governments wanting citizens protected from harm but also having the freedom to enjoy themselves. This was the model for the UK industry

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<sup>617</sup> Ibid p.597

<sup>618</sup> Ibid p. 597

<sup>619</sup> Ibid p.599

from 2007 until 2018. The regulations implemented by the Gambling Commission were based on the concept that gamblers would be informed, advertising would be truthful and players would be directed to help if operators thought they showed problematic behaviours. Players would also be able to limit the amount of money and time they spent gambling and could self-exclude from a gambling website or venue. In the UK this would appear to most to be uncontroversial, but as seen in Appendix 3, during this period, the problem gambling rate did not alter from an average 0.59% or roughly 270,000 people. There was no evidence that this approach to preventing problem gambling was faulty unless you held the belief that problem gambling numbers could be reduced significantly by another approach, of which there was no evidence globally, which does suggest that the reason for wanting change was more political than purely altruistic.

### **Revolutionary PHAG**

The Reno model would come under attack from Australian public policy Professor Linda Hancock and her Canadian sociologist colleague, Garry Smith, in their article, '*Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of Responsible Gambling*'.<sup>620</sup> Both authors had histories of being critical of the state of regulated gambling in their home countries and Hancock had also been involved in the British gambling debate from 2006, where she had worked with British anti-gambling academics such as Gerda Reith and Jim Orford and been consultant interim Head of Research to the Responsibility in Gambling Trust, the predecessor to GambleAware, in 2007–10 and made a submission to the Culture, Media & Sport Select Committee Inquiry into the Gambling Act 2005 in 2012 where she is highly critical of FOBTs.<sup>621</sup>

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<sup>620</sup> Hancock, L., Smith, G. (2017). Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of "Responsible Gambling". *International Journal of Mental Health and Addiction*, 16(6), 25.

<sup>621</sup> Deakin University. (2023). *Prof Linda Hancock Staff Profile*. Deakin University,. Retrieved 15/09/2022 from <https://www.deakin.edu.au/about-deakin/people/linda-hancock>. Researchgate.Net. (2023). *University of Alberta Faculty of Extension Garry Smith*. Researchgate.Net. Retrieved 01/09/2022 from <https://www.researchgate.net/profile/Garry->



The abstract of their paper states that their critique:

proposes a shift in the dominant regulatory Model from industry self-regulation under self-monitored codes of practice to RG-Consumer Protection that addresses structural issues of power and vested interests, featuring core principles of public health, consumer protection, operator duty of care, regulatory transparency and independent research<sup>622</sup>

They argue that over the previous twenty or so years gambling has expanded radically, 'with minimal regard for effective RG [responsible gambling] safeguards'.<sup>623</sup> They state that gambling products, namely EGM (electronic gaming machines) had intensified, gaming venues had proliferated and there had been the emergence of online gambling, which they state is unregulated. The arguments they make are worthy of detailed consideration as they provide examples of the foundational arguments for what would become PHAG.

As with all anti-gambling groups, such as the Campaign for Fairer Gambling, Hancock and Smith start by making a standard statement of the authors not being anti-gambling, but just wanting to change how gambling is permitted, in their case: 'Our aim is to foster legal gambling environments that are

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Smith-2. Hancock works with Gerda Reith: Europe Economics and Ipsos MORI. (2006). *Fixed Odds Betting Terminals, the Code of Practice, and problem gambling Second round research The combined response of Europe Economics and Ipsos MORI to the peer reviews* Europe Economics. <https://www.ipsos.com/sites/default/files/migrations/en-uk/files/Assets/Docs/Archive/Polls/abb2.pdf>. Hancock works with Jim Orford at the Seminar which creates the paper she co-authors: Hancock, L., May-Chahal, C. (2009). *International transformations : the gambling evidence base for local authorities*. Responsible Gambling Fund Lancaster University. [https://www.lancaster.ac.uk/fass/projects/tracking-vulnerability/docs/final\\_report\\_international\\_transformations.pdf](https://www.lancaster.ac.uk/fass/projects/tracking-vulnerability/docs/final_report_international_transformations.pdf). Hancock's submission to CMS SelCom inquiry: House of Commons Culture Media and Sport Committee. (2012). *The Gambling Act 2005: A bet worth taking?* (HC 421 (Incorporating HC 1554-i to vii of Session 2010-12)). London: The Stationery Office,,p.EV45.

<sup>622</sup>Hancock, L., Smith, G. (2017). Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of "Responsible Gambling". *International Journal of Mental Health and Addiction*, 16(6), 25. : p. 1151

<sup>623</sup> Ibid p.1152

equitable, ethical, empathetic and non-exploitative'.<sup>624</sup> A similar argument was put forward by the National Anti-Gambling League in the 1890s, and while their approach was dissenting Christian, this uses the language of post-modernism.<sup>625</sup>

Hancock and Smith argue that as gambling opportunities have spread, governments have become only interested in the potential for gambling revenues and that gambling has expanded without sufficient public debate. Citing their own work, they then argue that RG policies were 'retrofitted' and as 'a result, gambling regimes proliferated whereby revenue production overrode the public interest and gambling was offered and conducted in a manner that engendered preventable personal and social distress'.<sup>626</sup> They then go on to list the consequences of this scenario. They state that there were 'prevalence studies showing high rates of problem gambling; increasing numbers of Gamblers Anonymous chapters; media reports of gambling-related suicides, bankruptcies and crimes committed by problem gamblers; research indicating that gambling was not the economic revitalisation or urban renewal nostrum it was intended to be; citizen opposition to proposed gambling venues and perceived dangerous gambling formats such as EGMs'.<sup>627</sup> The citations for this consist of self-referencing and referencing academic works that are only slightly relevant (or completely irrelevant) to the point being made. As will be shown later, this appears to be not unusual in PHAG work.<sup>628</sup>

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<sup>624</sup> Ibid p.1152. Dugher, M. (2022b). *Our new Prime Minister must get gambling reform right*. Politics Home The House. Retrieved 01/09/2022 from <https://www.politicshome.com/members/article/bgc-83698>

<sup>625</sup> Dixon, D. (1991). *From prohibition to regulation: bookmaking, anti-gambling, and the law*. Clarendon Press. , p.83

<sup>626</sup> Hancock, L., Smith, G. (2017). Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of "Responsible Gambling". *International Journal of Mental Health and Addiction*, 16(6), 25. , p.1153 citing Campbell, C. C., Smith, G.J. . (2016). Gambling in Canada-From Vice to Disease to Responsibility: A Negotiated History. *Canadian Bulletin of Medical History* 20(1), 28. and Hancock, L. (2011). *Regulatory failure*. Australian Scholarly Publishing.

<sup>627</sup> Ibid p. 1153

<sup>628</sup> The citations for the previous quote are as follows and exemplify the PHAG methodology of references that hardly substantiate the assertions being made: a paper by Croft (2003)

Their argument with RG is that it prioritises treatment for problem gamblers rather than prevention because, as they see it, prevention impacts on profits.<sup>629</sup> They cite Browne et al's 2014 paper, the same Browne from above but with different colleagues, who states that 'explaining problematic gambling-associated behaviour residing in individuals (who are really victims),

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that shows that it is incredibly difficult methodologically to prove a link between gambling and crime and where you can it shows very small numbers; a methodologically-contentious book by Shull (2012) that argues that not only are all gaming machines addictive but are designed to be that way based purely on the belief of Skinnerism; a paper by MacLaren (2016) that argues that VLTs are the most dangerous form of gambling in Canada based on the fact that VLTs are the most accessible form of gambling and the most popular, which in turn makes them the most used by problem gamblers; a paper by O'Connor, J., & Dickerson, M. (2003) that shows that problem gamblers suffer from impaired control; a paper by Orford and Wardle et al (2009) that shows the British population has a predominantly negative view of gambling but do not want it banned, even though Britain has never been mentioned by Hancock and Smith; the 1999 Australian Productivity Commission which argued for better regulation to improve harm minimisation and concluded that the majority of Australians enjoy gambling, the cost benefit analysis being in the range of a 'net social cost of \$1.2 billion to a net benefit of \$4.3 billion for 1997-98'; an almost impenetrable sociology paper by Reith (2004) that poses a post-modernist approach to addiction that links it to increased consumerism and individualism; a second equally impenetrable sociology paper also by Reith (2013), that also takes a post-modernist approach about pathological gambling, including obligatory Marxist viewpoints and arguing that research into gamblers 'detract attention from the wider structural aspects of gambling' namely the gambling products and the regulatory system, all products of neoliberalism, and then provides the usual complaints about governments being conflicted by being regulator and tax collector and gambling causing misery; and finally a paper by Smith (the co-author) and Rubenstein (2011) who critique the Ontario government for not meeting 'acceptable standards of accountability and social responsibility' and for supposedly putting profit above the health and happiness of the population. Crofts, P. (2003, 24-25 March 2003). *Researching the link between gambling and crime* Evaluation in Crime and Justice: Trends and Methods Conference, Canberra. .Dow Schull, N. (2012). *Addiction by design*. Princeton University Press. . (John O'Connor, M. D. (2003). Impaired control over gambling in gaming machine and off-course gamblers. *Addiction*, 98(1), 7. , MacLaren, V. V. (2016). Video Lottery is the Most Harmful Form of Gambling in Canada. *Journal of Gambling Studies*, 32(2), 26. .Orford, J., Griffiths, M., Wardle, H., Sproston, K., & Erens, B. . (2009). Negative public attitudes towards gambling: findings from the 2007 British Gambling Prevalence Survey using a new attitude scale. *International Gambling Studies*, 9(1), 15. . Productivity Commission. (1999). *Australia's gambling industries*. (10). Canberra: AusInfo, p.32, Reith, G. (2004). Consumption and its discontents: addiction, identity and the problems of freedom. *The British Journal of Sociology*, 55(2), 17. , Reith, G. (2013). Techno economic systems and excessive consumption: a political economy of 'pathological' gambling. *Ibid.*, 64(4), 22. , p.721, Rubenstein, G. S. D. (2013). Socially responsible and accountable gambling in the public interest. *Journal of Gambling Issues* (28), 17. 7

<sup>629</sup>Hancock, L., Smith, G. (2017). Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of "Responsible Gambling". *International Journal of Mental Health and Addiction*, 16(6), 25. , p.1153

enables casinos to 'escape effective regulation'.<sup>630</sup> This is arguably one of the core tenets of PHAG, that problem gamblers have become medicalised and therefore the responsibility for their condition lies within them rather than what the PHAG 'reality' is, that it is simply a way for gambling operators to escape responsibility for the side effects of their business.

The aforementioned Gerda Reith was one of the inventors of this approach in her 2007 paper, *Gambling and the contradictions of consumption - A genealogy of the 'Pathological' subject*, where she argues that the concept of the 'pathological gambler' was born and that this can be dated to its introduction into the Diagnostic and Statistical Manual of Mental Disorders (3rd ed.; DSM-III) in 1980.<sup>631</sup> Reith appears confused that a manual for people dealing with people with mental health issues found the description of the disorder 'seldom couched in terms of consumer behaviour but were rather discussed within a reductive, materialistic epistemology of sickness and disease'.<sup>632</sup> Reith's, Post-Modernist and Marxist interpretations of gambling can be considered a feature of the PHAG approach.<sup>633</sup>

Hancock and Smith go on to argue: 'that gambling power brokers are unaware of, or indifferent to, empirical research findings that could reduce gambling harms; the generally negative public attitudes toward the activity; and the sub-standard RG measures currently in place'.<sup>634</sup> This sentence exemplifies many of the features of academic activist research in this area. First, it uses the term 'gambling powerbrokers', implying the gambling industry

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<sup>630</sup> Ibid p.1153 citing Browne, M. N., Kubasek, N. K., & Biksacky. (2014). Casinos and problem gamblers: The complexity of legal responsibility. *Charlotte Law Review*, 5(3), 38. , 339–376

<sup>631</sup> Reith, G. (2007). Gambling and the Contradictions of Consumption: A Genealogy of the "Pathological" Subject. *The American Behavioral Scientist*, 51(1), 22. ,p.36

<sup>632</sup> Ibid p.36

<sup>633</sup> For post-modernist and Marxist work from Reith see: Reith, G. (2004). Consumption and its discontents: addiction, identity and the problems of freedom. *The British Journal of Sociology*, 55(2), 17. , Reith, G. (2013). Techno economic systems and excessive consumption: a political economy of 'pathological' gambling. *Ibid.*, 64(4), 22. , p.721. Reith, G. (2004). The economics of ethics: Lotteries and state funding. *Economic Sociology: European Electronic Newsletter*, 6(1), 8. , p.8

<sup>634</sup> Ibid p.1154

has direct influence over governments. While it is not in this thesis's remit to consider such suggestions and as stated before, gambling industries around the world are manifold as are their relationships with government, this author can state that in the UK, as can be seen from the previous chapters, gambling is not a powerful influencer of government policy. This may well be different in Australia and Canada but to suggest there is a global conspiracy, as implied by another PHAG proponent, New Zealander Peter James Adams, is bordering on the farcical. Adams argues that gambling's funding of politicians, problem gambling treatment, academic research, the media through advertising, sport, community groups is all conflicted and completely influenced by their supposed reliance on gambling funding and this causes democratic degradation. Adams argues for an international charter of ethical standards which has as its 'first ethical principle:

All people have the right to a family, community and working life protected from violence, property crime and other negative consequences of the consumption of gambling<sup>635</sup>

Linked in with the PHAG belief that the gambling industry has massive influence over governments is the belief that it is the tax revenue that makes gambling the corruptive influence PHAG proponents believe it to be. Reith states:

as the presence of the state in the regulation of public life is scaled back, so its involvement in the business of gambling increases. It is this symbiotic relation between commercial profit and state revenue that has provided much of the impetus for the liberalization and promotion of gambling toward the end of the 20th century and into the 21st.<sup>636</sup>

Reith's repeated argument, in her 2004 paper as well, is that the global growth in gambling is due to the move from a Keynesian economy to a 'neoliberal' one and the state's supposed reduction in economic and social life. This is an

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<sup>635</sup>Adams, P. J. (2004). Minimising the impact of gambling in the subtle degradation of democratic systems *Journal of Gambling Issues*(11), 18. , p.14

<sup>636</sup>Reith, G. (2007). Gambling and the Contradictions of Consumption: A Genealogy of the "Pathological" Subject. *The American Behavioral Scientist*, 51(1), 22. ,p.36

interesting argument that seems to ignore the differing economies of most countries and again implies that governments are dependent on gambling taxes, which is not the case in the UK, where they are obviously a consideration but not a dependency. For the financial year ended July 2022, Other taxes on production of which betting, gaming and lottery were £799 million while Total Public Sector Current Receipts were £312,800 million, thus gambling taxes account for 0.25% of the government's tax receipts.<sup>637</sup> For context, tax receipts from Air Passenger Duty were £985m when flying was still recovering from the Covid-19 pandemic.<sup>638</sup> It is an enormous conceptual leap to argue that gambling revenues are an influencing factor in the UK.

Hancock and Smith cite the previously mentioned Williams, R., West, B. & Simpson, R., *Prevention of problem gambling: A comprehensive review of the evidence and identified best practices*, to back up their assertion of powerbrokers being 'unaware of, or indifferent to, empirical research findings that could reduce gambling harms'.<sup>639</sup> Interestingly about this cited research, is that it argues that the majority of the issues that cause problem gambling are located within the gambler, being either genetic, neurological, psychological, based on family life, abuse, education level, comorbidities, depression etc. The report argues that:

- Because of the large number of risk factors as well as the biological basis of some of them, the risk of problem gambling in a population can be reduced, but is unlikely to ever be eliminated.

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<sup>637</sup> Office for National Statistics. (2022). *Public sector current receipts: Appendix D*. Office for National Statistics,. Retrieved 16/09/22 from <https://www.ons.gov.uk/economy/governmentpublicsectorandtaxes/publicsectorfinance/datasets/appendixdpublicsectorcurrentreceipts/current>

<sup>638</sup> Civil Aviation Authority. (2022). *2022 quarter two flight data* Published on: 17 August 2022 Civil Aviation Authority,. Retrieved 16/09/2022 from

<https://www.caa.co.uk/newsroom/news/2022-quarter-two-flight-data/>

<sup>639</sup>Williams, R. J., West, B.L., Simpson, R.I. (2012). *Prevention of Problem Gambling: A Comprehensive Review of the Evidence, and Identified Best Practices*. Hancock, L., Smith, G. (2017). Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of “Responsible Gambling”. *International Journal of Mental Health and Addiction*, 16(6), 25. , p.1154

- Because many of the risk factors for problem gambling are the same risk factors for the development of substance abuse, psychopathology, and other problems, generic prevention initiatives targeting a wide range of problems (especially in youth) are likely both efficient and essential components for the prevention of problem gambling.<sup>640</sup>

This would rather go against the major tenet of the PHAG argument that the causes of problem gambling are purely structural. West & Simpson's research is a very comprehensive review of responsible gambling initiatives in operation in North America and many countries around the world. They do argue that: 'While certain initiatives are more effective than others, there is almost nothing that is not helpful to some extent and, conversely, there is almost nothing that by itself has substantial potential to prevent harm'.<sup>641</sup>

In summarising Reno marks I-IV, Hancock and Smith state:

The articles herald the importance of free markets, freedom of choice, gambling as entertainment, the gambling industry being similar to other legal enterprises, yet unfairly heavily taxed and over-regulated and the need to strike a balance between government tax and gambling industry profits on the one hand, and social and economic costs, as though these are equivalents.<sup>642</sup>

Which is a considerable leap in comprehension for what the articles do say. They then argue that 'The elephant in the room is the links between Reno authors and the gambling industry'.<sup>643</sup> They then provide two pages of tables of where there is either evidence or implication that the main writers of the Reno models have received funding from the gambling industry. Covering themselves with the sentence 'Whether or not industry sponsorship results in biased or selective research is contested', they provide pages implying that it

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<sup>640</sup>Williams, R. J., West, B.L., Simpson, R.I. (2012). *Prevention of Problem Gambling: A Comprehensive Review of the Evidence, and Identified Best Practices*. .pp.7-12

<sup>641</sup> Ibid p.81

<sup>642</sup> Ibid p.1160

<sup>643</sup> Ibid p.1160

is.<sup>644</sup> One of the papers they cite to provide evidence of this contention is by Blaszczyński & Gainsbury, who argue the strong point that:

research can also be influenced by personal experiences, religious and ideological/philosophical beliefs held by researchers. The concept that all gambling is immoral, with the corollary that the notion of 'responsible gambling' is an oxymoron, can be argued to reflect some public health advocacies suggesting the need for a prohibitionist or highly regulated and restrictive stance on gambling. Researchers should also have an ethical obligation to disclose all competing interests, not just financial associations, but including professional associations and memberships of advocacy organizations, for purposes of transparency and open disclosure.<sup>645</sup>

Hancock and Smith make an example of Collins et al who did work for BACTA looking at the impact of lowering the stake on a FOBT from £50 to £10, as mentioned in the previous chapter. They argue:

advocates for harm reduction have argued for a much lower £2 maximum stake in non-casino venues, which would have been more useful research for assessing harm-reduction benefits. Their focus on establishing the validity of a £10 stake, may have more to do with Bacta's [sic] future intentions to lobby for raising stakes on their community venue machines to £10, than testing the harm-reduction effectiveness of a £2 stake.<sup>646</sup>

Collins et al had addressed the issue:

We have not sought to form a view on a reduction of maximum stake on FOBTs to £2 because such a drastic reduction would amount to a proposal that B2 machines become B3 machines and would be the same as banning them altogether.<sup>647</sup>

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<sup>644</sup> Ibid p. 1160

<sup>645</sup>Gainsbury, A. B. S. (2014). Editor's Notes. *International Gambling Studies*, 14(3), 3.

<sup>646</sup>Hancock, L., Smith, G. (2017). Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of "Responsible Gambling". *International Journal of Mental Health and Addiction*, 16(6), 25. , p.1163

<sup>647</sup>Collins, P., Barr, G., Scott, L. (2016). Report on results of research into the likely effects of substantially reducing the maximum permitted stake of £100 per 20-second spin on category B2 electronic gambling machines in UK Betting Shops. . p.54



This report was commissioned by BACTA, who had campaigned against the FOBTs and, as mentioned before, were funders of the Betting Terminals APPG. They had also commissioned reports by NERA, see previously, that had shown that a drop to a £2 stake would 'force the closure of between 700 and 1,200 LBOs'.<sup>648</sup> It was only anti-gambling groups that were advocating a £2 stake limit at this time, with no scientific evidence to back it up. It would be in May 2018, almost 13 months after the publication of Hancock and Smith that DCMS, under the overtly anti-gambling leadership of Tracey Crouch MP, that the government would argue for a £2 limit based on the strength of public opinion. Their attack on Collins reveals more about what they believe are appropriate measures to prevent gambling harms and fulfil one of Reno Mark 4's features of a prohibitionists belief that 'governments should permit as little of it as possible, do nothing to encourage it, and do as much as possible to discourage it'.<sup>649</sup>

Unfortunately time and space do not allow for a full critique of the 22 page long paper, hopefully, the many conceptual and methodological flaws can be imagined from the examples provided. Understandably what followed was a vigorous academic debate.

Shaffer, Blaszczynski and Ladouceur responded in the same edition of the *International Journal of Mental Health Addiction*:

responding to this criticism, our intent is not to challenge their expressed opinions; opinions often are fixed and immutable, even in the face of facts. There is insufficient space and time to address each of their misleading statements and criticisms—perhaps best considered as ideological projections<sup>650</sup>

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<sup>648</sup>NERA Economic Consulting. (2016). *Impact Assessment on the Reduction of B2 Machine Maximum Stakes - Prepared for bacta.* , p.11

<sup>649</sup>Collins, P., Blaszczynski, A., Ladouceur, R., Shaffer, H.J., Fong, D., Venisse, J.L. (2015). Responsible Gambling: Conceptual Considerations. *Gaming Law Review and Economics*, 19(8), 7. , p.596

<sup>650</sup>Shaffer, H. J., Blaszczynski, A., Ladouceur, R. (2017). Truth, Alternative Facts, Narrative, and Science: What Is Happening to Responsible Gambling and Gambling Disorder? *International Journal of Mental Health and Addiction* volume, 15(6), 5. :p.1,197

They make the well-founded argument that Hancock and Smith 'provided a false narrative that peer review failed to identify'.<sup>651</sup> They make the points found in the critique above, that they have ignored much of what was clearly stated in the Reno papers. 'Hancock and Smith conveniently overlook this evidence as it remains in direct conflict with their opinions'.<sup>652</sup> They continue: 'At best, the Hancock and Smith criticisms levelled against the Reno Model are based on misinterpretation of facts and their opinions; at worst, the criticism is driven by attempts to sustain a cottage industry'.<sup>653</sup> The cottage industry being the Public Health lobby which they imply is much the same as climate change and Covid-19 vaccine deniers. They point out that with the continuing growth of gambling, with RG policies in place, the prevalence of problem gambling has dropped around the world. They stress that if the field of gambling studies is to improve there does have to be a collaboration between government, industry and communities. They also focus on the independence of research funding and state that the importance is transparency rather than who funds the research and question why 'Smith did not disclose that the Alberta Lottery provides a principal source of funding for the University of Alberta's Alberta Gambling Research Institute (AGRI) with which he works!'.<sup>654</sup>

In the same academic journal was '*Blame It on Reno: a Commentary on Hancock and Smith*' by the University of Adelaide's Paul Delfabbro & Daniel L. King.<sup>655</sup> They agree with Hancock and Smith 'that problem gambling is very much positioned by the Reno model as a problem of individual behaviour rather than gambling products. As a result, relatively less attention has been directed towards the problematic elements of gambling products, including the high stake sizes, rapid play speeds and what they term 'deceptive'

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<sup>651</sup> Ibid p. 1,197

<sup>652</sup> Ibid p. 1,198

<sup>653</sup> Ibid p. 1,199

<sup>654</sup> Ibid p.1,200

<sup>655</sup> Delfabbro, P., King, D.L. (2017). Blame It on Reno: a Commentary on Hancock and Smith. *International Journal of Mental Health and Addiction* 15(6), 5.

practices of manufacturers'.<sup>656</sup> They also agree with their assertion that the main obstacle to government's adopting changes that would minimise harm due to changes to machine features and machine accessibility have been due to government's being dependant on the tax revenue that they generate. But, before they start their critique properly, Delfabbro & King direct readers to a recent paper by them entitled: *Gambling is not a capitalist conspiracy: a critical examination of literature on the 'industry state gambling complex'*.<sup>657</sup> The reason for this is that this paper critiques the components of the ideology found in Hancock and Smith.

They agree with the research that shows that in Australia, many States are dependent on EGM tax revenues for a significant proportion of their taxes, but they dismiss the assertion that EGMs are played mostly by people from the lower end of the socio-economic scale (SES), even though it may appear that more EGMs are located in lower SES areas. Using the UK as an example, 'analysis of problem gambling rates showed that unemployed people reported higher rates of problem gambling than other employment groups, but there were no significant differences based on income or the Index of Multiple Deprivation as might have been expected from the geographical analyses'.<sup>658</sup> Thus they conclude on the assertion of the link between socio-economic disadvantage and gambling, that:

while there appears to be reasonable evidence that there are more gambling opportunities and overall expenditure in lower SES areas in both Australia and the UK based on geographical data, other evidence suggests that this may not always translate into higher participation rates or problem gambling rates.<sup>659</sup>

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<sup>656</sup> Ibid p.1,204

<sup>657</sup> Delfabbro, P., King, D. L. (2017). Gambling is not a capitalist conspiracy: a critical commentary of literature on the 'industry state gambling complex'. *International Gambling Studies* 17(2), 14.

<sup>658</sup> Ibid p.322 citing Wardle, H., Moody, A., Spence, S., Orford, J., Volberg, R., Jotangia, D., Griffiths, M., Hussey, D., Dobbie, F. (2011). *British Gambling Prevalence Survey 2010*. The Stationery Office. .

<sup>659</sup> Ibid p. 322

This leads Delfabbro & King to argue that since there is no hard evidence of a link between social disadvantage and gambling involvement, prudence would be necessary when drawing such conclusions. Unfortunately, some academics, they mention Markham and Young (some might argue that Hancock and Smith could also be included), have written articles that appear to be:

driven by what often appear to be Leftist Marxist ideologies, have adopted a polemical style, not dissimilar to that observed in political pamphlets, to proclaim the existence of class exploitation, social domination and the destruction of the underprivileged by the gambling industry and modern governments<sup>660</sup>

They refer to a 2013 paper by Reith and a 2005 one by Livingstone which, as well as citing Marx and Nietzsche, give the 'view that gambling represents the apotheosis of modern consumerism and that people (most notably the disadvantaged) are effectively cajoled into gambling because they are unable to resist the powerful imperative to consume'.<sup>661</sup> The term 'big gambling' is used, which is not factually correct as there are many small gambling operators but is also reminiscent of polemical journalism, referring to big tobacco, and giving the impression that all gambling is harmful like all tobacco products. The fact is that many gambling products are on the lower end of the harmful scale and that many researchers have supported 'approaches to harm reduction that are based on consumer protection logic, and modifications to gaming machines are indeed supported by many researchers in the field including the authors of Reno'.

Delfabbro & King argue that it is wrong for these academics to consider there to be a global gambling industry (which stinks of conspiracy theory) and that

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<sup>660</sup> Ibid p. 323 citing Markham, F., Young, M. (2015). '“Big Gambling”': The rise of the global industry-state gambling complex. *Addiction Research & Theory*, 23(1), 4.

<sup>661</sup> Ibid p. 323-324 citing Reith, G. (2013). Techno economic systems and excessive consumption: a political economy of 'pathological' gambling. *The British Journal of Sociology*, 64(4), 22. Livingstone, C. (2005). Desire and the consumption of danger: Electronic gaming machines and the commodification of interiority. *Addiction Research & Theory* 13(6), 11. .

the industry is hellbent on exploiting the poor; rather, it is an industry made up of many parts, both large and small and dependant like all businesses on supply and demand to determine which products it makes and where they are located, according to the regulations. These academics fail to see the consumer as having agency and wanting to gamble and suggest that this may be due to class prejudice, academics being middle class with some even expressing their disgust at it. They cite Reith who stated that gambling behaviour is: 'unbalanced by the exercise of reason, responsibility, or crucially, self-control.'<sup>662</sup> They continue to critique sociological work on consumerism, with a focus on Reith which they have managed to translate and found that it is full of Marxist ideology, where Reith and other academics appear to try and raise the consciousness of the working class befuddled by the magic spell that consumerism and capitalism has enchanted them with, gambling being the epitome of neoliberalism.

Their focus moves to the apparent disdain the Public Health lobby appear to have for the health sciences. For the lobby, by which Reith , Markham and Young and Young are seen as the main culprits, the health sciences just reinforce the view that problem gambling is a problem for the individual that needs treating and that they are addicts and without personal control.<sup>663</sup> Delfabbro & King argue that this implies that these scientists: 'have fallen victim to dominant paradigms or discourses that reinforce industry narratives that encourage responsible individual behaviour rather than industry responsibility'.<sup>664</sup> This, they argue, has echoes of a global conspiracy theory,

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<sup>662</sup> Ibid p. 326 citing Reith, G. (2013). Techno economic systems and excessive consumption: a political economy of 'pathological' gambling. *The British Journal of Sociology*, 64(4), 22. , p.768

<sup>663</sup> Ibid p. 327 citing Reith, G. (2007). Gambling and the Contradictions of Consumption: A Genealogy of the "Pathological" Subject. *The American Behavioral Scientist*, 51(1), 22. .Reith, G. (2013). Techno economic systems and excessive consumption: a political economy of 'pathological' gambling. *The British Journal of Sociology*, 64(4), 22. .Markham, F., Young, M. (2015). "Big Gambling": The rise of the global industry-state gambling complex. *Addiction Research & Theory*, 23(1), 4. . Young, M. (2013). Statistics, scapegoats and social control: A critique of pathological gambling prevalence research. *Ibid.*, 21, 11.

<sup>664</sup> Ibid p. 327

for so many disciplines and academic journals to be involved, overlooking those who have argued for gambling product modifications. They place a focus on Skinnerism as found in the oft cited Dow Schull and Reith in that both provide a too simplistic view of the psychology of gambling and gamblers which they argue 'pathologize' gamblers when the field of psychology has advanced significantly since the 1950s.<sup>665</sup> They conclude that:

important observations can become obscured when they are framed in the context of Marxist-Leftist frameworks which describe market forces and business operations as a form of class warfare. Such approaches encourage a selective interpretation of factual information and leave the reader wondering if there is anything that the gambling industry could do to improve its ways, apart from closing down altogether<sup>666</sup>

Returning to '*Blame It on Reno: a Commentary on Hancock and Smith*', Delfabbro & King argue that the power of the Reno model is not as strong as Hancock and Smith assert, citing Taylor as evidence that judges do not often take on board the views of psychologists or psychiatrists.<sup>667</sup> They also dismiss the assertion that the Reno model has constricted the fields of psychology and psychiatry, argue that Hancock and Smith provide no evidence and argue that this again stinks of conspiracy theory. As a Professor, Delfabbro and Associate Professor, King of Psychiatry it is understandable that one of their biggest bugbears is how Hancock and Smith have mischaracterised their field of expertise. The idea of loss of control is criticised for how it is used, as it is a 'bit misleading to argue that the 'zone' entirely controls people's behaviour because this would usually only develop within the session and is unlikely to be a feature of all gambling'.<sup>668</sup> They also point out that there seems to be a blatant omission from Hancock and Smith in that: 'A substantial body of work

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<sup>665</sup>Dow Schull, N. (2012). *Addiction by design*. Princeton University Press. .Reith, G. (2007). Gambling and the Contradictions of Consumption: A Genealogy of the "Pathological" Subject. *The American Behavioral Scientist*, 51(1), 22. .

<sup>666</sup> Ibid p.329

<sup>667</sup> Delfabbro, P., King, D.L. (2017). Blame It on Reno: a Commentary on Hancock and Smith. *International Journal of Mental Health and Addiction* 15(6), 5. :p. 1,205 Citing Taylor, G. (2004). Is addiction to gambling relevant in sentencing? *Criminal Law Journal*, 28(3), 18. .

<sup>668</sup> Ibid p. 1,205

undertaken by Mark Dixon (USA), Mike Dixon (Canada), Dickerson, Delfabbro, Rockloff (Australia) and Griffiths (UK) has been concerned with investigations of how product/machine features (e.g. play speeds, near misses, lights, free spins, jackpots) influence behaviour and the implications of this work for harm minimisation'.<sup>669</sup>

Other glaring omissions would be the developments in RG in European countries and the fact that all Australian states now have mandatory RG regulations. There has been research conducted in Australia about the impact of modifying EGMs, so to say this has been ignored is false, even if this research has not been transitioned into policy change.

Delfabbro & King make the point made earlier that Hancock & Smith consider the gambling industry to be one single monolith and not a series of inter-relating entities of different relationships and power structures. This is then repeated with the interaction of governments and regulators. They argue that rather than blaming the gambling industry, any blame, if blame is the correct term, should be targeted at the governments and regulators as they are responsible for setting and implementing the rules for what kinds of gambling are allowed and how. The other obstacle to the kind of reform that Hancock and Smith ask for is that 'one of the principal challenges for government-based reform in Australia is that none of the evidence definitively provides significant evidence that changing bet sizes, play speeds and some other individual factors will make a lot of difference to reducing gambling-related harm'.<sup>670</sup> The previous chapter of this thesis, which analysed FOBTs, is testimony to this.

Their conclusion argues that Hancock and Smith's:

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<sup>669</sup> Ibid p.1,206

<sup>670</sup> Ibid p.1,207

arguments are strengthened by (a) a clearer conceptualisation of psychological research and in particular how it views problematic behaviour as arising from the interaction between individual and product-based factors working in combination and (b) more guarded inferences about the causal connection between the Reno model and developments in research and policy.<sup>671</sup>

Again, space does not permit further analysis of this debate, but it is worth noting that supporters of Hancock and Smith also engaged with it, including the founder of the New Zealand National Institute for Public Health and Mental Health, Max Abbott, and, in Britain, Emeritus Professor Jim Orford, known for his anti-gambling stance.<sup>672</sup> Unsurprisingly for a founder of a Public Health institution, Abbot agrees that Reno is too focussed on the individual responsibility and not enough on gambling products and environments. Unlike Hancock and Smith, he acknowledges that some governments have gone a long way with customer protection, giving Norway's example of replacing all EGMs with card-operated machines that need pre-commitment, and New Zealand, which has fully incorporated a Public Health approach into its gambling legislation and halved the number of EGMs. In both cases, there is no evidence yet of any fall in problem gambling numbers, as with the effective abolition of FOBTs in the UK.

Orford, however, who operates his own anti-gambling pressure group, Gambling Watch UK, goes further. He has written two overtly anti-gambling books, *An unsafe bet? The dangerous rise of gambling and the debate we should be having* and *The Gambling Establishment - Challenging the Power of the Modern Gambling Industry and its Allies*, where he argues for the nationalisation of gambling and claims the gambling industry has unrivalled political influence.<sup>673</sup> He developed *Restraint Erosion Theory*, arguing that

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<sup>671</sup> Ibid p. 1,207

<sup>672</sup>Abbott, M. (2017). Beyond Reno: a Critical Commentary on Hancock and Smith. *International Journal of Mental Health and Addiction*, 15(6), 9. :p.1,177. Orford, J. (2017). The Gambling Establishment and the Exercise of Power: a Commentary on Hancock and Smith. *International Journal of Mental Health and Addiction*, 15(6), 3.

<sup>673</sup>Gambling Watch. (2023). Gambling Watch UK. Retrieved 05/08/2022 from <https://www.gamblingwatchuk.org/>. Orford, J. (2010). *An Unsafe Bet - The Dangerous Rise of*



anybody involved with the gambling industry is subservient to it, for example stating that the Responsible Gambling Strategy Board 'contain several members who are either current or former senior gambling industry people or who have been involved in advising the industry' when, in fact, there have only ever been three involved and never more than one at a time. Yet, presumably linked to this, he believes that:

The passing into history of a view of gambling as inherently immoral or undermining of national morale, along with the embracing by governments of an international free market philosophy, plus the inventiveness and assertive lobbying by gambling promoters, has produced a revolution in gambling availability which had little to do with consumer demand.<sup>674</sup>

What is surprising, given his views, is that he was the lead author on the British Gambling Prevalence Studies, which provided problem gambling statistics for successive governments, a multiple co-author with the previously mentioned Heather Wardle, who also shares his desire for gambling to be nationalised.<sup>675</sup>

In his support of Hancock and Smith, Orford continues with his concern about supposed conflicts of interest, as he thinks the Responsible Gambling Trust (RGT) (precursor to GambleAware and commissioner of gambling research) had focussed on problem play rather than problem products, because 'the Chair of the research oversight panel was one of the core Reno model authors'.<sup>676</sup> According to a 2013 letter from Marc Etches, CEO of the RGT to DCMS, which

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*Gambling and the Debate We Should Be Having*. Wiley. .Orford, J. (2019). *The Gambling Establishment: Challenging the Power of the Modern Gambling Industry and Its Allies*. Routledge. .

<sup>674</sup>Orford, J. (2012). Gambling in Britain: the application of restraint erosion theory. *Addiction*, 107(12), 4. .Orford, J. (2009). Governments As Promoters Of Dangerous Consumptions. *Ibid.*, 104(5), 2. .Orford, J. (2005). Disabling the public interest: gambling strategies and policies for Britain. *Addiction*, 100(9), 26. .

<sup>675</sup> Wardle, H., Griffiths, M.D., Orford, J. et al. (2018). Learning lessons: The need for effective evaluation of regulatory change. *International Journal of Drug Policy*, 53, 2. Citing Wilkins, C. *Ibid.*A "not-for-profit" regulatory model for legal recreational cannabis: Insights from the regulation of gaming machine gambling in New Zealand. 7.

<sup>676</sup>Orford, J. (2017). The Gambling Establishment and the Exercise of Power: a Commentary on Hancock and Smith. *International Journal of Mental Health and Addiction*, 15(6), 3. , p. 1,194

details the forthcoming research programme into gaming machines of which Orford speaks, the Chairman of the Machine Research Oversight Panel would be Emeritus Professor David Miers, Deputy Chair of the Responsible Gambling Strategy Board and definitely not an author of Reno. A member of the panel is one of the authors, the University of Sydney's Professor Alex Blaszczynski, whose role within the panel is stated as 'Critical overview of pertinent academic literature on gaming machines and problem gambling'.<sup>677</sup> Orford then goes on to state that at the conference the RGT put on to present the research, 'a senior figure at the Gambling Commission and the Chief Executive of one of the largest bookmaking companies, each stated their conclusion from what they had heard that 'we should be looking at people not the product'.<sup>678</sup> No record of this can be found, which obviously does not mean that it never happened, just there is a scintilla of doubt as the Campaign for Fairer Gambling's article about the conference fails to mention it, and one would think they would be as concerned as Orford.<sup>679</sup>

Orford then develops the idea of a conspiracy : 'Trying to persuade us all to think about the subject in a certain way is tantamount to exerting power over us. This is a form of mental power in which ideas are the currency'.<sup>680</sup> Citing himself and Owen Jones, a commentator on the left, he makes a similar un-evidenced argument to Hancock and Smith about the Reno model being the norm as it benefits the government, regulator and industry. Considering the very conference he used as an example caused headlines because both the

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<sup>677</sup> Responsible Gambling Trust. (2013). Public Consultation On Proposals For Changes To Maximum Stake And Prize Limits For Category B, C And D Gaming Machines, 15 January 2013. In (pp. 6).

<sup>678</sup>Orford, J. (2017). The Gambling Establishment and the Exercise of Power: a Commentary on Hancock and Smith. *International Journal of Mental Health and Addiction*, 15(6), 3. , p. 1194

<sup>679</sup> Campaign for Fairer Gambling. (2016). *The smoke and mirrors of the Responsible Gambling Trust exposed at their own conference*. Politics Home - The House,. Retrieved 12/09/2022 from <https://www.politicshome.com/members/article/the-smoke-and-mirrors-of-the-responsible-gambling-trust-exposed-at-their-own-conference>

<sup>680</sup>Orford, J. (2017). The Gambling Establishment and the Exercise of Power: a Commentary on Hancock and Smith. *International Journal of Mental Health and Addiction*, 15(6), 3. , p. 1194

regulator and the government called on the industry to improve their work on problem gambling, and regulations have increased in their severity every year since, the lack of any evidence for the claims raises the question as to whether this may have been ideological oratory.<sup>681</sup> He goes further, by disagreeing with Hancock and Smith that RG is redeemable, 'The concept of responsible gambling is a public relations coup for the gambling industry and its supporters'.<sup>682</sup> He goes on to suggest that gambling is based on deception due to its use of 'losses disguised as wins' and supposedly fraudulent return to player percentages. He argues that the notion of 'informed consumers' is problematic because the information provided is not transparent or easily understandable. Understandably for someone who appears to be an anti-gambling ideologue, his real argument is likely a political one, and he cites a book on consumer debt:

What contribution might modern commercial gambling, diverse, easily accessible and vigorously promoted with the encouragement of governments, be making to societies in which inequality and income insecurity have risen, in which austerity is promoted politically and personal and family debt has been encouraged<sup>683</sup>

Again the proponents of the PHAG question the value of the commercial gambling industry. They fail to see it as the most effective way of dealing with public demand that ensures fairness, consumer protection and revenue generation for government and so for dealing with its social externalities. Orford concludes by supporting Hancock and Smith's attack on Reno's neutral stance on the morality of gambling. Citing another quasi-Marxist work, Skidelsky & Skidelsky, *'How much is enough? Money and the good life'*, which

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<sup>681</sup> McCarron, A. (2015, 11/12/2015). Industry told to up its game with Responsible Gambling Trust funding. *SBCNews.co.uk*. <https://sbcnews.co.uk/sportsbook/2015/12/11/industry-told-to-up-its-game-with-responsible-gambling-trust-funding/>

<sup>682</sup>Orford, J. (2017). The Gambling Establishment and the Exercise of Power: a Commentary on Hancock and Smith. *International Journal of Mental Health and Addiction*, 15(6), 3. , p. 1195

<sup>683</sup> Ibid p. 1195 citing *Social and psychological dimensions of personal debt and the debt industry*. (2015). (S. M. Değirmencioğlu, & Walker, C. (Eds.). , Ed.). Palgrave MacMillan. .

argues for a pursuit of the 'good life' over a capitalist society, Orford states that:

In an ethically neutral world, our views about whether gambling, widely available and promoted, is consonant or not with family, community and national values—the really important kinds of question according to the Skidelskys—is not on the agenda.<sup>684</sup>

What Orford produces is academic research with a lack of evidence to back up his arguments, with citations from random sources (but predominantly his own), an ideologically anti-gambling stance, with the instant dismissal of all academics linked to or work undertaken by the gambling industry, and with the usual platitudes of the need for all stakeholders to work together. At least he does not, like others holding similar views, pretend to be 'not against gambling'.

The purpose for analysing both the Reno Model and Hancock and Smith's attack on it is to provide the background to how PHAG has come to the UK. We should recognise that the authors of PHAG research are policy actors in the gambling debate. How they have proved to be successful in the UK is by positioning their lobbying as a health, rather than ideological, issue. Yet, the absence of any serious evidence of health implications leaves the research exposed as having a possible ideological premise.

### **The PHAG Campaign**

The main theme of PHAG advocates is that the gambling industry is rapacious, politically all powerful, acting as a global monolith to extract the very last penny from poor people, alongside a supine and complicit government and regulator. This article in the *British Medical Journal* (BMJ) by PHAG advocates exemplifies the approach:

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<sup>684</sup> Ibid p.1196 citing Skidelsky, R., Skidelsky, E. (2013). *How Much is Enough? - Money and the Good Life*. Penguin.

As we struggle with a cost-of-living crisis, we must ask why we seem unable to act against a powerful industry that, in effect, acts as a mechanism for transferring money from the poor and vulnerable to the wealthy and privileged. When will the gambling industry have its Silent Spring moment?  
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An Editorial in the *BMJ* is in similar vein:

is it really acceptable for many families to contribute substantial amounts of their diminishing disposable income to gambling companies, exploited by pervasive advertising holding out illusory prospects of winnings? As accounts emerge of families forced to choose between heating their homes and feeding themselves, we cannot stand back while their hopes are exploited to benefit the industry through the “coercion of circumstance.” 686

*The Lancet Public Health* even believes that reforms of gambling are prevented due to the political power of the industry:

Gambling industry stakeholders have used their power and influence to reject calls for reform, and to cast doubt on the rationale and effectiveness of a public health approach’. 687

As mentioned above, there is a Marxist and Post-Modernist thread in the commentary provided by PHAG advocates. We have already seen the work of Reith critiqued above and critiqued in Delfabbro & King, *Gambling is not a capitalist conspiracy: a critical examination of literature on the ‘industry state gambling complex’*. 688 Reith espouses both Marx and Foucault in these papers. Wardle is less overt however, but her word usage is telling:

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<sup>685</sup>Van Schalkwyk, M. C. I., Cassidy, R., Petticrew, M., McKee, M. . (2023). Harm built in—why the gambling industry needs a Silent Spring moment *British Medical Journal*, 380, 2. . Rachel Carson's book *Silent Spring* led to a shift in how people viewed the pesticide DDT by portraying the silence of a world without birds.

<sup>686</sup> Van Schalkwyk, M. C. I., Blythe, J., McKee, M., Petticrew, M. (2022). Gambling Act review. *Ibid.*, 376:o248.

<sup>687</sup> Regan, M. (2022). Policies and interventions to reduce harmful gambling: an international Delphi consensus and implementation rating study. *Lancet Public Health*, 7(8), 12. [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(22\)00137-2/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(22)00137-2/fulltext)

<sup>688</sup> Delfabbro, P., King, D. L. (2017). Gambling is not a capitalist conspiracy: a critical commentary of literature on the ‘industry state gambling complex’. *International Gambling Studies* 17(2), 14. citing Reith, G. (2004). Consumption and its discontents: addiction, identity

The policy and funding environment in which a coherent strategy for reducing gambling-related harms can be developed needs to be critically reassessed, along with the industry's role in shaping existing practices. This requires a marked change in approach, and one that is long overdue, given that gambling harms are a matter of health equality and social justice.<sup>689</sup>

As per her PhD and citations in various papers, Wardle supports the idea of an ecological Public Health model as put forward by Lang and Rayner in their 2012 essay in the *British Medical Journal*.<sup>690</sup> This essay has all the hallmarks of Marxist thought as mentioned above by Delfabbro & King. Lang and Rayner argue:

Public health advocacy, then as now, requires a political savvy not reflected in the mantras of evidence based policy. But if public health is understood more in terms of managerial actions than of visions and movements, the risk is that the possibility of the field being about altering circumstances to enable health fades.<sup>691</sup>

It is undeniably political in nature:

ecological public health seeks to build knowledge as a continual intellectual engagement. This means more than just evidence, and includes the open pursuit of social values, highlighting the role of interest groups, and debate across society not just within restricted scientific circles. Think Darwin and Wallace, Beveridge or Roosevelt: big thinking about the nature of life, good societies, order and change .....

[ecological public health] embraces the argument familiar in the 19th century that public health action requires a public health movement.<sup>692</sup>

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and the problems of freedom. *The British Journal of Sociology*, 55(2), 17. , Reith, G. (2013). Techno economic systems and excessive consumption: a political economy of 'pathological' gambling. *Ibid.*, 64(4), 22. , p.721

<sup>689</sup> Wardle, H., Reith, G., Langham, E., Rogers, R.D. (2019). Gambling and public health: we need policy action to prevent harm. *British Medical Journal*, 365(1807), 5.

<sup>690</sup> Lang, T., Rayner, G. (2012). Ecological public health: the 21st century's big idea? An essay by Tim Lang and Geof Rayner. *Ibid.*, 345. .

<sup>691</sup> *Ibid* p.3

<sup>692</sup> *Ibid* p.3

Lang and Rayner are concerned that only corporations and world elites can change the world, that globalisation is inevitable and that vested interests have prevented a proper appreciation of Public Health impacts. They consider the two main contemporary Public Health models as biomedical, where sick people get treated by medicine, and social-behavioural which attempts to alter behaviour so healthier lives are led and medicine is not needed so much. They propose a new model:

ecological public health focuses on interactions, with one strand focusing on the biological world—in concerns about increasing strains on biodiversity or antimicrobial resistance, for example. Another strand centres on material issues such as links between industrial pollution, energy use and toxicity, and the impact on human species and nature. The advantage of ecological thinking is that it theorises complexity, a key feature facing modern conceptions of health<sup>693</sup>

This multi-layered approach considers the material dimension (matter, energy, water), the biological dimension (people, animals, micro-organisms), the cultural dimension (how people think, interpersonal relationships, community and family traditions) and the social dimension (laws, conventions, framework of living outside of daily control). Public health needs to address all these layers, they provide an example:

The modern Olympic games symbolise this world of contrast between the overweight mass and a super fit elite, with an alliance of state and commerce as mediator. Instead of Olympian spectacle, what is needed is a world in which fitness and sustainable diets are built into daily lives, requiring different investment<sup>694</sup>

Lang & Rayner urge public health practitioners to become activists and focus on imagination rather than evidence. Wardle is also a fan of Hanlon et al's

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<sup>693</sup> Ibid p.3

<sup>694</sup> Ibid p.4

2012 paper on the same topic.<sup>695</sup> This too has a Marxist flavour as it extols the problems of the modern world:

It seems that modernity in the affluent world is associated with a number of cultural traits that work to undermine individual and social levels of health and well-being: excessive materialism, individualism and consumerism and a continuing obsession with limitless economic growth. Meanwhile, global health and social inequalities continue to widen.<sup>696</sup>

They see the modern world as creating problems that the traditional approach of Public Health cannot solve. This traditional approach, identifying a problem, seeking data and then taking appropriate policy action, is considered not up to the task of dealing with the scale of modern day problems such as obesity, harmful drug and alcohol use, increased anxiety, depression and misery 'and an accompanying loss of well-being'.<sup>697</sup> Hanlon et al then set out their stall firmly in the Post-Modernist camp arguing that traditionally truth, aesthetics and ethics have been separated. This they argue has allowed: 'an imperialistic form of science to develop and dominate the other spheres by claiming that it alone had access to 'reality', through the objectivity and value-neutrality of the scientific method (an ideology best described as scientism)'.<sup>698</sup> Hanlon et al want to see a more integrative approach that not only incorporates truth, which they call real science, aesthetics, which they call beautiful, aesthetics, art and ethics, which they call good ethics but the future versions of them as well. They see the problem with Public Health is that it has taken a too reductive approach so far, it also needs a more holistic approach to consider the complex issues of modernity and gives as examples, including chaos and complexity theories into its approach, citing the popular science book, *Chaos – Making a new science* by James Gleick as an example.<sup>699</sup> When it comes to

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<sup>695</sup> Hanlon, P., Carlisle, S., Hannah, M., Lyon, A., Reilly, D. (2012). A perspective on the future public health: an integrative and ecological framework. *Perspectives in Public Health*, 132(6), 6.

<sup>696</sup> Ibid p.313

<sup>697</sup> Ibid p.313

<sup>698</sup> Ibid p.314

<sup>699</sup> Ibid p.315 citing Gleick, J. (1987). *Chaos: Making a New Science*. Penguin Books.



ethics, they argue that the current ethics of Public Health, given as autonomy, beneficence, non-maleficence and justice, are not enough to address 'the two major and linked issues of social justice and ecological public health'.<sup>700</sup> They argue that Public Health's role in reducing health inequities must be linked to ethical challenges of over consumption and sustainability, a new set of ethics are needed that links everyone and everything on the planet. Which in turn links to aesthetics, where they consider art as having just been commodified and at best, useful for regeneration and therapy. Future aesthetics will mean that human beings will 'need to create new art, stories, myths, symbols and much more to help us make the inner and outer transformations that will be needed'.<sup>701</sup>

This approach is similar to Hancock and Smith's criticism of Collins et al's 2016 paper which states a belief that scientists should be, in their words 'limited to "scientific understanding of the empirical evidence"', as they accuse Collins et al of ignoring the 'concept of 'moral courage'; that is, acting on principle even when it means going against the grain'.<sup>702</sup> They cite Gouldner who made the 'call for explicit identification of values, rather than claim to be value free'.<sup>703</sup> Gouldner was asking for an end to value-free sociology, not for all social sciences and not for those sciences there to help prevent and treat problem gambling. Collins et al were asking for scientists to look for evidence to assist with developing the best RG policies possible and to question those practices being championed, such as restricting gambling device features, for their efficacy.

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<sup>700</sup> Ibid p.315

<sup>701</sup> Ibid p.316

<sup>702</sup>Hancock, L., Smith, G. (2017). Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of "Responsible Gambling". *International Journal of Mental Health and Addiction*, 16(6), 25. , p.1157

<sup>703</sup> Ibid p. 1157 citing Gouldner, A. W. (1962). Anti-Minotaur: The Myth of a Value-Free Sociology. *Social Problems*, 9(3), 15.

### **Conclusion: Activist academic research and ‘evidence based policy making’.**

What this case study shows us is that PHAG advocates are arguing for anti-gambling policies based on very little evidence and, as we will see in the next chapter, at times with what appears to be a misrepresentation of the evidence. Close analysis of the texts, moreover, suggests that ideology may have played a part. The question raised is whether, in the specific case of gambling research, some academics have effectively abandoned the traditional role of academics in public policy debate, which has been akin to that of the civil service, policy neutral.<sup>704</sup> That is, they are there to provide commentary on the policy options available, based on their research and understanding. If moral judgements were to be made then that was for the politicians.

This is ironic in that the primary issue in the gambling debate, since the launch of the White Paper (the topic of the next chapter), has been on the need for evidence based policy making which implies an absence of ideology or moralism and a focus on the facts. Nigel Huddleston MP (Con, Mid Worcestershire), the Minister responsible for gambling to launch the White Paper/Review of gambling in December 2020, stated at its launch:

This Review is about using the evidence to assess whether we have the balance of regulation right<sup>705</sup>.

The gambling industry trade association, the Betting & Gaming Council would reinforce this a year later, in September 2021, when a new Secretary of State and a new gambling Minister would express a plea that it:

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<sup>704</sup>Head, B. (2008). Three Lenses of Evidence-Based Policy. *The Australian Journal of Public Administration*, 67(1), 11. :p.6

<sup>705</sup> Department for Culture Media & Sport. (2020a). *Policy paper: Review of the Gambling Act 2005 Terms of Reference and Call for Evidence*. DCMS. Retrieved 13/04/2023 from <https://www.gov.uk/government/publications/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence#ministerial-foreword>

was “vital” that the Government's ongoing Gambling Review must continue to be an “evidence-led” process<sup>706</sup>

PHAG advocates have throughout argued for evidence-based policy making, yet, as this article from the Lancet, the evidence appears to come pre-judged and based on factual inaccuracies:

Development of an effective public health approach to gambling needs to start by applying the lessons learned from dealing with harms from tobacco, alcohol, and food and beverage industries. An evidence-based, joined-up response is needed to this addictive product for which there is no evidence of a safe level—an approach we might refer to as gambling control<sup>707</sup>

The issue for the British gambling industry in the run up to its biggest legislative review since the passing of the Gambling Act 2005, is that much of the evidence being considered has been provided by PHAG activists, some of whom appear to be ideologically-driven , and not by proper research and evaluation, or, in other words, research inspired by the rationalist enlightenment approach. This presents a rather different problem than has been commonly considered in public policy theory when considering evidenced based policy making (EBPM).

Cairney considers the problems with EBPM not to be about ideologically conceived evidence but more the inability of the scientific community to understand the ‘bounded rationality’ of the policy makers.<sup>708</sup> This does not seem to be the case with academics influencing gambling policy via the recommendations of the RGSB/ABSG (of which they were a part) to the Gambling Commission. Equally, Sanderson focuses on the foibles of the

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<sup>706</sup> Betting and Gaming Council. (2021e). *BGC welcomes new Secretary of State for DCMS - and says it's vital the government continues its 'evidence-led' approach to the Gambling Review*. Betting and Gaming Council. Retrieved 13/04/2023 from <https://bettingandgamingcouncil.com/news/bgc-welcomes-new-secretary-of-state-for-dcms3>

<sup>707</sup>Van Schalkwyk, M. C. I., Cassidy, R., McKee, M., Petticrew, M. (2019). Gambling control: in support of a public health response to gambling. *The Lancet* 393(10182), 2. , p. 1681

<sup>708</sup>Cairney, P. (2015). *The Politics of Evidence-Based Policy Making*. Palgrave Macmillan. .p.121

politicians, citing Walker by stating that 'research is but one influence on the policy process and '... is not always influential, supplanted by the powerful political forces of inertia, expediency, ideology and finance', and Kogan who argues 'that governments will seek to legitimize their policies with reference to the notion of evidence-based decision making but use research evidence only when it supports politically-driven priorities'.<sup>709</sup> Sanderson goes on to argue that 'we need to recognize that policies are essentially 'conjectures' based upon the best available evidence. In most areas of economic and social policy this evidence will provide only partial confidence that policy interventions will work as intended' and recommends rigorous testing of policy.<sup>710</sup>

Even though we have evidence of politicians acting ideologically, e.g. Tracy Crouch MP, nowhere in the current canon of public policy theory is the suggestion that the suppliers of the evidence in EBPM will be acting as political actors driven by ideology. Cairney acknowledges that some research will be either contradictory or inconclusive, but does not challenge the rationalist ideal that it will be provided other than through the enlightenment ideal of science.<sup>711</sup> This gives more reason for the development of the theory variant of 'Masked Morality', as it serves to highlight how, while current public policy theory considers only the politicians to be subject to their own ideological motivations, in this case the majority of the stakeholders were all ideologically motivated (and singing from the 'same hymn sheet'): the Gambling Commission, RGSB/ABSG, academics, pressure and political groups and Ministers. This bringing together of policy actors is best analysed by the use of an Advocacy Coalition Framework first put forward by Paul Sabatier in 1988

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<sup>709</sup> Sanderson, I.(2002), Evaluation, policy learning and evidence-based policy making, *Public Administration*, 80(1), p.5 citing Walker, R. 2000.'Welfare policy: tendering for evidence' in H.T.O. Davies, S.M. Nutley and P. Smith (eds), *What works? Evidence-based policy and practice in public services*. Bristol: Policy Press pp.62-63 and Kogan, M. 1999.'The impact of research on policy', in F.Coffield (ed.), *Research and policy in lifelong learning*. Bristol: Policy

<sup>710</sup> Ibid p.19

<sup>711</sup> Cairney, Paul. *The Politics of Evidence-Based Policy Making*, Palgrave Macmillan UK, 2015.p.120

and will play a major part of the final chapter, which shows how a confluence of policy actors can affect policy.<sup>712</sup>

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<sup>712</sup> Sabatier, P.A. An advocacy coalition framework of policy change and the role of policy-oriented learning therein. *Policy Sci* 21, 129–168 (1988). Ironically, an advocacy coalition framework is suggested by Hancock and Garry (2017) for looking at the supposed collaboration between a global gambling industry, governments and regulators - Hancock, Linda, Smith, Garry, 'Critiquing the Reno Model I-IV International Influence on Regulators and Governments (2004–2015)— the Distorted Reality of Responsible Gambling', *Int J Ment Health Addiction* (2017) 15:p.1169

## Chapter 6: Impact of influence

### Introduction

The publication of '*High stakes: gambling reform for the digital age*' by the Department for Culture, Media & Sport (DCMS) on 27th April 2023 marks the 'bookend' of the timeframe that this thesis examines.<sup>713</sup> This report is a White Paper, as it is a government proposal for future legislation, but was also initially called the Gambling Review, as it was a review of the Gambling Act 2005, so both terms are used interchangeably throughout.

As will be shown, the Gambling Review exemplifies how Britain's gambling policy has been influenced by an array of anti-gambling pressures. As one of the most eminent academics to focus on British gambling politics, Peter Collins, author of *Gambling and the Public Interest*, commented not long before his premature demise in 2022, that:

By 2020 Government had decided it [gambling legislation] all now needed to be reviewed again without however, having determined what went wrong last time, let alone what really needs to be done genuinely to promote the public interest". He added that "Government also seems to be catering to a combination of new moral puritanism and bureaucratic greed disguised, quite fraudulently, as a concern for 'public health,' buttressed by disgracefully and demonstrably bad 'scientific research'".<sup>714</sup>

871 days earlier, DCMS published the *Review of the Gambling Act 2005 Terms of Reference and Call for Evidence* on the 8<sup>th</sup> December 2020.<sup>715</sup> Its origins lie

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<sup>713</sup> Department for Culture Media & Sport. (2023a). *High Stakes: Gambling Reform for the Digital Age*. HMSO.

<sup>714</sup> Winning Post weekly email newsletter from Regulus Partners, received by author 23/04/23. According to its author, Dan Waugh, the quote came from the unpublished third volume of memoirs by Peter Collins

<sup>715</sup> Department for Culture Media & Sport. (2020a). *Policy paper: Review of the Gambling Act 2005 Terms of Reference and Call for Evidence*. DCMS. Retrieved 13/04/2023 from <https://www.gov.uk/government/publications/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence#ministerial-foreword>

within FOBTs effectively being abolished with the implementation of *The Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018* on 1<sup>st</sup> April 2019. Other minor issues raised during the debate were in the Conservative Party Manifesto for the General Election held on 12<sup>th</sup> December 2019. Under a paragraph stating: 'We will legislate to make the UK the safest place in the world to be online', the Conservatives promised that, 'given how the online world is moving, the Gambling Act is increasingly becoming an analogue law in a digital age. We will review it, with a particular focus on tackling issues around loot boxes and credit card misuse'.<sup>716</sup> Both of these issues would be acted on before the White Paper was published with DCMS recommending that video gaming companies seek a non-regulatory solution for Loot Boxes in 2022 and the Gambling Commission banning the use of credit cards from 14<sup>th</sup> April 2020.<sup>717</sup> The White Paper would eventually propose the biggest change in gambling policy since the introduction of the Gambling Act 2005. This change in policy is due almost solely to the work of the policy actors highlighted in this thesis.

In this chapter, we will look at the two key factors in the political debate during the 28 months the White Paper took to emerge: the regulators' desire to implement Affordability; and the effectiveness of the campaign group, Gambling With Live's, at promoting gambling-related suicide as a political topic against what the White Paper actually says.

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<sup>716</sup> The Conservative Party. (2019). *Get Brexit Done Unleash Britain's Potential The Conservative and Unionist Party Manifesto 2019*. Retrieved 24/09/2023 from <https://www.conservatives.com/our-plan/conservative-party-manifesto-2019,p.20>

<sup>717</sup> Department for Culture Media & Sport. (2022a). *Call for evidence outcome Government response to the call for evidence on loot boxes in video games*. Retrieved from <https://www.gov.uk/government/calls-for-evidence/loot-boxes-in-video-games-call-for-evidence/outcome/government-response-to-the-call-for-evidence-on-loot-boxes-in-video-games#conclusions-and-next-steps> Gambling Commission. (2020). *Protecting consumer safety is at the heart of credit card gambling ban*. Gambling Commission,. Retrieved 24/04/2023 from <https://www.gamblingcommission.gov.uk/news/article/protecting-consumer-safety-is-at-the-heart-of-credit-card-gambling-ban>

## **The launch of the Gambling Review**

Overshadowing the launch of the Gambling Review in December 2020 was the Covid-19 pandemic. The first two identified cases in the U.K. were two Chinese nationals staying in York on the 31<sup>st</sup> January 2020.<sup>718</sup> On 23<sup>rd</sup> March 2020, Prime Minister Boris Johnson MP (Conservative, Uxbridge and South Ruislip) announced the first nationwide lockdown meaning no one was allowed to leave their homes unless they had reasonable excuse and all public gatherings of more than two people were banned.<sup>719</sup> On 2<sup>nd</sup> December 2020, a second month long lockdown in England finished with a three tier system put in its place.<sup>720</sup> Covid-19 had undoubtedly delayed the launch and would be the reason that the Review's first gambling Minister would hand over to its second Minister, John Whittingdale MP (Conservative, Maldon) on 1<sup>st</sup> March 2021.<sup>721</sup>

The Gambling Review was initiated by a Call for Evidence. It stated that the technological change that had happened since the passing of the Gambling Act meant that it was right to assess whether the balance between people's freedom to gamble and the level of protection they received was appropriate, as:

We know that gambling harm is often a result of the interplay between individual susceptibility, environmental factors, the products themselves and operator actions. This Review seeks to ensure that people can continue to gamble but that the legislation and regulation we have in

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<sup>718</sup> Coronavirus: Two cases confirmed in UK. (2020, 31/01/2020). BBC News. <https://www.bbc.co.uk/news/health-51325192>

<sup>719</sup> Prime Minister's Office 10 Downing Street and The Rt Hon Boris Johnson MP. (2020). *Prime Minister's statement on coronavirus (COVID-19): 23 March 2020*. Gov.UK,. Retrieved 25/04/2023 from <https://www.gov.uk/government/speeches/pm-address-to-the-nation-on-coronavirus-23-march-2020>

<sup>720</sup> Institute of Government. (2022). Timeline of UK coronavirus lockdowns, March 2020 to March 2021 In.

<sup>721</sup> Davies, R. (2021, 01/03/2021). Tory minister who backed FOBTs takes over review of gambling laws. *The Guardian*. <https://www.theguardian.com/society/2021/mar/01/tory-minister-who-backed-fobts-takes-over-review-of-gambling-laws>. The reason for the handover being that Huddleston as Minister for Sport had to deal with the impact Covid-19 had on live sport and therefore did not have enough bandwidth for this and the gambling review. As explained by John Whittingdale MP to the All Party Betting & Gaming Group (of which the author was Secretariat) in a Zoom meeting shortly after his appointment.



place addresses as many factors as possible to give the necessary safeguards to protect children, vulnerable people, and all gamblers in the digital age.<sup>722</sup>

This statement resonates with the ethos of PHAG which emphasises environmental issues rather than the individual's mental disposition and implies that technology enhances the toxicity of gambling (without providing the evidence to substantiate it). This is also exemplified by the statement that the Gambling Act 2005 was 'an analogue law in a digital age'. This is wrong in its implication that the law has failed to respond to the advances in technology. The fact is that the Act itself does not prescribe the regulations that gambling operators must abide by. The Act was designed as an enabling law for others, namely the Secretary of State and the Gambling Commission to make and amend regulations and the law itself to respond rapidly to changes in the gambling environment. This was a point of contention for the members of the Joint Committee on the Draft Gambling Bill in 2004, who felt they could not scrutinise it properly because so much of the new regulations were yet to be written. As their report points out:

The draft Bill would also grant substantial powers for the Secretary of State to make orders and regulations, including, in some cases, powers to amend the Bill itself. These are too numerous to list here. This, in addition to the detail to be provided by the Gambling Commission, creates the degree of flexibility that DCMS has assessed to be necessary in order to make the draft Bill 'future-proof'.<sup>723</sup>

The reality was that if the regulatory regime for gambling had not kept up with technological advances then it was the fault of the regulator and the Secretaries of State for not changing the regulations to adapt to that change, for the legislation itself was designed to enable this to happen in a way that

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<sup>722</sup> Department for Culture Media & Sport. (2020a). *Policy paper: Review of the Gambling Act 2005 Terms of Reference and Call for Evidence*. DCMS. Retrieved 13/04/2023 from <https://www.gov.uk/government/publications/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence/review-of-the-gambling-act-2005-terms-of-reference-and-call-for-evidence#ministerial-foreword>

<sup>723</sup> House of Lords House of Commons. (2004). *Joint Committee on the Draft Gambling Bill - Draft Gambling Bill*. (HL Paper 63-I HC 139-I). London: The Stationery Office., pp.17-18

could be done without the arduous and lengthy process of relying on primary legislation.

The reality of the matter was that there had been significant lobbying by the policy actors identified in this thesis to demand a change in emphasis of government policy to do with gambling rather than any identifiable flaw in the legislation itself, or any crisis due to technological advances. Whereas the Gambling Act, defined by the Budd Report, was an example of a liberalising policy, which treated gambling as a legitimate adult recreation but appreciated its social externalities, these policy actors, inspired by the FOBT debate, were pushing for a government policy that saw gambling as dangerous to all and in need of severe restriction, even though the evidence for this was, at the least, scant. As a previous chapter has already pointed out, the number of problem gamblers were and still are at their lowest ever, there is no significant crime associated with gambling and children and the vulnerable are not exploited. It can be seen that the Gambling Review was an attempt by the sponsoring government Department to respond to these external pressures. Evidence that the issues it considered had very little to do with the actual legislation can be found, as considered later, in the minimal amount of legislative change that was recommended.

Examples of this lobbying can be seen in the influential reports that were published in the period before the Gambling Review was launched.<sup>724</sup> These were by the political groups, the All-Party Parliamentary Group on Gambling Related Harm (APPGGRH) with their *Final Report of their Online Gambling Harm Inquiry* published in June 2020 and House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry (HLSCSEIGI): *Gambling Harm—Time for Action* published on the 2<sup>nd</sup> July 2020.<sup>725</sup> Technically, the House

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<sup>724</sup> These reports are considered influential as they were all referenced in *High stakes: gambling reform for the digital age*

<sup>725</sup> Select Committee on the Social and Economic Impact of the Gambling Industry. (2020). *Gambling Harm—Time for Action*. (HL Paper 79). London: House of Lords, Retrieved from <https://publications.parliament.uk/pa/ld5801/ldselect/ldgamb/79/7902.htm> Gambling

of Lords Select Committee is just a Committee of Peers, but this particular inquiry was requested by the prominently anti-gambling Bishop of St. Albans. Of the fifteen Peers who sat on the Committee, eight are declared Officers of the Peers for Gambling Reform Group, although some may have joined after the reports publication.<sup>726</sup> The specialist advisors to the Committee were prominent PHAG academics, Prof. Rebecca Cassidy and Dr Philip Newall.<sup>727</sup>

Not a Parliamentary organisation, but also worthy of mention is the August 2020 report by the Social Market Foundation (SMF), *Gambling review and reform - Towards a new regulatory framework*.<sup>728</sup> The SMF is one of the premier political think tanks and had the honour of being the only think tank to meet with a DCMS Minister, in fact two, the Secretary of State and the Parliamentary Under-Secretary of State for Arts, Heritage and Tourism, to discuss gambling policy in the period 2012-2022.<sup>729</sup> The report states its bias quite clearly:

The recommendations in this report are designed to complement those of the House of Lords Select Committee Inquiry and the All-Party Parliamentary Group for Gambling Related Harm, so that Government

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Related Harm All Party Parliamentary Group. (2020). *Online Gambling Harm Inquiry Final Report*. Gambling Related Harm All Party Parliamentary Group. <http://grh-appg.com/wp-content/uploads/2020/12/Online-report-Final-June162020.pdf>

<sup>726</sup> Peers for Gambling Reform. (2023). *Peers for Gambling Reform - Executive Committee*. Retrieved 17/08/2023 from <https://peers-for-gambling-reform.yolasite.com/learn-more/>

<sup>727</sup>Select Committee on the Social and Economic Impact of the Gambling Industry. (2020). *Gambling Harm—Time for Action*. (HL Paper 79). London: House of Lords, Retrieved from <https://publications.parliament.uk/pa/ld5801/ldselect/ldgamb/79/7902.htm>, p.10

<sup>728</sup> Noyes, J., Shepherd, J. (2020). *Gambling review and reform Towards a new regulatory framework*. Social Market Foundation. <https://www.smf.co.uk/wp-content/uploads/2020/08/Gambling-review-and-reform-August-2020.pdf>

<sup>729</sup> This is based on a survey of all the declarations of DCMS Ministerial meetings from 2012-2022 published on the Culture.gov website undertaken by the author Department for Culture Media & Sport. (2024). *Transparency and freedom of information releases*. Retrieved 26/01/2024 from <https://www.gov.uk/search/transparency-and-freedom-of-information-releases?organisations%5B%5D=department-for-digital-culture-media-sport&parent=department-for-digital-culture-media-sport>. On the 12<sup>th</sup> February 2020, the Social Market Foundation met with Baroness Nicky Morgan on the day before she stepped down as Secretary of State for DCMS and Helen Whatley MP, who would also stand down as Parliamentary Under-Secretary of State for Sport, Tourism and Civil Society at DCMS. The record shows the meeting was to discuss the Social Market Foundation's pre-review report on the Gambling Act. Department for Culture Media & Sport. (2020b). *Transparency data DCMS: Ministerial meetings, 1st January to 31st March 2020* Gov.UK,. Retrieved 19/06/2023 from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/905167/DCMS\\_Ministerial\\_meetings\\_\\_1st\\_January\\_to\\_31st\\_March\\_2020.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905167/DCMS_Ministerial_meetings__1st_January_to_31st_March_2020.csv/preview)

has a full range of options ahead of its anticipated review of the 2005 Gambling Act.<sup>730</sup>

As the APPGGRH was just the renamed APPGFOBTs, it retained its funding by Derek Webb via its Secretariat, as mentioned in a previous chapter, and Peers for Gambling Reform Group receive funding via its Secretariat.<sup>731</sup> The SMF report was funded by Derek Webb as was one of its co-authors, Dr James Noyes, who as Derek Webb stated in his evidence to the 2023 Culture, Media & Sport Select Committee into Gambling Regulation, had been funded 'for Respublica and the Social Market Foundation and was seconded to the office of then Labour Deputy Leader Tom Watson, where Labour policy for gambling was last defined'.<sup>732</sup>

Space does not permit a detailed investigation into the contents of each of these reports but it is worth showing the cross-over in recommendations as revealed in the table below:

Table 14: Summary of the recommendations of the 2020 reports by the All-Party Parliamentary Group on Gambling Related Harm (APPGGRH), the House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry (HLSCSEIGI) and the Social Market Foundation (SMF).

<b><u>Recommendation</u></b>	<b><u>APPGGRH</u></b>	<b><u>HLSCSEIGI</u></b>	<b><u>SMF</u></b>
£2 stake for online slots	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> £1-£5
Ban on VIP schemes	<input checked="" type="checkbox"/>	Close monitoring	

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<sup>730</sup> Ibid p.6

<sup>731</sup> Webb, D. (2023). *Written evidence submitted by Derek Webb DCMS Select Committee Submission*. Culture, Media & Sport Select Committee,. Retrieved 17/08/2023 from <https://committees.parliament.uk/writtenevidence/118414/html/>

<sup>732</sup> Noyes, J., Shepherd, J. (2020). *Gambling review and reform Towards a new regulatory framework*. Social Market Foundation. <https://www.smf.co.uk/wp-content/uploads/2020/08/Gambling-review-and-reform-August-2020.pdf> p.4, Webb, D. (2023). *Written evidence submitted by Derek Webb DCMS Select Committee Submission*. Culture, Media & Sport Select Committee,. Retrieved 17/08/2023 from <https://committees.parliament.uk/writtenevidence/118414/html/>

Ban on gambling advertising	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Except for racing or dogs	
Overhaul of regulator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Review of stakes, deposit & prize limits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Review and classification of online products	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
affordability limits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Smart Levy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
New Gambling Act	<input checked="" type="checkbox"/>	Licensing should be amended to prevent harm	
Changes to Gambling Commission fines		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Licensing of online affiliates		<input checked="" type="checkbox"/>	
Transfer gambling from DCMS to DHSC		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Tri-partite system DOJ and DBEIS
Registration of gambling related suicides		<input checked="" type="checkbox"/>	
Duty of care		<input checked="" type="checkbox"/>	
End white labels			<input checked="" type="checkbox"/>
Review of gambling taxation			<input checked="" type="checkbox"/>

Source: <sup>733</sup>

<sup>733</sup> Sources: for APPGGRH: Gambling Related Harm All Party Parliamentary Group. (2020). *Online Gambling Harm Inquiry Final Report*. Gambling Related Harm All Party Parliamentary Group. <http://grh-appg.com/wp-content/uploads/2020/12/Online-report-Final-June162020.pdf>, for HLSCSEIGI Select Committee on the Social and Economic Impact of the Gambling Industry. (2020). *Gambling Harm—Time for Action*. (HL Paper 79). London: House of Lords, Retrieved from <https://publications.parliament.uk/pa/ld5801/ldselect/ldgamb/79/7902.htmpp.166-173>

None of these reports contains recommendations for any further restrictions to be made on the land-based gambling industry, purely for the online-gambling industry which can be considered an anomaly, if the objective is to prevent harmful gambling, due to the anonymous nature of land-based gambling.<sup>734</sup> One argument put forward is that this could be due to Derek Webb's affiliations with the land-based casino industry and as will be revealed later, they are the only sector to gain any benefits from the White Paper.

An example of the approach of these reports can be found in the HLSCSEIGI report, which makes the following recommendation about advertising:

The Government should commission independent research to establish the links between gambling advertising and gambling-related harm for both adults and children.<sup>735</sup>

Rather than undertake research to establish if there are links, they have prejudged this and expect the evidence to be found to back up their presumption. They start their section on advertising providing data without context:

- Total spend by gambling companies on marketing went up by 56% between 2014 and 2017, reaching £1.5bn;
- Sponsorship: £60m was spent in 2017, double the amount spent in 2014.<sup>736</sup>

The reason they have used 2014 as a starting date is due to the Gambling (Licensing and Advertising) Act 2014. This brought the majority of the online market onshore as it made it necessary for any operator targeting UK citizens to be licensed in the UK. The 2005 Act allows gambling operators to indulge in

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<sup>734</sup> Cash staking anonymously in land based gambling venues, means that unlike with online, gambling behaviour cannot be tracked

<sup>735</sup>Select Committee on the Social and Economic Impact of the Gambling Industry. (2020). *Gambling Harm—Time for Action*. (HL Paper 79). London: House of Lords, Retrieved from <https://publications.parliament.uk/pa/ld5801/ldselect/ldgamb/79/7902.htm>, p.126

<sup>736</sup> Ibid p.122

marketing and sponsorship only if they have a UK gambling licence. Therefore it is entirely logical that gambling marketing and sponsorship spend would grow dramatically as offshore licensees came onshore and were allowed to advertise. Growth in advertising like growth in gambling spend increases dramatically post 2014 purely due to structural reasons.

The Committee states:

It is generally assumed that the increase in advertising is one of the causes, perhaps the main cause, of gambling-related harms. There is certainly a correlation, but we have received no evidence nor been pointed to any research which proves that there is any causal link between gambling advertising and problem gambling.<sup>737</sup>

Not giving any evidence to back up their first sentence, it then dismisses the claims of the Chief Executive of the Advertising Standards Authority who states that an increase in gambling advertising had not led to an increase in problem gambling. For the Committee, this seemed illogical and therefore the expert evidence could only be false, as:

Plainly the companies would not spend increasingly large sums on advertising if they did not believe that this would increase either the overall amount gambled, or the amount gambled with their company, or both, and it does indeed seem counter-intuitive that this should not also result in an increase in gambling-related harms.<sup>738</sup>

It goes on to argue that the problem must therefore be with the data not showing up the link between problem gambling and advertising.<sup>739</sup> The *argumentum ad absurdum* of this approach is that as gambling advertising has increased then problem gambling levels would have increased relatively, of which, as per the previous chapter, there is no evidence; and similarly, when

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<sup>737</sup> Ibid p.124

<sup>738</sup> Ibid p.124

<sup>739</sup> Ibid p.125

gambling advertising had been illegal, prior to the Gambling Act 2005, how could a problem gambling rate of 0.6% in the year 2000 be explained?

With ideology trumping evidence when it came to influential reports in the gambling debate prior to the Gambling Review proper, the advice from the regulator, the Gambling Commission, would, as will be seen in the eventual White Paper, be equally methodologically weak but strong in its influence on the eventual outcome.

### **Advice from the regulator**

The Gambling Commission published their *Advice to Government - Review of the Gambling Act 2005* on the 27<sup>th</sup> April 2023 on the day the government published the review.<sup>740</sup> We do not know when it was sent to DCMS to inform the review. Due to space limitations, only its advice on Affordability, one of the focuses of this chapter, and a related stake restrictions on online slots, are considered.

In its *Advice*, the Commission re-assert its belief that financial harms are the basis of gambling harms, even though this is the integral element of gambling. Its desire is to mitigate the risk of people gambling more than they can afford (overlooking how this removes a key feature of the activity and how this raises questions of whether this should be extended to all areas of risk and speculation). The Commission states that, it will consult on significant losses in a short time, proposing a threshold of £1,000 net lost over a rolling 24 hour period, with lower thresholds for new customers. For significant losses over time, it will consult on losses of £2,000 net loss over a rolling 90 day period. The stated objective for these measures is :

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<sup>740</sup> Gambling Commission. (2023a). *Advice to Government - Review of the Gambling Act 2005 Published April 2023*. Birmingham: Gambling Commission, Retrieved from [https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling\\_Commission\\_full\\_advice\\_to\\_Government\\_Review\\_of\\_the\\_Gambling\\_Act\\_2005.pdf](https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling_Commission_full_advice_to_Government_Review_of_the_Gambling_Act_2005.pdf)



to reduce gambling harms by requiring operators to obtain sufficiently personalised financial risk information, alongside assessment of other indicators of harm to understand whether this level of loss and pattern of behaviour would be problematic for the customer, and if so, take action, which may include the setting of appropriate limits<sup>741</sup>

As discussed in the section on Affordability below, this presumes that individuals are not the best individuals to budget their own finances but also that gambling operators can get the required information to make a judgement on what is actually affordable by each individual customer. The reason that this has not been tried anywhere else where people spend their own money, not borrowing it, is because such a task is incredibly complex and bound to lead to arbitrary decisions all of which will force customers to go elsewhere. The Commission then go further by stating that it will consult on 'light touch' assessments of customers who may be suffering financial vulnerability. It substantiates this on the basis of the amount of money customers spend on gambling, population level discretionary income and problem gambling rates including those considered at risk, which leads to a proposed limit of £125 net loss per month.

The light touch assessment will take the form of using open source data which poses questions as the only data available is that held by credit reference agencies or via open banking, both of which require a customer's consent to access, and both have issues. Credit checks being designed to assess whether someone can manage credit not whether they can afford to spend their own money and open banking does not cover all banks and requires the ability to decipher a bank's coding of payments. It is understandable that the Commission stated that it will 'continue to work with the Information Commissioner's Office and the financial sector in considering these issues'.<sup>742</sup>

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<sup>741</sup> Ibid p.24

<sup>742</sup> Ibid p.26

The Commission provided data for binge gambling, where enhanced checks will be required, it estimates that those having a net loss of £1,000 in 24 hours would impact 600,000 accounts or 2% of all online gambling accounts and those having a net loss of over £2,000 in a 90 day rolling period would impact 1 million accounts or 3.2% of all accounts.<sup>743</sup> This is based on research conducted by the Commission looking at 5.86 million accounts operated by an unspecified number of operators between May 2020- April 2021.<sup>744</sup> In the same period there were 32 million active online gambling accounts operated by UK licensed operators.<sup>745</sup> The referenced data is sparse as it just gives the resultant numbers e.g. for Total number of active customers that reached the following net expenditure during any rolling 24hr period, it gives for Loss exceeding £1000 that there were 116,880 active customers. The maths then equates to  $116,880/5,867,022 = 0.199 = 2\%$ . There does seem to be a difference between the number of active accounts that the Commission give in its industry data, 32,000,000 and what it is using in this calculation where it considers the number in its sample to equate to 19% of the population so giving a total number of active accounts as  $(5,867,022/19*100) = 30,879,063$ . The Commission admits that there is no reason that player activity found in these accounts, expected to be from the five biggest operators, should be the same for all operators and also states 'Each expenditure limit should be considered in isolation from the others'.<sup>746</sup> However, arguably the biggest limitation goes unmentioned which was that during this time period the country was in a constant state of varying Covid-19 lockdown restrictions, when sport was banned, which will have undoubtedly affected the patterns of online play. Which does bring up the question why a different period, say May 2019-April

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<sup>743</sup> Ibid p.26

<sup>744</sup> Gambling Commission. (2023b). *Affordability data*. Gambling Commission,. Retrieved 26/06/2023 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/affordability-data>

<sup>745</sup> Gambling Commission. (2022d). *Industry Statistics – July 2022 - Revision*. Gambling Commission,. Retrieved 26/06/2023 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/industry-statistics-july-2022-revision>

<sup>746</sup> Gambling Commission. (2023b). *Affordability data*. Gambling Commission,. Retrieved 26/06/2023 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/affordability-data>

2020 could have been used instead for a more representative picture of gambling spend.

The significant financial vulnerability information came from 'data obtained from consultation responses to our call for evidence'.<sup>747</sup> Since the data obtained for the call for evidence is not published it is impossible to scrutinise it. What is apparent though is that in the actual call for evidence referenced, the Commission itself states 'This may indicate that the lowest possible threshold is likely to be at least £100 loss per calendar month' which may suggest that although giving the appearance that the £125 figure came from evidence supplied by third parties it also may have come from the Commission itself.<sup>748</sup> The only published third party organisations suggesting similar amounts are the Derek Webb funded Parliamentary All Party Group on Gambling Related Harm and the Social Market Foundation.<sup>749</sup> The Commission estimates that 21.2% of all gambling accounts, 6.1 million accounts will need checking for a net loss of over £125 per month which means a potential 73.2 million checks per year, there being 12 months in a year so each account needing to be checked each month. Given a problem gambling rate by telephone survey of 0.2% which equates to 92,000 problem gamblers, this means a potential (73.2m/92,000) 795.6 accounts checks per problem gambler.<sup>750</sup>

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<sup>747</sup>Gambling Commission. (2023a). *Advice to Government - Review of the Gambling Act 2005 Published April 2023*. Birmingham: Gambling Commission, Retrieved from [https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7XhxbtcK9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling\\_Commission\\_full\\_advice\\_to\\_Government\\_Review\\_of\\_the\\_Gambling\\_Act\\_2005.pdf](https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7XhxbtcK9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling_Commission_full_advice_to_Government_Review_of_the_Gambling_Act_2005.pdf).p.25

<sup>748</sup>Gambling Commission. (2020c). *Consultation and Call for Evidence Remote customer interaction requirements and guidance*. Birmingham: Gambling Commission, Retrieved from [https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting\\_documents/CI%20consultation%20call%20for%20evidence.pdf](https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting_documents/CI%20consultation%20call%20for%20evidence.pdf) p.21

<sup>749</sup> Gambling Related Harm All Party Parliamentary Group. (2020). *Online Gambling Harm Inquiry Final Report*. Gambling Related Harm All Party Parliamentary Group. <http://grh-appg.com/wp-content/uploads/2020/12/Online-report-Final-June162020.pdf>, Noyes, J., Shepherd, J. (2020). *Gambling review and reform Towards a new regulatory framework*. Social Market Foundation. <https://www.smf.co.uk/wp-content/uploads/2020/08/Gambling-review-and-reform-August-2020.pdf>

<sup>750</sup> In Nat Cen's *Gambling behaviour in Great Britain in 2016* they give the PGSI problem gambling rate of 0.5% (p.67) which they equate to 230,000 problem gamblers. Thus for a problem gambling rate of 0.2% as per the 2022 Quarterly Telephone Survey (Gambling

The Commission makes a new category for extra regulation, young people, that seems to be based on rather tenuous evidence. The submission states that the Nat Cen document, much referenced by the Commission, *Patterns of Play*, explains that 'spend by young adults on gambling (online) is relatively low (in comparison with older age groups)'.<sup>751</sup> Based on the quarterly online surveys the Commission undertook via Yonder Consulting, during March, June, September and December 2020, it also concludes that 'young adults have more accounts and show less brand loyalty'.<sup>752</sup> At least with this research the Commission admits that 'All the data was collected during either national or some element of local restrictions'.<sup>753</sup> Young people sat at home due to lockdown could easily explain why they may have signed up to more accounts than their less tech-savvy elders but such an obvious explanation is not considered. Nor is it mentioned that in the *Patterns of Play* research, the Qualitative Scoping Report which provides support for imposing affordability measures...

Participants reported approval of the reduced maximum stake for offline fixed-odds betting terminals, and suggested similar caps for online play.

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Commission. (2023e). *Gambling behaviour in 2022: Findings from the quarterly telephone survey*. Gambling Commission,. Retrieved 26/06/2023 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/gambling-behaviour-in-2022-findings-from-the-quarterly-telephone-survey#files>) we can estimate the number of problem gamblers to be  $(230,000/5*2)= 92,000$

<sup>751</sup>Forrest, D., McHale, I.G., Dinos, S., Ashford, R., Wilson, H., ToomseSmith, M., Martin, A. (2022). *Patterns of Play Extended Executive Summary Report*. University of Liverpool NatCen.

<https://natcen.ac.uk/sites/default/files/2023-03/Patterns%20of%20Play-%20Summary%20Report.pdf>. Gambling Commission. (2023a). *Advice to Government - Review of the Gambling Act 2005 Published April 2023*. Birmingham: Gambling Commission, Retrieved from

[https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling\\_Commission\\_full\\_advice\\_to\\_Government\\_Review\\_of\\_the\\_Gambling\\_Act\\_2005.pdf.p.26](https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling_Commission_full_advice_to_Government_Review_of_the_Gambling_Act_2005.pdf.p.26)

<sup>752</sup>Gambling Commission. (2023a). *Advice to Government - Review of the Gambling Act 2005 Published April 2023*. Birmingham: Gambling Commission, Retrieved from

[https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling\\_Commission\\_full\\_advice\\_to\\_Government\\_Review\\_of\\_the\\_Gambling\\_Act\\_2005.pdf.p.26](https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling_Commission_full_advice_to_Government_Review_of_the_Gambling_Act_2005.pdf.p.26)

<sup>753</sup> Gambling Commission. (2021f). *Taking a more in-depth look at online gambling*. Gambling Commission,. Retrieved 27/06/2023 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/taking-a-more-in-depth-look-at-online-gambling>

Participants thereby favoured “hard” stake limits, with a general consensus that self-imposed limitations were a “weak measure”. Such hard limits would also need to be consistently applied, or else gamblers could simply switch operators. There was an implication that such measures could ultimately be bypassed, but such “friction” would nonetheless be useful as a means of “doing something”<sup>754</sup>

...is based on interviews with just twelve gamblers.<sup>755</sup> Considering the miniscule sample size, NatCen do not provide any information about the PGSI score of those interviewed which does seem a basic undertaking for such a survey. They do, however, state that one participant had mentioned getting help for problem gambling and depression.<sup>756</sup> The given sampling method was ‘using a dual approach using PGSI scores from the Health Survey for England (HSE; collated by NHS Digital) for people aged 18 and over who have agreed to be contacted for further research; and snowball/convenience sampling in order to access participants and help maximise sample diversity’.<sup>757</sup> It does appear that the HSE cannot be that useful a resource if it cannot supply even 12 recruits so that Nat Cen had to ask those it had recruited to recruit their friends. Which raises even more questions about the representativeness of the sample considering its paltry size, as well as questions about how their comments have been used to formulate the recommendations in the *Patterns of Play* report which in turn is used to substantiate the Commission’s recommendations.

Also of interest with *Patterns of Play* is that part of the research considers data from 20,000 gambling accounts from July 2018 – June 2019, a period not impacted by Covid. This data also looked at gambling spend and found that the number of accounts that had lost more than £1,000 in 24 hours was 0.45%

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<sup>754</sup>Forrest, D., McHale, I.G., Dinos, S., Ashford, R., Wilson, H., ToomseSmith, M., Martin, A. (2022). *Patterns of Play Extended Executive Summary Report*. University of Liverpool NatCen. <https://natcen.ac.uk/sites/default/files/2023-03/Patterns%20of%20Play-%20Summary%20Report.pdf>, pp.13-14

<sup>755</sup> Ibid p.12

<sup>756</sup>Grollman, C., Izod, L., Dinos, S. (2022a). *Patterns of Play Technical Report 1: Qualitative Scoping Stage*. NatCen University of Liverpool. [https://natcen.ac.uk/sites/default/files/2023-03/Patterns%20of%20Play\\_Technical%20Report%201\\_Qualitative%20Scoping%20Stage.pdf](https://natcen.ac.uk/sites/default/files/2023-03/Patterns%20of%20Play_Technical%20Report%201_Qualitative%20Scoping%20Stage.pdf), p.4

<sup>757</sup> Ibid p.1

which compares very differently to the 2% figure the Commission uses from the data collected during Covid-19 mentioned above.<sup>758</sup> Which obviously brings up questions about the Commission's choice of data to evidence its policy recommendations.

The Commission recommends, that for those under 25, the above limits be halved, thus additional checks would be required with a £500 net loss per 24-hour period and £1000 net loss in a rolling 90 days. The reasoning for this is that because younger gamblers spend less and have more accounts, 'protections linked to, or triggered by, spend or loss thresholds may not be as effective in preventing harm in this age group, because losses may be too low to be identified by an individual operator, and/or spread across several accounts'.<sup>759</sup> This is certainly rather tenuous as the average number of accounts held by under 25s, according to the Commission's own research was 3.1 compared to an average of 2.7 for all account holders.<sup>760</sup> This difference does not suggest a need for extra restrictions, and as for young people spending less on gambling and therefore needing extra restrictions imposed on them, there does seem to be a basic logic gap.

The issue of online slot stake limits is technically not 'Affordability' but was linked to it by the Commission as in it is in the same category of recommended online recommendations. Its inclusion does bring up the question of why such limits are needed if Affordability is also being recommended? Even the Commission

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<sup>758</sup> Grollman, C., Izod, L., Dinos, S. (2022b). *Patterns of Play Technical Report 2*.

[https://natcen.ac.uk/sites/default/files/2023-](https://natcen.ac.uk/sites/default/files/2023-03/Patterns%20of%20Play_Technical%20Report%20_Account%20data%20file_final_corrections_0.xlsx)

[03/Patterns%20of%20Play\\_Technical%20Report%20\\_Account%20data%20file\\_final\\_corrections\\_0.xlsx](https://natcen.ac.uk/sites/default/files/2023-03/Patterns%20of%20Play_Technical%20Report%20_Account%20data%20file_final_corrections_0.xlsx)

<sup>759</sup> Gambling Commission. (2023a). *Advice to Government - Review of the Gambling Act 2005* Published April 2023. Birmingham: Gambling Commission, Retrieved from

[https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling\\_Commission\\_full\\_advice\\_to\\_Government\\_Review\\_of\\_the\\_Gambling\\_Act\\_2005.pdf](https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling_Commission_full_advice_to_Government_Review_of_the_Gambling_Act_2005.pdf).p.26

<sup>760</sup> Gambling Commission. (2020g). *Gambling participation in 2019: behaviour, awareness and attitudes*. Retrieved 30/05/22 from

<https://www.gamblingcommission.gov.uk/report/gambling-participation-in-2019-behaviour-awareness-and-attitudes/gambling-participation-in-2019-perceptions-and-attitudes-perceptions>, p.19

suggests that this may not be the best regulatory measure as it states that 'available evidence is inconclusive on the effectiveness of universal stake limits or specific gambling management tools as stand-alone measures', but then adds 'data has consistently shown the extent to which the gambling market is reliant on a small proportion of more engaged players, who are generally more at risk of harm'.<sup>761</sup> Referencing *Patterns of Play* it points out that 5% of customers are responsible for 70% of Gross Gambling Yield (GGY = stakes minus winnings). It cites another University of Liverpool study that shows 'that over the course of January 2017, there were 22,080 individuals losing in excess of £1,000 on slots, whilst for non-slots play, there were 10,373 customers losing in excess of £1,000'.<sup>762</sup> The UKGC omits the caveat found in the original report: 'The data tell us nothing about these individuals. Some may be sufficiently wealthy that losses of this magnitude are not important to them. Others might have been returning to the operator large wins earned in the preceding month'.<sup>763</sup> The report does also state that such losses would not be sustainable in most households although the research does not look at whether such loss levels continued into following months to ascertain whether these were on-off losses, due to gambling binges, or a continued pattern of play.

This is the focus of the Commission's concerns as it cites research conducted by C2 in 2019 that showed that '14 percent of participants had experienced a gambling "binge", with 24 percent of those bingeing having done so on online slots'.<sup>764</sup> The Commission fails to add that the meaning of the term binge

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<sup>761</sup>Gambling Commission. (2023a). *Advice to Government - Review of the Gambling Act 2005 Published April 2023*. Birmingham: Gambling Commission, Retrieved from [https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling\\_Commission\\_full\\_advice\\_to\\_Government\\_Review\\_of\\_the\\_Gambling\\_Act\\_2005.pdf](https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling_Commission_full_advice_to_Government_Review_of_the_Gambling_Act_2005.pdf).p.27

<sup>762</sup> Forrest, D., McHale, I. . (2018). *Analysis of play among British online gamblers on slots and other casino-style games*. University of Liverpool. <https://www.begambleaware.org/sites/default/files/2020-12/analysis-of-play-among-british-online-gamblers-on-slots-and-other-casino-14318.pdf>

<sup>763</sup> Ibid p.7

<sup>764</sup>Gambling Commission. (2023a). *Advice to Government - Review of the Gambling Act 2005 Published April 2023*. Birmingham: Gambling Commission, Retrieved from [https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling\\_Commission\\_full\\_advice\\_to\\_Government\\_Review\\_of\\_the\\_Gambling\\_A](https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling_Commission_full_advice_to_Government_Review_of_the_Gambling_A)

gambling was left up to the survey respondents to interpret, that the 'hot state' that gamblers enter where binge gambling happens is considered 'still within acceptable and not problematic spend parameters' and the recommendations of the study was that passive messaging was the best way to deal with it.<sup>765</sup> The Commission adds that the research considers 'online slots as the gambling product with the highest binge rate amongst the gambling products'.<sup>766</sup> This is actually false, the research does not make this claim just that 'Quick, online activities are more likely to be the focus of a gambling binge' referencing online slots and online casino games. The data provided shows that online slots had binge gambling at 24% with only 35% of respondents actually gambling this way, but it also shows that fruit/slot machines were 22% of respondents' preferred binge product and 62% had gambled this way. Similarly sports betting races (it does not distinguish between on or offline) had 19% bingeing (of 56% gambling) and online casino games had 17% binge gambling, even though only 34% had gambled this way. All of which shows that online slots are not the most binge-worthy of gambling products. To elaborate using an example of 100 theoretical gamblers:

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ct\_2005.pdf.p.27 referencing 2CV. (2019). *Hot-states and binge gambling* (Understanding why people gamble and typologies, Issue. 2CV. <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/understanding-why-people-gamble-and-typologies#details>

<sup>765</sup> 2CV. (2019). *Hot-states and binge gambling* (Understanding why people gamble and typologies, Issue. 2CV. <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/understanding-why-people-gamble-and-typologies#details>

<sup>766</sup> Gambling Commission. (2023a). *Advice to Government - Review of the Gambling Act 2005* Published April 2023. Birmingham: Gambling Commission, Retrieved from [https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling\\_Commission\\_full\\_advice\\_to\\_Government\\_Review\\_of\\_the\\_Gambling\\_Act\\_2005.pdf.p.27](https://assets.ctfassets.net/j16ev64qyf6l/6ZYFtWrK3D7Xhxbtck9KFB/2c967fe64289d8313646fc48d6271b8e/Gambling_Commission_full_advice_to_Government_Review_of_the_Gambling_Act_2005.pdf.p.27)



Table 15: Number of binge gamblers by gambling product

<u>Online slots</u>	<u>Fruit machines/slot machines</u>	<u>Sports betting races</u>	<u>Online casino games</u>
100 gamblers	100 gamblers	100 gamblers	100 gamblers
35 gambled on this product	62 gambled on this product	56 gambled on this product	34 gambled on this product
8.4 binge gambled	13.6 binge gambled	10.6 binge gambled	5.8 binge gambled

Source: <sup>767</sup>

This statistical sleight of hand by the Commission brings up further questions as to why, if it is so concerned about gamblers binge gambling is it ignoring land-based gambling where it is more evident? Is this because it is arguably easier to get the online industry to impose restrictions than it would be for offline where account play would have to be implemented on all gaming machines, or could it be that the demands for online slot limits were called for by the anti-gambling lobby but they were not called for on land based slots?

### **Affordability – illiberalism personified**

Affordability would become totemic of the regulator trying and succeeding to significantly alter the direction of British gambling policy without resorting to the traditional policy process which includes, in the main, the input of democratically elected officials. Rather, it would appear, that an ideology infused by PHAG was portrayed as 'scientific advice' which, due to the specific nature of gambling, was sufficient to secure the support of the politicians responsible.

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<sup>767</sup> 2CV. (2019). *Hot-states and binge gambling* (Understanding why people gamble and typologies, Issue. 2CV. <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/understanding-why-people-gamble-and-typologies#details>

The concept of Affordability is that a gambling operator has to assess whether a customer can afford to gamble in the amounts they wish to. Such a regulation is a first in the history of gambling since the 1664 Gaming Act otherwise known as *An Act against deceitfull disorderly and excessive Gameing* that made all bets over £100 (£15,160 in 2023) null and void.<sup>768</sup> Up until the introduction of Affordability in July 2019, the only times that a person in Britain would have their finances assessed to see if they could afford a purchase is if they were borrowing money, either a loan, mortgage or credit, to make that purchase. In comparison, limitless purchases of alcohol and tobacco are allowed. The traditional view was that the customer was the best person to assess their own Affordability.

The genesis of Affordability can be found in February 2018, when the Gambling Commission published its *Review of gaming machines and social responsibility measures – formal advice*.<sup>769</sup> In this report, mostly focussed on fixed odds betting terminals, it states:

Our objective is to reduce the risks that consumers spend more time and money than they can afford when gambling. A particular difficulty with this objective is that we do not know how much time and money individual consumers can afford.<sup>770</sup>

This is referring to pre-commitment or the voluntary imposition by a customer of spending limits that was seen as a possible solution to the FOBT 'problem'. Reducing time and spend on gambling appears to be the solution that the Gambling Commission sees to problem gambling on gaming machines. The issue it had was that in order to do it, there would have to be tracked play by

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<sup>768</sup> British History Online. (2024). *Charles II, 1664: An Act against deceitfull disorderly and excessive Gameing*. Retrieved 26/01/2024 from <https://www.british-history.ac.uk/statutes-realm/vol5/p523>

<sup>769</sup> Gambling Commission. (2018c). *Review of gaming machines and social responsibility measures – formal advice*. Gambling Commission,

<sup>770</sup> Ibid p.15

the means of a player's card and that would involve cost and time; and evidence from elsewhere suggested that it was not very effective.<sup>771</sup> As shown in chapter four, the government chose the route of effectively abolishing FOBT's to solve the problem.

The Gambling Commission perceived a similar problem happening with online gambling. It was, as always, less than complimentary about the industry:

Overall, progress by the online industry to minimise harm has been significantly slower than we expected and required. One of the main focuses of our ongoing work has been to get the industry to improve its ability to identify and engage those consumers exhibiting signs of problematic behaviour<sup>772</sup>

One of the four issues it considered of concern was customer identification. It had seen 'many failings arise because operators do not know enough about their customers at an early enough stage of their relationship' and seen significant spending by problem gamblers and criminals gambling with the proceeds of crime.<sup>773</sup> It should be stated that the Gambling Commission never provide statistics about the number of these instances to provide evidence of whether these are rare or common examples upon which to create new regulations. It states that it would:

consult on introducing a customer due diligence requirement so that operators will have more information about their customers at an earlier stage. This would require players to be verified before they were allowed to gamble. We will also consult on requirements that would mean operators had to set limits on players' spending which could only be increased once they had further verified information about the player, for example via an affordability check.<sup>774</sup>

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<sup>771</sup> Ibid pp.36-37

<sup>772</sup> Ibid p.49. The author as a compliance advisor to many operators over the years has been obliged to read almost every publication of the Gambling Commission and never once has there been a complimentary comment about the gambling industry.

<sup>773</sup> Ibid p.51

<sup>774</sup> Ibid p.51

The following month (March 2018), the Commission published its *Review of Online Gambling*.<sup>775</sup> Page 6 repeats the above action point verbatim and pages 18-19 look at the demographic and economic profiles of gamblers, and states: 'This information can be used to support analysis of gambling behaviour, for example by considering how affordable and sustainable a consumer's level of gambling spend is'.<sup>776</sup> The report continues looking at disposable income, based on a YouGov survey, and finds: 'overall 80% of online gamblers have disposable income of less than £1,000 per month'.<sup>777</sup> It concludes:

We think that the industry could and should make better use of publicly available data and information that can help them better understand their consumers and protect them from harm. This should include using demographic information to make an assessment of the likely spending capacity of consumers. This could mean that operators place limits on accounts and require additional information from consumers before raising these.<sup>778</sup>

On the 5th September 2018, the Commission launched a *Consultation on age and identity verification* which although not focused on Affordability, would ask questions about it in its *Additional call for information - mandatory account limits*.<sup>779</sup> The published response, in February 2019, to this consultation appears to show an industry willing to cooperate, although dissenting voices are made out as in the minority.<sup>780</sup> In the same month the Commission launched a

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<sup>775</sup> Gambling Commission. (2018d). *Review of online gambling* Birmingham: Gambling Commission, Retrieved from <https://assets.ctfassets.net/jl16ev64qyf6l/1lqnfQB1tKl68evyAwEZfi/5c278c956f0ab2b88c075e5d1a742fa8/Online-review-March-2018.pdf>

<sup>776</sup> Ibid pp.18-19

<sup>777</sup> Ibid p.25

<sup>778</sup> Ibid p.25

<sup>779</sup> Gambling Commission. (2018a). *Consultation on age and identity verification*. Birmingham: Gambling Commission, Retrieved from [https://consult.gamblingcommission.gov.uk/author/age-and-identity-verification/supporting\\_documents/Age%20and%20identity%20verification%20consultation%20print.pdf](https://consult.gamblingcommission.gov.uk/author/age-and-identity-verification/supporting_documents/Age%20and%20identity%20verification%20consultation%20print.pdf)

<sup>780</sup> Gambling Commission. (2019b). *Changes to the licence conditions and codes of practice on age and identity verification for remote gambling*. Gambling Commission,. Retrieved 02/06/2023 from <https://www.gamblingcommission.gov.uk/consultation-response/changes->

consultation on *Proposed changes to LCCP requirements for customer interaction and alternative dispute resolution, and call for evidence on gambling website blocking software*.<sup>781</sup> It gave as its reasons the gambling industry not doing customer interaction properly, thresholds being either not set or set too high and customer monitoring not happening to the extent that the Commission wants. It is apparent that the Commission does not think the industry is taking it seriously enough, stating the industry shows a:

Failure to interact promptly or effectively when a customer exhibits indicators of harm, either through making unjustified assumptions about what gambling behaviour is 'normal' or being slow to react<sup>782</sup>

The Commission states that its view is based on its case work and also the view of the RGSB in its progress reports against the National Responsible Gambling Strategy 2016-19. It may well be that the pressure for Affordability was coming from the RGSB, as its report after two years of the National Responsible Gambling Strategy is very critical of the efforts of the industry:

In order to protect vulnerable people and children, gambling operators need to take action beyond focusing on strict compliance with the minimum standards set out in the LCCP. Ensuring vulnerable people are protected from harm should be approached with the same energy and commitment that is applied to operators' commercial endeavours.<sup>783</sup>

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to-the-licence-conditions-and-codes-of-practice-on-age-and-identity/av-ci-consultation-responses-additional-call-for-information-mandatory

<sup>781</sup> Gambling Commission. (2019d). *Proposed changes to LCCP requirements for customer interaction and alternative dispute resolution, and call for evidence on gambling website blocking software*. Birmingham: Gambling Commission, Retrieved from [https://consult.gamblingcommission.gov.uk/author/customer-interaction-adr-blocking-software/supporting\\_documents/Customer%20Interaction%20ADR%20and%20Blocking%20Software.pdf](https://consult.gamblingcommission.gov.uk/author/customer-interaction-adr-blocking-software/supporting_documents/Customer%20Interaction%20ADR%20and%20Blocking%20Software.pdf)

<sup>782</sup> Ibid p.8

<sup>783</sup> Responsible Gambling Strategy Board. (2018). *Two years on: progress delivering the National Responsible Gambling Strategy*. Responsible Gambling Strategy Board, Retrieved from <https://assets.ctfassets.net/j16ev64qyf6l/1ksOqxJx0oL7Tc93mUDeBE/0c75643cf24531030058e3947f58128f/RGSB-Progress-Report-2017-18.pdf>

The RGSB, in its position, shows little understanding of how businesses work. It was expecting gambling operators to go above and beyond their regulatory requirements without considering why an operator would. It was also expecting them to increase their regulatory burden to what could undoubtedly be a level that questions the profitability of the business. For the RGSB it would appear that the core purpose of the business should be to prevent gambling harm rather than make money. As stated in chapter two, this balance between commerciality and consumer protection has long been identified as a critical question in the gambling debate, but it would seem for the RGSB, understandably as the birthplace of PHAG, that the balance should be wholly one-sided, almost as if it desired the industry's demise. Another example of the RGSB's uncommercial expectation can be found in the report's statement:

the considerable research now available to enable operators to put in place much more sophisticated approaches to identifying harm, we had hoped to see evidence of greater progress across the industry as the learning was operationalised. Even though some operators are making progress, too many appear to be taking what we regard as insufficiently effective action.<sup>784</sup>

The RGSB obviously believed that the industry, rather than focussing on commercial endeavours as its shareholders and company law demands, would plough its resources into developing new problem gambling prevention methods and furthering research. While this has been the case with the big operators, e.g. Entain (<https://entaingroup.com/sustainability/safer-gambling-strategy/>), Flutter (<https://www.flutter.com/play-well/>), for the majority, they just have not had the resources or expertise. To ask for companies to go above and beyond the existing regulations and to assign half of their resources to activities that would be detrimental to their commercial success for nothing more than regulatory approval, suggests this might be a case of academic ideological fervour trumping reality.

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<sup>784</sup> Ibid p.16

In February 2018, in response to work conducted due to the FOBT debate, the Gambling Commission had published *Customer interaction – guidance for remote gambling operators - Guidance note*. This set out the Commission's new strategy for how gambling operators would prevent gambling harms. Customers would have their player actions and behaviours monitored continuously, although with no explicit definition of how (just a list of academic papers to consider), and, based on this, operators would be expected to interact with their customers and evaluate the response of these interactions in terms of the players' behaviour. The idea was that if customers were showing problematic gambling behaviour, the operator would identify this and interact with the gambler, probably asking them to utilise player management tools such as setting expenditure and time limits on their play and then hopefully seeing a reduction in their problematic behaviour. If this was not the case then interaction would be 'escalated' with telephone calls, enforced limits set by the operator and, ultimately, the account being closed.

In theory, this is a logical approach, in practice, very complicated as most operators were stuck with the issue of how to monitor and how to interact. To do this automatically would need new software being written, and to interact would need far more customer service staff trained specifically. All of which would need enormous resources and an expectation that this could be implemented quickly and effectively. It mentions Affordability only in an indirect fashion by stating:

If you use global thresholds, these should be realistic. To put this into context, you could look at the Office of National Statistics publications on levels of household income, or assess what is 'normal' for most of your customers.<sup>785</sup>

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<sup>785</sup>Gambling Commission. (2018b). *Customer interaction – guidance for remote gambling operators Guidance note*. Birmingham: Gambling Commission, Retrieved from <https://cliftondavies.com/wp-content/uploads/2018/02/GC-Customer-Interaction-guidance-for-remote-gambling-operators-February-2018.pdf>, p.3

Tom Watson MP, Deputy Chair of the Labour Party and shadow spokesman on gambling (funded by Derek Webb – see above), announced in a speech on February 28th 2019 at the IPPR think tank that if Labour were to gain power, it would seriously consider imposing Affordability and/or stake limits. Watson stated that: 'Labour will apply limits to the level of spend. It's about enhanced due diligence and customer protection'.<sup>786</sup>

June 2019 saw the Commission publish its first *Raising Standards for Consumers - Enforcement report* for the year 2018 to 2019.<sup>787</sup> This had a whole section on Affordability which gave the Commission's take on a YouGov survey of what people's disposable income was. This stated:

For each age group, the data suggests that the GB population have disposable income per month from a figure less than £125 up to £499. This is equivalent to less than £1,500 per year and £6,000 per year. However, even these disposable income figures do not take into consideration unavoidable monthly costs or annual costs such as transport, fuel, monthly contractual payments (mobile phones, cars, life insurance etc), vehicle maintenance (service, repairs and MOT), clothing and personal care.<sup>788</sup>

In July 2019, the Commission updated the Licence Conditions and Codes of Practice (LCCPs), *Customer interaction – formal guidance for remote gambling operators, Formal guidance note under SR Code 3.4.1* which added Affordability to the regulatory burden and would come into force in October 2019. Affordability would be part of formal guidance notes which under LCCP Social Responsibility Code 3.4.1.2, 2 stated: 'Licensees must take into account

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<sup>786</sup> Barber, B. (2019a, 28/02/2019). Labour calls for limits on online gambling as Watson reveals new policies. *The Racing Post*. , Barber, B. (2019b, 01/03/2019). Labour floats possibility of stake limits on racing and sports bets; Stake limits are an option 'if evidence demands it' - Watson. *The Racing Post*.

<sup>787</sup> Gambling Commission. (2019e). *Raising Standards for Consumers - Enforcement report 2018 to 2019*. Birmingham: Gambling Commission, Retrieved from <https://assets.ctfassets.net/j16ev64qyf6l/4bwMDWerpO7shZGKeB7lOC/f5d087b37b2cc341518416425d4ca49a/2604-GC-Enforcement-Report-2018-19-1.pdf>

<sup>788</sup> Ibid.



the Commission's guidance on customer interaction'.<sup>789</sup> The Gambling Commission had argued that it needed a way of introducing regulations quickly so it could react to new developments in gambling harms research and had thus introduced this regulatory shortcut of referring to Guidance Notes. It also meant that such guidance was not subject to the Gambling Act 2005, s.24 (10) (c) which obliges the Commission to consult with the gambling industry before making any regulatory changes. Considering how controversial Affordability would become it would only consist of four paragraphs or 269 words and it may very well be this lack of clarity that caused so many problems.

The new rules were needed, according to the Commission, because operators had been using financial thresholds that prompted customer interaction at far too high a level. The Commission stated that there had been 'a number of examples of customers spending more than they could afford, and this not being identified sufficiently early'.<sup>790</sup> The Commission believed that losing money at gambling was a harm rather than a consequence of the activity. The Commission wanted operators to access ONS data to check for disposable income levels, recalculate for discretionary income and set their thresholds for Affordability accordingly.

This author's own experience advising operators at the time was that many were confused by the new guidance. For many of them, especially non-English speakers, guidance meant it was advisory and not obligatory. Also many of them considered the idea of less than £500 per month available as discretionary income to be implausible as they were seeing many of their customers spend more than this without any apparent difficulty. What they took the regulations to mean was that the customers' income had to be assessed and then an estimate of free spending made. This was either done

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<sup>789</sup> Gambling Commission. (2023d). *Formal guidance under SR Code 3.4.1 Customer interaction: formal guidance for remote gambling operators*. Gambling Commission., Retrieved 08/06/2023 from <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/customer-interaction-formal-guidance-for-remote-gambling-operators>

<sup>790</sup> Ibid p.5

by asking their customers what they did and finding an average income for their role, or using postcode data that provided average incomes for postcode areas. The issue was becoming problematic for operators as in order to assess disposable income they really needed to get insight into not only a customer's income but their expenditure as well. Furthermore, the regulator started exerting pressure on operators during their regular reviews (where the Commission assesses a licensee's compliance), to investigate the finances of their customers further, and many customers were complaining at the intrusion. This led Neil MacArthur, then CEO of the Gambling Commission to state at a CEO Breakfast briefing on the 2nd October 2019:

We also want to support you to overcome challenges where that will help consumers. For example - recently one of you told me a challenge for you was consumers not understanding why you were asking to see proof of affordability. So we've added a page to our website so consumers can see why we ask you to make those checks, which you can link to or point consumers toward if they ask<sup>791</sup>

March 2020 saw the first Covid-19 Lockdown and the Gambling Commission concerned that the enforced staying at home could only lead to an explosion of online gambling and a pandemic of problem gambling, which, as it turned out, did not happen. Neil McArthur stated on 25th March 2020:

we expect you [gambling operators] to act responsibly, especially around individual customer affordability checks and increased social responsibility interactions<sup>792</sup>

This was promptly followed up on 12th May 2020 with the Covid-19 restrictions: alterations to the LCCPs to accommodate the new environment. These

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<sup>791</sup> Gambling Commission. (2019a). *CEO Breakfast briefing - Neil McArthur October 2019*. Gambling Commission,. Retrieved 06/06/2023 from <https://www.gamblingcommission.gov.uk/news/article/ceo-breakfast-briefing-neil-mcarthur-october-2019>

<sup>792</sup> Gambling Commission. (2020j). *A message from Neil McArthur to online gambling operators*. Gambling Commission,. Retrieved 06/06/2023 from <https://www.gamblingcommission.gov.uk/news/article/a-message-from-neil-mcarthur-to-online-gambling-operators>

included forcing operators to reassess all thresholds on the basis that some customers may have changed financial circumstance and/or may have changed playing behaviour due to lockdown. These regulations were criticised as they were introduced, in breach of the law, without the required industry consultation.<sup>793</sup> Bizarrely, even though all national Covid-19 restrictions were removed by March 2022, the Gambling Commission kept these additional restrictions in place until September 2022 with no evidential need.

The Commission made it plain in a punchy Keynote Speech by MacArthur at the Money and Mental Health Policy Institute conference on 13th September 2020, that it was ploughing on with Affordability even though it was very likely to be a key part of the Gambling Review, stating:

We are still awaiting details of what the Government's Gambling Act Review will look like and we will, of course, support the Government with our data, experience and expertise. But we will not wait for the Review's outcome to make progress. We will shortly be launching a consultation on customer interaction and how gambling operators should use affordability to keep their customers safer.<sup>794</sup>

*The Enforcement Report 2019-2020*, published on 6th November 2020 also had its own section of Triggers and Affordability.<sup>795</sup> It started with what had become the mantra of the Commission that the industry was not doing enough:

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<sup>793</sup> Wiggin. (2020). *Gambling Commission surprises the industry with immediate call to action during lockdown*. Wiggin. Retrieved 06/06/2023 from <https://wiggin.co.uk/insight/gambling-commission-surprises-the-industry-with-immediate-call-to-action-during-lockdown/>

<sup>794</sup> Gambling Commission. (2020i). *Keynote Speech - Money and Mental Health Policy Institute conference*. Gambling Commission,. Retrieved 06/06/2023 from <https://www.gamblingcommission.gov.uk/news/article/neil-mcarthur-keynote-speech-money-and-mental-health-policy-institute>

<sup>795</sup> Gambling Commission. (2020n). *Raising Standards for consumers - Compliance and Enforcement report 2019 to 2020 - 2 - Triggers and customer affordability*. Gambling Commission,. Retrieved 06/06/2023 from <https://www.gamblingcommission.gov.uk/report/raising-standards-for-consumers-compliance-and-enforcement-report-2019-20/triggers-and-customer-affordability>

the compliance and enforcement teams have continued to review cases where, in the last twelve months, individuals have demonstrated gambling-related harm indicators and still been able to continue to gamble without effective engagement. Furthermore, these individuals have funded their gambling without satisfactory affordability checks and appropriate evidence being obtained.<sup>796</sup>

After giving a handful of examples of industry failings, the Commission made its demands for financial intrusion quite clear:

Operators must interact with customers early on to set adequate, informed affordability triggers to protect customers from gambling related harm. Failure to do so could render the operator non-compliant.<sup>797</sup>

The Gambling Commission, although it was later to deny it, was quite explicit about the level of intervention into customers finances it expected of gambling operators:

Customers wishing to spend more than the national average should be asked to provide information to support a higher affordability trigger such as three months' payslips, P60s, tax returns or bank statements which will both inform the affordability level the customer may believe appropriate with objective evidence whilst enabling the licensee to have better insight into the source of those funds and whether they are legitimate or not.<sup>798</sup>

The aforementioned consultation appears in November 2020, *Remote customer interaction - Consultation and Call for Evidence*. The call for

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<sup>796</sup> Ibid

<sup>797</sup> Ibid

<sup>798</sup> Denial about affordability: Gambling Commission. (2023f). *ICE World Regulatory Briefing - Andrew Rhodes speech*. Gambling Commission,. Retrieved 01/06/2023 from <https://www.gamblingcommission.gov.uk/news/article/andrew-rhodes-speech-at-ice-8-february-2023>, Orme-Claye, T. (2023a, 15/02/2023). Andrew Rhodes: The reality is there are risks that need to be addressed. *SBCNews*. [https://sbcnews.co.uk/retail/2023/02/15/andrew-rhodes-white-paper/?mc\\_cid=63482db6fd&mc\\_eid=55b77ada1a](https://sbcnews.co.uk/retail/2023/02/15/andrew-rhodes-white-paper/?mc_cid=63482db6fd&mc_eid=55b77ada1a) Quote: Gambling Commission. (2020n). *Raising Standards for consumers - Compliance and Enforcement report 2019 to 2020 - 2 - Triggers and customer affordability*. Gambling Commission,. Retrieved 06/06/2023 from <https://www.gamblingcommission.gov.uk/report/raising-standards-for-consumers-compliance-and-enforcement-report-2019-20/triggers-and-customer-affordability>

evidence opened on 3rd November 2020 and closed on the 9th February 2021 and has become the longest consultation ever undertaken by the Commission as its output is still not available, at the time of writing, over two years later. Again, the premise for the Gambling Commission implementing the consultation was because:

Remote gambling operators already have the capability of identifying customers who may be harmed by gambling. Our evidence shows that the industry has not used this capability sufficiently to reduce harms. We are therefore consulting on stronger requirements that will help ensure remote gambling operators do more to identify consumers who may be harmed by gambling and to interact and take action sufficiently early and effectively to prevent harm<sup>799</sup>

The Gambling Commission's strategy of ratcheting up the pressure on the gambling industry seems to be based on not much more than a few examples of bad practice. In the 2019-2020 Enforcement report, there was only one example of an operator being fined specifically for Affordability failings, with Betway being fined £11.6m.<sup>800</sup> Two anonymous online examples of Affordability failures are mentioned.<sup>801</sup> During the period, the Commission conducted 350 compliance assessments of land-based and online operators.<sup>802</sup> As of the 30/09/20 there were a total of 3,468 land-based and

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<sup>799</sup> Gambling Commission. (2021b). *Consultation and Call for Evidence Remote customer interaction requirements and guidance*. Birmingham: Gambling Commission, Retrieved from [https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-](https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting_documents/CI%20consultation%20call%20for%20evidence.pdf)

[call/supporting\\_documents/CI%20consultation%20call%20for%20evidence.pdf](https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting_documents/CI%20consultation%20call%20for%20evidence.pdf)

<sup>800</sup> Gambling Commission. (2020b). *Betway to pay £11.6m for failings linked to 'VIP' customers*. Gambling Commission,. Retrieved 07/07/2023 from <https://www.gamblingcommission.gov.uk/news/article/betway-to-pay-gbp11-6m-for-failings-linked-to-vip-customers>

<sup>801</sup> Gambling Commission. (2020n). *Raising Standards for consumers - Compliance and Enforcement report 2019 to 2020 - 2 - Triggers and customer affordability*. Gambling Commission,. Retrieved 06/06/2023 from <https://www.gamblingcommission.gov.uk/report/raising-standards-for-consumers-compliance-and-enforcement-report-2019-20/triggers-and-customer-affordability>

<sup>802</sup> Gambling Commission. (2020m). *Raising Standards for consumers - Compliance and Enforcement report 2019 to 2020 - 1 - Chief Executive's message*. Gambling Commission,. Retrieved 07/06/2023 from <https://www.gamblingcommission.gov.uk/report/raising-standards-for-consumers-compliance-and-enforcement-report-2019-20/chief-executives-message>

online licences in operation.<sup>803</sup> This would imply that as the Commission reviewed c.10% of licensees and there is no indication that all of these were at fault, that the failure rate for the industry was single digit percentage points which, while obviously not perfect, would seem like an acceptable rate for a radically new approach to regulation being implemented. It should obviously be stated that the Enforcement Report does not have to provide the data of how many operators were failing at implementing Affordability, but equally the Gambling Commission has never provided figures to support its work (apart from just stating that this is what it has uncovered in its case work).

For another purpose, the author submitted a Freedom of Information Act (FOIA) query from the Gambling Commission about 'The titles of the academic papers and the case studies from other jurisdictions and any other associated materials that were the evidence base used by the Commission to support the introduction of affordability'.<sup>804</sup> The Commission's response was to cite the Gambling Commission case work and a number of academic papers all of which were published after the implementation of the Affordability policy.<sup>805</sup> This suggests that the biggest change in gambling policy was brought in by the Gambling Commission on nothing more than some case studies and the RGSB's ideas of how to reduce gambling harms, rather than evidence or direction from government. It also suggests that the Commission found an industry either completely unwilling to accommodate this seismic change in the way gambling has been regulated in Great Britain, or that it completely

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<sup>803</sup> Gambling Commission. (2021d). *Industry Statistics - May 2021*. Gambling Commission,. Retrieved 07/06/2023 from <https://www.gamblingcommission.gov.uk/statistics-and-research/publication/industry-statistics-may-2021>

<sup>804</sup> FOIA query submitted by the author and responded to the author by email on 16/02/23

<sup>805</sup> One systematic review, 35 descriptive studies and 30 cross-sectional studies: PHE (2021) *Harms associated with gambling: An abbreviated systematic review*, GamCare's Annual Report: Gamcare (2021) *Trustees' Annual Report and Financial Statements*, Muggleton, N., Parpart, P., Newall, P. et al. *The association between gambling and financial, social and health outcomes in big financial data*. *Nat Hum Behav* 5, 319–326 (2021). Lower Risk Gambling Guidelines: D.C. Hodgins et al (2022) *Lower-risk gambling limits: linked analyses across eight countries*. *International Gambling Studies*, Rochester and Cunningham (2023) *Applying the Canadian Low-Risk Gambling Guidelines to Gambling Harm Reduction in England*. *Journal of Gambling Studies*

over-estimated how quickly an industry was able to accommodate such a radical shift in approach. That is if the Commission's obvious belief in a failing industry is to be believed. A rumour in the industry was that this was all part of the Commission's plan to bring in monetary thresholds, using, as a reason, the handful of years where supposedly the industry could not be trusted to make the regulations work. Unfortunately, unless the Commission provides the data to substantiate widespread failure to implement Affordability, we will never know.

Accompanying the above-mentioned consultation was a Call for Evidence. In this, evidence is provided as to why the Commission thinks Affordability is needed. The Commission cites the 2018 Health Survey for England (HSE), where 21% of people who had gambled had bet more than they can afford at least sometimes.<sup>806</sup> This is written without any self-awareness that spending beyond what you budget for is integral to a huge number of retail transactions and is at best unfortunate but in no way a harm to be regulated against. If this was the case, a restaurant could not suggest a wine to accompany a meal (selling up) or a cinema sell popcorn and pick 'n' mix to its customers. Losing money which you cannot afford is a common occurrence with gambling and a life lesson. It only becomes a problem when that lesson is not learnt. This does not seem to fit with the Commission's unscientific view:

This indicates that gambling within one's means is a reasonable way of discriminating between those who are problem or moderate risk gamblers and those that are not.<sup>807</sup>

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<sup>806</sup> NHS Digital. (2019). *Health Survey for England 2018: Supplementary analysis on gambling*. digital.nhs.uk,. Retrieved 07/06/2023 from <https://digital.nhs.uk/data-and-information/publications/statistical/health-survey-for-england/2018/health-survey-for-england-2018-supplementary-analysis-on-gambling>

<sup>807</sup> Gambling Commission. (2021b). *Consultation and Call for Evidence Remote customer interaction requirements and guidance*. Birmingham: Gambling Commission, Retrieved from [https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting\\_documents/CI%20consultation%20call%20for%20evidence.pdf](https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting_documents/CI%20consultation%20call%20for%20evidence.pdf)

This deterministic view of gambling behaviour is not backed by evidence or experience. All normal recreational gamblers will on occasion have had a disaster. Been too cocky, too lazy or downright unlucky and paid the price. This may have meant short term budgeting and a change in direction on planned expenditure. Exactly the same as if a pair of shoes that were 'life changing' had to be bought or a romantic break needed to patch up a relationship, or indeed that company you invested in, had a CEO who embezzled its funds, so shares became worthless. Life is chaotic and plans change. All adults would like to keep within their financial budgets but mostly do not, and that is why credit was invented and banks give overdrafts. As Shaffer et al state:

at times, some individuals make gambling choices that are not in their best interest. Recreational gamblers may occasionally gamble more time or money than they intend; despite their recreational status, they occasionally 'chase losses' resulting in the presence of some degree of harm. This circumstance can create minor and transient harm for them.<sup>808</sup>

The Commission then gives as an example of how the industry was failing in its duty to protect people and that out of its 40 separate live operating licence cases, safer gambling breaches features as the primary issue in 26 of them. While the Commission has finally revealed some data about industry failures, 40 cases being problematic still represents only just over 1% of licences and for safer gambling, 0.7%. It should also be stated that the Commission penalises operators for not implementing the LCCPs in a way that it sees fit; it does not necessarily mean that anybody actually suffered any harm.

The Commission goes on to argue that discretionary income is the best way of calculating what a gambler can afford to gamble. For this it uses YouGov profiles survey from 2020 and the ONS Living Costs and Food Survey from 2019. From this it recommends thresholds for affordability be set at a maximum of

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<sup>808</sup>Blaszczynski, A., Ladouceur, R., Nower, L., Shaffer, H.J. (2008). Informed Choice and Gambling: Principles for Consumer Protection. *The Journal of Gambling Business and Economics* 2(1), 15. ,p.106



£2,000 per month spend and for a minimum, it provides the following statement:

Equally, the Commission's evidence to date would not indicate that it would be proportionate to require customers to be subjected to affordability assessments for small, infrequent gambling at a level which would be affordable to most of the population, or where gambling at those levels is extremely unlikely to cause financial hardship. This means that we are not - based on the evidence so far - considering a 'licence to gamble' which would require affordability checks to be conducted as a solely pre-emptive action for all consumers. This may indicate that the lowest possible threshold is likely to be at least £100 loss per calendar month.<sup>809</sup>

This may be why Andrew Rhodes stated in February 2023 that affordability had never been imposed as the Commission thought gambling spend below £23.07 per week (the cost of cinema tickets for two adults and a child), did not warrant financial intrusion.<sup>810</sup> Although the Commission does go on to state that: 'operators should certainly be gathering data throughout the life of the customer relationship, starting from the point of registration which should be able to assist with a consideration of whether a customer is gambling within their means'.<sup>811</sup> So in effect, all customers had to have their finances assessed over the period of the relationship with the operator.

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<sup>809</sup> Gambling Commission. (2021b). *Consultation and Call for Evidence Remote customer interaction requirements and guidance*. Birmingham: Gambling Commission, Retrieved from [https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting\\_documents/CI%20consultation%20call%20for%20evidence.pdf](https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting_documents/CI%20consultation%20call%20for%20evidence.pdf)

<sup>810</sup> Gambling Commission. (2023f). *ICE World Regulatory Briefing - Andrew Rhodes speech*. Gambling Commission,. Retrieved 01/06/2023 from <https://www.gamblingcommission.gov.uk/news/article/andrew-rhodes-speech-at-ice-8-february-2023>, Orme-Claye, T. (2023a, 15/02/2023). Andrew Rhodes: The reality is there are risks that need to be addressed. *SBCNews*. [https://sbcnews.co.uk/retail/2023/02/15/andrew-rhodes-white-paper/?mc\\_cid=63482db6fd&mc\\_eid=55b77ada1a](https://sbcnews.co.uk/retail/2023/02/15/andrew-rhodes-white-paper/?mc_cid=63482db6fd&mc_eid=55b77ada1a)

<sup>811</sup> Gambling Commission. (2021b). *Consultation and Call for Evidence Remote customer interaction requirements and guidance*. Birmingham: Gambling Commission, Retrieved from [https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting\\_documents/CI%20consultation%20call%20for%20evidence.pdf](https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting_documents/CI%20consultation%20call%20for%20evidence.pdf)

The most enlightening part of the Call for Evidence is where the Commission consider the unintended consequences of imposing thresholds for affordability:

Possible unintended consequences: That consumers are unhappy with allowing access to private information such as affordability data or information about vulnerable situations.

Possible mitigations: Building a culture where customers expect consistent checks at set thresholds, the Commission provides information to consumers on the checks that may occur to help build this culture, which operators can refer to consumers, thresholds for affordability are set at a level which is reasonable and evidence-based.

Possible unintended consequences: Consumers are driven to an illegal market.

Possible mitigations: Ongoing enforcement activity to tackle and prevent illegal gambling, effective consumer messaging about risks of gambling with illegal operators.<sup>812</sup>

As will be discussed shortly, the Commission was predicting the industry and consumer response to Affordability even though, as per their speeches, it was not willing to accept it publicly. There is then a hiatus on commentary about Affordability, with the Commission's *Annual Report and Accounts 2019-20* published on 12th December 2020, delayed due to Covid-19, not even mentioning it.<sup>813</sup> The following year's *Annual Report and Accounts 2020-21* just states that: 'In May 2020, and whilst recognising the difficulties operators have had to face, this included instructing tighter measures to protect consumers such as banning reverse withdrawals and requesting improved affordability checks with more people being based at home due to lockdown'.<sup>814</sup> More surprisingly, the *Raising Standards for consumers - Compliance and Enforcement report 2020 to 2021* published on 9th December 2021 had no

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<sup>812</sup> Ibid

<sup>813</sup> Gambling Commission. (2020a). *Annual Report and Accounts 2019-20*. (HC489). Birmingham: Gambling Commission, Retrieved from [https://assets.ctfassets.net/j16ev64qyf6l/7GCrFYn3uaqOp07mjiF4gz/c91b147f7917fa8a7777b9f8337248a2/2837\\_GC\\_AR\\_2019-20\\_v64.pdf](https://assets.ctfassets.net/j16ev64qyf6l/7GCrFYn3uaqOp07mjiF4gz/c91b147f7917fa8a7777b9f8337248a2/2837_GC_AR_2019-20_v64.pdf)

<sup>814</sup> Gambling Commission. (2021a). *Annual Report and Accounts 2020 to 2021*. Birmingham: Gambling Commission, Retrieved from <https://www.gamblingcommission.gov.uk/print/annual-report-and-accounts-2020-to-2021>

mention of affordability even though it was given its own section and played a prominent part through the two years' previous reports.<sup>815</sup> This may well have been due to the start of the Gambling Review White Paper which had affordability as a topic, with the Gambling Commission wishing to defer to its sponsoring department.

On the 14th April 2022, 14 months later, the Commission published *its Remote customer interaction - Consultation and Call for Evidence - Feedback updated* which stated:

We received around 13,000 responses to the consultation and short survey. Responses came from a wide range of stakeholders - consumers, people with lived experience of harm, gambling businesses, academics and others.

We have carefully reviewed the responses. There were a wide range of views. Many people think there should be protections in place for the most vulnerable and that appropriate checks should be in place to identify and prevent cases of clearly unaffordable gambling. Many respondents emphasised that measures should be proportionate and targeted at those at risk of harm. At the same time, customers were also concerned about privacy and freedom of choice.

It was clear that the Commission should continue as planned with a further consultation on the topic of unaffordable gambling to allow these issues to be explored further.<sup>816</sup>

To the actual consultation question, Question 7: To what extent do you agree with the proposal that remote operators should be required to conduct affordability assessments at thresholds set by the Commission?<sup>817</sup>, the

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<sup>815</sup> Gambling Commission. (2021e). *Raising Standards for consumers - Compliance and Enforcement report 2020 to 2021*. Gambling Commission,. Retrieved 08/06/2023 from <https://www.gamblingcommission.gov.uk/report/raising-standards-for-consumers-compliance-and-enforcement-report-2020-to3>

<sup>816</sup> Gambling Commission. (2020c). *Consultation and Call for Evidence Remote customer interaction requirements and guidance*. Birmingham: Gambling Commission, Retrieved from [https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting\\_documents/CI%20consultation%20call%20for%20evidence.pdf](https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-and-call/supporting_documents/CI%20consultation%20call%20for%20evidence.pdf)

<sup>817</sup> Gambling Commission. (2022h). *Remote customer interaction: Consultation Response - Consultation questions on identifying customers at risk of harm*. Gambling Commission,.

Commission gave a precis of the responses which did suggest that affordability seemed no longer such an issue:

There was a wide range of views relating to assessments to identify unaffordable gambling. There were significant concerns about consumer privacy and freedom and calls for any such measures to therefore be targeted at the customers who are most at risk, and not general or what was often described as 'leisure consumers'. Some stakeholders were strongly in favour of assessments to identify unaffordable gambling and called for the assessments to apply to all customers. We will explore these issues further in a future consultation which will consider requirements that will tackle three key and significant risks - unaffordable binge gambling, significant unaffordable losses over time, and identifying customers who are in a particularly financially vulnerable situation.<sup>818</sup>

The consultation proposed an extensive overhaul of the Customer Interaction LCCP with the addition of LCCP 3.4.3 which maintained the operator having to take into account Guidance Notes but added an additional eleven regulations specifying how an operator must identify, interact and evaluate with their customers. It also introduced the ill-defined concepts of harm or potential harm, low level indicators of harm and stronger indicators of harm. It also introduced a concept, 'vulnerability', that was even more complex and controversial than 'Affordability', of which unfortunately there is not the time or space to explore further. This new LCCP was due to come in to force on September 12th 2022.

On 20th June 2022, the Commission published its new Guidance to accompany the new LCCP which was also planned to come into force on 12th September 2022. This Guidance mentions affordability in a different way to which it had been previously:

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Retrieved 08/06/2023 from <https://www.gamblingcommission.gov.uk/consultation-response/remote-customer-interaction-consultation-response/proposal-2-consultation-questions-on-identifying-customers-at-risk-of-harm>

<sup>818</sup> Ibid.

Further customer interaction consultation: the Commission has committed to a consultation on how to tackle three key financial risks for customers. These are significant unaffordable losses over a short period (binge gambling), significant unaffordable losses over time, and customers who are in a financially vulnerable situation. Following the consultation on these new requirements, this guidance will be updated.<sup>819</sup>

On 2<sup>nd</sup> September 2022 the Commission published a news article on its website stating that the new LCCPs and Guidance notes that had been published in July and due to come into force in September, were not, in fact, going to be implemented in full by then and that:

The industry has requested an extension to the timeframe for implementing these new requirements. This is due to the technical challenges that some remote operators indicate they are facing in delivering full compliance by the 12 September 2022 deadline.<sup>820</sup>

The Commission reminded operators that it would be bringing in the new rules, meaning they had to take timely action if they encountered indicators of harm, and that bonuses and marketing were banned from customers showing strong indicators of harm. It went on to state:

In light of this extension, the Commission considers that it would be beneficial to use the time now available to conduct further consultation on matters to be addressed in the guidance associated with SR Code 3.4.3, by way of a consultation on the guidance document itself.<sup>821</sup>

A week later the Commission would publish an update to the Guidance Notes which stated: 'This formal guidance for remote gambling operators is not

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<sup>819</sup> Gambling Commission. (2022a). *Customer interaction guidance – for remote gambling licensees (Formal guidance under SR Code 3.4.3)*. Birmingham: Gambling Commission, Retrieved from [https://assets.ctfassets.net/j16ev64qyf6l/4FF9PUgKMhXELzhldTQIR5/da6f3ec33952e2325dacc5a862688638/Customer\\_Interaction\\_Formal\\_Guidance\\_Remote\\_gambling\\_licensees\\_\\_June\\_2022\\_-\\_not\\_in\\_effect\\_.pdf](https://assets.ctfassets.net/j16ev64qyf6l/4FF9PUgKMhXELzhldTQIR5/da6f3ec33952e2325dacc5a862688638/Customer_Interaction_Formal_Guidance_Remote_gambling_licensees__June_2022_-_not_in_effect_.pdf)

<sup>820</sup> Gambling Commission. (2022e). *New remote Customer Interaction requirements and guidance update*. Gambling Commission,. Retrieved 08/06/2023 from <https://www.gamblingcommission.gov.uk/news/article/new-remote-customer-interaction-requirements-and-guidance-update3>

<sup>821</sup> Ibid

current and from 12 September 2022 operators are no longer required to take it into account'.<sup>822</sup> This then left the gambling industry with the question: does Affordability still exist if the guidance notes where it was sited no longer can be taken into account? Many operators the author spoke to were assuming that Affordability did still exist purely because they perceived the Commission as arbitrary and pernicious in its enforcement role (as evidenced in the report by the Parliamentary All Party Betting & Gaming Group, written by the author), and did not want to risk regulatory punishment.<sup>823</sup> Others took it that Affordability was not an issue for the interim and that the forthcoming Gambling Review White Paper would pronounce on the topic.

The Commission's mentioned plans for a further consultation, appeared on 22<sup>nd</sup> December 2022, with the opening of the Remote customer interaction - consultation on guidance document, which would close on 23<sup>rd</sup> January 2023.<sup>824</sup> The consultation only mentions Affordability in the context of it being the subject of further consultation. At the time of writing (June 2023), there has not been a response from the Commission to this consultation.

The industry's response to Affordability was mixed. The Betting & Gaming Council (BGC), the industry's trade association, had been launched on the 6<sup>th</sup> November 2019.<sup>825</sup> Prior to this each sector had had their own trade association, the BGC taking over from the Association of British Bookmakers, the Remote Gaming Association and the National Casino Forum. The BGC

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<sup>822</sup> Gambling Commission. (2023d). *Formal guidance under SR Code 3.4.1 Customer interaction: formal guidance for remote gambling operators*. Gambling Commission,. Retrieved 08/06/2023 from <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/customer-interaction-formal-guidance-for-remote-gambling-operators>

<sup>823</sup> Parliamentary All Party Betting & Gaming Group. (2022). *Investigation into the Competency and Effectiveness of the Gambling Commission*.

<sup>824</sup> Gambling Commission. (2022g). *Remote customer interaction - consultation on guidance document*. Retrieved 29/01/2024 from <https://consult.gamblingcommission.gov.uk/author/remote-customer-interaction-consultation-on-guidan/>

<sup>825</sup> Betting and Gaming Council. (2019). *Celebrating the launch of the Betting and Gaming Council*. Betting and Gaming Council,. Retrieved 09/06/2023 from <https://bettingandgamingcouncil.com/news/celebrating-the-launch-of-the-betting-and-gaming-council>

developed over time an argument that too restrictive regulations on gambling would send people to the black market and that Affordability was a key component of this threat, with Affordability becoming prominent from March 2021.

For example, in response to the APPGGRH Final Report of their Online Gambling Harm Inquiry, it responded with the following on 15<sup>th</sup> June 2020:

Of course there will always be people who are anti-gambling and prohibitionists who are not interested in the fact the regulated industry supports over 100,000 jobs and pays over £3 billion in tax. But we have to avoid measures that could drive people away from gambling safely with online companies who operate in what is rightly already a heavily regulated market, to instead gambling online with unregulated, offshore, black market, illegal operators that don't conform to any standards or safeguards to protect problem gamblers and the most vulnerable<sup>826</sup>

In responding to the report, *House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry: Gambling Harm—Time for Action*, it states that:

The BGC are already working with the Gambling Commission on new affordability checks and a new code of conduct for game design, including slowing spin speeds on games and removing some in game features<sup>827</sup>

and that:

It is also vital that action is taken against black market operators who do not adhere to our safeguards and checks, and it important that any

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<sup>826</sup> Betting and Gaming Council. (2020a). *BGC statement on APPG Report*. Betting and Gaming Council,. Retrieved 09/06/2023 from <https://bettingandgamingcouncil.com/news/bgc-statement-on-appg-report>

<sup>827</sup> Betting and Gaming Council. (2020b). *BGC Statement on House Of Lords Committee Report*. Betting and Gaming Council,. Retrieved 09/06/2023 from <https://bettingandgamingcouncil.com/news/bgc-statement-house-of-lords-committee>

changes to regulations do not simply drive gamblers into the arms of unscrupulous individuals<sup>828</sup>

It could be argued that the big betting companies that created the BGC, were more than supportive of Affordability as in their evidence session to the House of Lords Select Committee, Kenny Alexander, CEO of GVC (now Entain) states: 'It is all about introducing rigid affordability testing and making sure that we can share data across all operators so that it cannot be abused' and that 'Affordability is absolutely crucial'.<sup>829</sup> Conor Grant, the COO of Sky Betting & Gaming would add, 'Stake limits are in the mix along with Affordability and advertising. These are key areas that we need to review to reduce harm. That is why we are here today'.<sup>830</sup> This suggests that the major bookmaking firms were supportive to a large degree.

In August 2020 in the BGC's response to the SMF Report mentioned above, it gives a more strident argument:

We already carry out robust and improved affordability checks, and regularly intervene on customers to ensure they gamble within their means. We disagree with the suggestion of an arbitrary and random low cap on spending and can think of no other area of the economy where the government determines how much an individual can spend. We must avoid measures that see safe regulated betting being driven to unregulated, offshore, illegal black market operators online who don't have the same checks, interventions and high standards that apply to regulated BGC members.<sup>831</sup>

In November 2020, similar comment was made in response about the Culture, Media & Sport Select Committee inquiry into sport in the community:

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<sup>828</sup> Ibid

<sup>829</sup> House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry. (2020). *Corrected oral evidence: Social and Economic Impact of the Gambling Industry*. House of Lords,. Retrieved 21/08/2023 from <https://committees.parliament.uk/oralevidence/97/html/>

<sup>830</sup> Ibid

<sup>831</sup> Betting and Gaming Council. (2020f). *Social Market Foundation Report – Response from the Betting and Gaming Council (BGC)*. Betting and Gaming Council,. Retrieved 09/06/2023 from <https://bettingandgamingcouncil.com/news/social-market-foundation-report-1>



The industry's importance to these popular national pastimes shows why it's vital that the Government gets the balance right, and does not drive punters towards the illegal, online black market, who have no interest in supporting sport either at a grassroots or national level.<sup>832</sup>

In Michael Dugher's, the CEO of the BGC, response to the launch of the Gambling Review White Paper in December 2020, he repeats the line:

So I hope Ministers will focus in with laser-like precision on problem gamblers and those at risk. The Government must ensure that any changes do not drive people to the unregulated black market online, where there aren't any safeguards to protect vulnerable people.<sup>833</sup>

In February 2021, PWC published its BGC commissioned report, *Review of unlicensed online gambling in the UK*.<sup>834</sup> It found that 'usage of and spend with unlicensed gambling operators in the UK has grown over the last 1-2 years. This has occurred despite awareness of unlicensed operators remaining broadly stable and consumers' exposure to unlicensed operators within Google search results declining'.<sup>835</sup> It estimated that 4.5% of UK online gamblers used black market sites, an increase from the 2.2% from their 2018/19 report.<sup>836</sup> Michael Dugher would comment on the report's launch:

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<sup>832</sup> Betting and Gaming Council. (2020d). *Industry's commitment to sports*. Betting and Gaming Council,. Retrieved 09/06/2023 from <https://bettingandgamingcouncil.com/news/live-sport-on-knife-edge>

<sup>833</sup> Betting and Gaming Council. (2020e). *Michael Dugher: Launch of Gambling Review*. Betting and Gaming Council,. Retrieved 2023 from <https://bettingandgamingcouncil.com/news/bgc-says-launch-of-gambling-review-is-important-opportunity-to-drive-further-changes-on-safer-gambling-introduced-by-the-industry>

<sup>834</sup> Price Waterhouse Coopers LLC. (2021). *Review of unlicensed online gambling in the UK*. Price Waterhouse Coopers LLC. [https://bettingandgamingcouncil.com/uploads/Downloads/PwC-Review-of-Unlicensed-Online-Gambling-in-the-UK\\_vFinal.pdf](https://bettingandgamingcouncil.com/uploads/Downloads/PwC-Review-of-Unlicensed-Online-Gambling-in-the-UK_vFinal.pdf)

<sup>835</sup> Ibid p.7

<sup>836</sup> Ibid p.8

these figures demonstrate the danger of unintentionally driving punters into the arms of the illegal, online black market – which offers none of the protections of the regulated sector.<sup>837</sup>

This becomes the theme for the BGC: it is happy to work with the Gambling Commission on Affordability but repeatedly warn that too extensive restrictions will push people to the black market. Affordability becomes the specific topic when the BGC commissioned a YouGov survey and focus groups in twenty locations, many of which belonged to the 'Red Wall', northern constituencies that had voted Tory for the first time in 2019, supposedly in support of Boris Johnson's pledge to 'get Brexit done'.<sup>838</sup> Dugher makes the argument that attacking working class recreation would not go down well with the voters in the Red Wall:

There was also a strong sense in the focus groups that many Red Wall voters feel that there are some politicians who don't understand their lives, perhaps even look down on what they choose to do, and who seem to want to tell people what they can and cannot do with their lives (and with their own money). Many saw threats to people's enjoyment of betting in the context of a 'culture war'. And all of this has been brought into sharp focus by lockdown.<sup>839</sup>

This was followed up by Brigid Simmons, the Chair of the BGC, in an article for the Conservative Home website on March 15<sup>th</sup> 2021:

In the Red Wall, this whole issue tied in with their view that a culture war is being waged against their way of life, and that the Government is embarking on a post-Covid "mission creep". There was clearly a belief

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<sup>837</sup> Betting and Gaming Council. (2020c). *Black Market Threat*. Betting and Gaming Council,. Retrieved 12/06/2023 from <https://bettingandgamingcouncil.com/news/betting-and-gaming-council-warns-of-black-market-threat-as-illegal-sites-are-visited-27-million-times-by-british-punters>

<sup>838</sup> Betting and Gaming Council. (2021f). *Majority of voters oppose giving politicians the power to limit how much people can spend on betting*. Betting and Gaming Council,. Retrieved 12/06/2023 from <https://bettingandgamingcouncil.com/news/yougov-poll>, Gandy, R., Foster, S. (2023, 14/04/2023). Red Wall Blues. <https://www.psa.ac.uk/psa/news/red-wall-blues>

<sup>839</sup> Betting and Gaming Council. (2021g). *Michael Dugher: The issue of gambling won't decide the next election, but Red Wall voters will – and politicians should listen to what they have to say*. Betting and Gaming Council,. Retrieved 12/06/2023 from <https://bettingandgamingcouncil.com/news/michael-dugher-2>

that politicians are attempting to move further into deciding what they can and cannot do with their lives. The Conservative Party should bear in mind that there is something, well, un-Conservative about the state trying to play an ever larger role in people's activities.<sup>840</sup>

In October 2021, the Gambling Commission published and made no comment on the fact that the rate of problem gambling was 0.3% – down from 0.6 per cent the previous year and that the rate of those gamblers classed as being at 'moderate risk' of harm had fallen from 1.2% to 0.7%. Dugher repeated the point that: 'As we continue to make progress on problem gambling and drive ever higher standards on safer gambling in the regulated sector, it's vital we don't do anything that drives people to the unsafe, unregulated black market online, which has none of the protections or safer gambling interventions that we see with licensed operators'.<sup>841</sup> This was reiterated in a November 2023 article in *House* magazine, celebrating the BGC's second anniversary: 'Any future changes in regulation, however well intended or naive, which force customers to drift off to the black market should be avoided at all costs'.<sup>842</sup> December 2021 saw Racing TV, a subscription horseracing channel, survey 2,000 of its subscribers about Affordability. 95% said they weren't happy with bookmakers having access to their financial information, 85% thought Affordability would push customers to the black market and 88% thought they

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<sup>840</sup> Simmonds, B. (2021). *Brigid Simmonds: As the Government's gambling review continues, ministers should listen to what voters really think about betting*. ConservativeHome. Retrieved 12/06/2023 from <https://conservativehome.com/2021/03/15/brigid-simmonds-as-the-governments-gambling-review-continues-ministers-should-listen-to-what-voters-really-think-about-betting/>

<sup>841</sup> Betting and Gaming Council. (2021b). *Betting and Gaming Council pledges to 'keep up the momentum' as new report suggests problem and at-risk gambling rates are falling*. Betting and Gaming Council,. Retrieved 13/06/2023 from <https://bettingandgamingcouncil.com/news/betting-and-gaming-council-pledges-to-keep-up-the-momentum-as-new-report-suggests-problem-and-at-risk-gambling-rates-are-falling>

<sup>842</sup> Betting and Gaming Council. (2021a). *Betting And Gaming Council pledges to 'keep up the momentum' as new report suggests problem and at-risk gambling rates are falling*. Politics Home,. Retrieved 13/05/2023 from <https://www.politicshome.com/members/article/betting-and-gaming-council-pledges-to-keep-up-the-momentum-as-new-report-suggests-problem-and-atrisk-gambling-rates-are-falling>

should be able to bet without any government imposed interference.<sup>843</sup> The BGC's CEO would respond with:

I am not opposed to spending checks, but believe we should use the technology that is now available to target those people who are at vulnerable or at higher risk of problem gambling and providing them with the help they need, rather than blanket checks on every punter<sup>844</sup>

The theme of Affordability and similar restrictions on gambling creating a black market was elaborated on when, in February 2022, the BGC published research of European jurisdictions that have imposed affordability and other restrictions. Norway's black market was estimated to be >66%, France was 57%, Italy was 23% and Spain was 20%. Denmark had recently restricted bonuses which led the tax authorities to predict an increase of 9% in the black market, and a survey of Swedish gamblers who had self-excluded from licensed operators, found that 38% were playing with black market sites.<sup>845</sup>

The BGC would continue to campaign, arguing that gambling should be treated more like 'booze not like tobacco'.<sup>846</sup> It was ready to accept stronger restrictions but they had to be targeted on those who were most vulnerable and should be evidence based. Dugher would consistently point out that many of those arguing for gambling restrictions were 'prohibitionists' who were

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<sup>843</sup> Betting and Gaming Council. (2021d). *BGC calls on government to listen to punters' warnings following 'alarming' survey showing vast majority fear stringent spending checks leading to rise in unsafe black market*

Betting and Gaming Council,. Retrieved 14/06/2022 from <https://bettingandgamingcouncil.com/news/bgc-calls-on-government-to-listen-to-punters-warnings-following-alarming-survey-showing-vast-majority-fear-stringent-spending-checks-leading-to-rise-in-unsafe-black-market>

<sup>844</sup> Ibid

<sup>845</sup> Betting and Gaming Council. (2022b). *New research reveals shocking size of black market gambling across Europe*. Betting and Gaming Council,. Retrieved 14/06/2023 from <https://bettingandgamingcouncil.com/news/new-research-reveals>

<sup>846</sup> Betting and Gaming Council. (2022a). *The government should treat betting like booze - not like tobacco*. Betting and Gaming Council,. Retrieved 14/06/2023 from <https://bettingandgamingcouncil.com/news/the-government-should-treat-betting-like-booze-not-like-tobacco3>

motivated more by ideology and moralism than by evidence based reasoning.

It is not within the remit of this thesis to pass judgement on the effectiveness of the BGC's political lobbying considering the, to be detailed later, outcome of the Gambling Review White Paper. It is obvious from an analysis of the press releases and articles that it had taken a non-antagonistic approach to the reforms being suggested to and by the Gambling Commission, and it even publicly supported the demands for a gambling ombudsman and the mandatory RET levy.<sup>847</sup> With Affordability it wanted a nuanced approach not a blanket one. This would not be the case.

### **Suicide and Gambling With Lives**

The topic of gambling related suicide during this debate arguably became 'weaponised' by the anti-gambling lobby, specifically by the campaign group Gambling With Lives (GWL) and also by Public Health England (PHE) in its controversial report *Gambling-related harms evidence review: the economic and social cost of harms*.<sup>848</sup>

The term 'weaponised' is used as in both of these cases a focus is made on gambling being the cause of suicide even though the Samaritans, the charity considered the experts on dealing with suicide prevention, quite clearly state in their *Media Guidelines for Reporting Suicide* that:

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<sup>847</sup> Betting and Gaming Council. (2021c). *BGC calls on government to establish a gambling ombudsman*. Retrieved 29/01/2024 from <https://bettingandgamingcouncil.com/news/betting-and-gaming-council-calls-on-government-to-establish-a-gambling-ombudsman>, Betting and Gaming Council. (2023b). *BGC welcomes mandatory levy to fund research, education and treatment - if it protects land-based operators*. Betting and Gaming Council, . Retrieved 29/01/2024 from <https://bettingandgamingcouncil.com/news/bgc-welcomes-levy>

<sup>848</sup> Public Health England. (2021). *Gambling-related harms evidence review: the economic and social cost of harms*. London: Public Health England, The original version is no longer available at its original online location: Department for Culture Media & Sport. (2019). *Gambling-related harms: evidence review*. Retrieved 29/01/2024 from <https://www.gov.uk/government/publications/gambling-related-harms-evidence-review>

Speculation about the ‘trigger’ or cause of a suicide can oversimplify the issue and should be avoided. Suicide is extremely complex and most of the time there is no single event or factor that leads someone to take their own life.<sup>849</sup>

Disregarding these instructions, Gambling With Lives repeatedly argue that gambling is dangerous for everyone and causes suicides while the Public Health England report attributed 48.9% of its estimated costs of gambling harms to gambling related suicide.<sup>850</sup> Neither Gambling With Lives nor Public Health England nuance their approach by stating that usually suicides have other severe mental health issues, co-morbidity, and that these issues should be taken into account if blame is being attributed. What they have done by weaponising the issue is, in the words of the trade association for slot machine operators and manufacturers, BACTA's CEO, John White, made it impossible for the industry to engage in the conversation due to the emotiveness of the subject, since anything a gambling industry member could say in their defence would just come across as insensitive.<sup>851</sup> No one in the gambling industry has ever suggested that there have not been suicides where gambling has been a participating factor. Historical works such as *Aristocratic Vice: The Attack on Duelling, Suicide, Adultery, and Gambling in Eighteenth-Century England* show that gambling related suicide has existed for hundreds of years.<sup>852</sup> Academic works such as Blaszczyński & Farrell, *A Case Series of 44 Completed Gambling-Related Suicides* and Marionneau & Nikkinen, *Gambling-related suicides and suicidality: A systematic review of qualitative evidence* provide insight into the

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<sup>849</sup> Samaritans. (2020). *Media Guidelines for Reporting Suicide*. Samaritans.  
[https://media.samaritans.org/documents/Media\\_Guidelines\\_FINAL.pdf](https://media.samaritans.org/documents/Media_Guidelines_FINAL.pdf)

<sup>850</sup> Public Health England. (2021). *Gambling-related harms evidence review: the economic and social cost of harms*. London: Public Health England,

<sup>851</sup> Virtual meeting of the Parliamentary All Party Betting & Gaming Group, 6th July 2022: Smoking Guns or Dodgy Dossiers? - Examining the evidence base in the Gambling Act Review - Dan Waugh, Partner, Regulus Partners.

<sup>852</sup> Andrew, D. T. (2013). *Aristocratic Vice: The Attack on Duelling, Suicide, Adultery, and Gambling in Eighteenth-Century England*. Yale University Press.

phenomena, yet find no evidence of the direct causality that GWL and the PHE imply.<sup>853</sup>

The most controversial part of GWL's approach has been its use of numbers of gambling related suicides in the UK, which as will be shown have less than a firm foundation with the truth but have made their way into many an anti-gambling politician's speech. The focus starts primarily with the lobbying of GWL in 2018. A survey of news reports finds Ian Duncan Smith MP (Conservative, Chingford & Wood Green), of the APPGGRH stating, 'An estimated two people commit suicide in connection with gambling every working day. Therefore, for financial and moral reasons we must implement the FOBT reduction as soon as possible'.<sup>854</sup> This implies 730 gambling related suicides per year, a number which was associated with the GWL anecdotally. The *Daily Mail* reported that GWL had stated of the delay in reducing the FOBT stakes that: 'Based on currently available estimates, this proposed six month delay on the stake implementation would result in around 250 suicides in connection with gambling'.<sup>855</sup> This implies 500 gambling related suicides per year. *The Sun* would later state that GWL had 'warn[ed] that up to 600 suicides a year are linked to gambling'.<sup>856</sup> *The People* reported that Liz Richie, co-founder of GWL, 'believes there are roughly two deaths a day because of addiction to gambling' thus implying 730 gambling related suicides.<sup>857</sup> It appears that GWL in 2018 believed the number lies somewhere between 500-730. Considering in 2018 there were 5,420 registered suicides in England and Wales, this represents 9.2% - 12.9% of all suicides, a surprisingly high figure.<sup>858</sup> Equally, if we consider the number of

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<sup>853</sup>Blaszczynski, A., Farrell, E. (1998). A Case Series of 44 Completed Gambling-Related Suicides. *Journal of Gambling Studies*, 14(2). .Hymas, C. (2018, 14/10/2018). Hammond faces all-party budget revolt unless he brings forward crackdown on fixed odds betting terminals. *The Telegraph Online*. , Marionneau, V., Nikkinen, J. (2022). Gambling-related suicides and suicidality: A systematic review of qualitative evidence. *Frontiers in Psychiatry*, 13, 11. .

<sup>854</sup> Hymas, C. (2018, 14/10/2018). Hammond faces all-party budget revolt unless he brings forward crackdown on fixed odds betting terminals. *The Telegraph Online*.

<sup>855</sup> Suicide families' fury at six-month delay. (2018, 02/11/2018). *Daily Mail*.

<sup>856</sup> Hamilton, M. (2018, 11/11/2018). Minister who quit over bets 'is heroic' *The Sun*.

<sup>857</sup> Grieving mum praises change. (2018, 18/11/2018). *The People*.

<sup>858</sup> Office of National Statistics. (2022). *Suicides in England and Wales*. Office of National Statistics,. Retrieved 16/06/2023 from

estimated problem gamblers, those expected potentially to commit suicide, from the closest prevalence survey, *Gambling Behaviour in Great Britain 2016*, it estimated that the number of problem gamblers (both DSMIV and PGSI) to be 340,000, thus providing a suicide rate of between 0.14% and 0.21%, which does seem low for such a serious mental health issue.<sup>859</sup> These disparities arguably show up issues with the whole way we measure problem gambling and emphasis how PGSI doesn't measure the number of pathological (from a clinical perspective) gamblers, the most likely to commit suicide.

The uncertainty is understandable when you consider the academic references the GWL uses for its claims. In a document entitled *Understanding the Gambling Industry and the Impact of Gambling*, GwL, 2018, it makes some dubious claims.<sup>860</sup> Firstly, it states that: 'There is a very common presentation of the problem as being located in individuals which subscribes to an outdated model of addiction'.<sup>861</sup> The citation for this is the 1973 paper, *An opponent-process theory of motivation: II. Cigarette addiction* which in no way can be seen as supporting this assertion.<sup>862</sup> It argues that the Responsible Gambling approach 'avoids questioning the advertising and availability of gambling and, crucially, the gambling products which are deliberately designed to be addictive'.<sup>863</sup> For this it cites the 2005 paper, *Digital Gambling: The Coincidence of Desire and Design* which is an ethnographic study and so arguably less than scientific and more a piece of literature.<sup>864</sup> It argues that the

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<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/datasets/suicidesintheunitedkingdomreferencetables>

<sup>859</sup>Conolly, A., Davies, B., Fuller, E., Heinze, N., Wardle, H. (2018). *Gambling behaviour in Great Britain in 2016 Evidence from England, Scotland and Wales*. Nat Cen. page 71

<sup>860</sup> Gambling With Lives. (2022). *Understanding the Gambling Industry and the Impact of Gambling* Gambling With Lives. <https://www.gamblingwithlives.org/wp-content/uploads/2022/01/Understanding-the-Impact-of-the-Gambling-Industry.pdf>

<sup>861</sup> Ibid p.1

<sup>862</sup>Solomon, R. L., Corbit, J. D. (1973). An opponent-process theory of motivation: II. Cigarette addiction. *Journal of Abnormal Psychology*, 81(2), 13. .

<sup>863</sup>Gambling With Lives. (2022). *Understanding the Gambling Industry and the Impact of Gambling* Gambling With Lives. <https://www.gamblingwithlives.org/wp-content/uploads/2022/01/Understanding-the-Impact-of-the-Gambling-Industry.pdf> p.1

<sup>864</sup>Dow Schull, N. (2005). Digital Gambling: The Coincidence of Desire and Design. *The ANNALS of the American Academy of Political and Social Science*, 597(1), 17. , 65-81



features in gaming machines are designed to let customers 'zone out' primarily to extract the most money from them. Where this theory falls down is the basic question of why more people are not addicted, if the machines are made to be addictive (as opposed to appealing to customers, as is the case). As to whether this citation supports the assertion in the statement, again the answer is in the negative.

GWL points out that there is a dearth of academic research about gambling related suicides, before then providing just two pieces. The first, a UK study, 'found that 4% of suicides amongst 20-24 year olds were related to gambling'.<sup>865</sup> This is not what the report they reference actually states. *Suicide by children and young people - National Confidential Inquiry into Suicide and Homicide by People with Mental Illness* states that of the 124 suicides they considered of people aged 20-24, 'Twenty-one (20%) had experienced recent financial problems. These included debt (9, 8%) and gambling problems (4, 4%)'.<sup>866</sup> It also states that that the number that had had contact with other agencies was '9 (60%) with mental health services, and 6 (40%) with criminal justice' and that 'Fifty (47%) had a diagnosis of mental illness. The most common diagnosis was affective disorder (22, 21%). Twenty-eight (26%) were receiving antidepressants, and in most cases these were SSRI/SNRI drugs'.<sup>867</sup> This report definitely did not imply that 4% of suicides were gambling related and definitely did not imply causality. In the whole report the word 'gambling' is used just once (in the above statement). The second piece of research cited is from Hong Kong, *A psychological autopsy study of pathological gamblers who died by suicide*.<sup>868</sup> GWL states of this study that it 'found 11.3% of suicide

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<sup>865</sup> Gambling With Lives. (2022). *Understanding the Gambling Industry and the Impact of Gambling* Gambling With Lives. <https://www.gamblingwithlives.org/wp-content/uploads/2022/01/Understanding-the-Impact-of-the-Gambling-Industry.pdf>

<sup>866</sup> Appleby, L. (2017). *Suicide by children and young people. National Confidential Inquiry into Suicide and Homicide by People with Mental Illness (NCISH)*. <https://documents.manchester.ac.uk/display.aspx?DocID=37566>, p.17

<sup>867</sup> Ibid

<sup>868</sup> Wong, P. W. C., Chan, W.S.C., Conwell, Y., Conner, K.R., Yip, P.S.F. (2010). A psychological autopsy study of pathological gamblers who died by suicide. *Journal of Affective Disorders*, 120, 3.

victims would be classified as pathological gamblers; if these figures applied across UK suicides, this would indicate 250-675 suicides a year related to gambling'.<sup>869</sup> Regardless of the obvious comparative issues of Hong Kong's significantly different gambling history, regulations and culture compared to the UK, it is still a big leap to suggest that because 17 of the 150 suicides examined were considered pathological gamblers, the same would be true in the UK. Furthermore, not only did 82.4% have other psychiatric disorders that were untreated but most importantly all of them had unmanageable debt. 58.8% owed money to their family and 47.1% to loan sharks. The report states, 'Eight out of 17 suicides borrowed money from loan sharks and 5 of these cases had been threatened harm by their lender in the few days prior to death'.<sup>870</sup> It is highly probable that these mostly middle-aged men committed suicide due to either the shame they felt about owing their family money or the fear they felt from loan sharks assaulting them for the return of the money. It seems highly unlikely that this can be seen as an example that can be translated to the UK.

By 2020, the GWL was obviously trying harder to find some evidence that could match its claims for gambling related suicide numbers. In its document *The Number Of Gambling Related Suicides Each Year In The UK* it provides four academic studies that supposedly substantiate its claim that 'that there are 250 to 650 gambling related suicides each year in the UK – 4% to 11% of total suicides'.<sup>871</sup> The first two are those referenced above and the third is a Swedish Study, that is the focus of the discussion regarding the PHE report that comes later and therefore, without wanting to duplicate, this will be considered later. The fourth is the work of the Canadian Safety Council, an 'independent,

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<sup>869</sup> Gambling With Lives. (2022). *Understanding the Gambling Industry and the Impact of Gambling* Gambling With Lives. <https://www.gamblingwithlives.org/wp-content/uploads/2022/01/Understanding-the-Impact-of-the-Gambling-Industry.pdf> p.1

<sup>870</sup> Wong, P. W. C., Chan, W.S.C., Conwell, Y., Conner, K.R., Yip, P.S.F. (2010). A psychological autopsy study of pathological gamblers who died by suicide. *Journal of Affective Disorders*, 120, 3, , p.215

<sup>871</sup> Gambling With Lives. (2020). *The number of gambling related suicides each year in the UK*. Gambling With Lives. <https://www.gamblingwithlives.org/wp-content/uploads/2022/01/The-Number-of-Gambling-Related-Suicides-in-the-UK.pdf> page 1 accessed 19/06/23

knowledge-based, charitable organization dedicated to the cause of safety' which states that it is 'Canada's voice and resource for safety'.<sup>872</sup> It appears to be mostly focussed on driving safety, providing courses for new drivers and instructors. It does have a section on its website for Home and Community Safety where there is occasional reference to a national safer gambling week, but the website has no mention of the document cited by GWL. This is not helped as the document in question, *Canadian Roulette*, is given as published in 2005 in the main document and 2004 in the references. While the document itself cannot be found it is quoted in the 2009 article, *Window of Opportunity?: Internet Gambling in Canada* stating that '200 compulsive gamblers in Canada kill themselves each year'.<sup>873</sup> Interestingly this gives the publication date as 2006. Further searches find it being referenced by anti-casino groups in Canada, which although stating the number, there is no sign of the evidence used to formulate it.<sup>874</sup> Without checking the basis for the 200 gambling related suicides, which GWL extrapolate up to 300 due to the UK's bigger population, it is impossible to comment on its veracity apart from the fact that round numbers like 200 rarely appear in the real world.

GWL's final attempt at finding a suicide number was to look at a large number of UK and international studies that looked at suicidal ideation (13 studies) and attempted suicides (17 studies). The key concept in this is they all included 'gamblers seeking treatment' or gamblers whose condition was so severe they needed treatment which explains the GWL statements that these people in treatment for a serious mental health issue were 3 x more likely to have suicidal thoughts than the general population and to have attempted suicide. It does seem rather bizarre to think of this as odd considering the pathological diagnosis of these people.

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<sup>872</sup> Canada Safety Council. (2023). Who We Are. Retrieved 19/06/2023 from <https://canadasafetycouncil.org/about/>

<sup>873</sup> Rex, J., Jackson, D.J. (2009). Window of Opportunity? Internet Gambling in Canada. *Canadian Public Policy*, 35, 17. , p. 121-137.

<sup>874</sup> E.g. NoCasinoSurrey Coalition. (2013). *All that glitters is not gold - A Submission to the Mayor of Surrey and Surrey City Council by the NoCasinoSurrey Coalition* (Version 1.5). <https://nocasinosurrey.files.wordpress.com/2013/01/nocasinosurrey-submission-v1-5.pdf>

GWL then focus on a 2018 study, *Trends and patterns in UK treatment seeking gamblers: 2000–2015* which states that 30% of those receiving treatment had self-reported attempted (obviously unsuccessfully) suicide before seeking treatment.<sup>875</sup> It needs stating that this is a study of gamblers being treated by the Gordon Moody Association (GMA) who provide residential therapy and is not a representative sample. GWL take this 30% and put it against the number of people receiving treatment for problem gambling, as per the *GambleAware Annual Report 2017/18*.<sup>876</sup> GWL gives this number to be 10,000 while GambleAware gives 9,482, an understandable rounding up.<sup>877</sup> What GWL does not explain is that not all treatment is the same, the 3 month residential treatment the GMA supply was made available in that year to 489 problem gamblers with severe problems, the *Trends and patterns in UK treatment* report giving them a mean PGSI score of 22.5.<sup>878</sup> To give an expression of how problematic GMA gamblers are the average PGSI score for all forms of treatment considered in the GambleAware report is 18.3.<sup>879</sup> The far majority of the GWL's 10,000 problem gamblers that received treatment were the 8,310 who received a course of psychosocial or counselling support sessions.<sup>880</sup> This group of problem gamblers cannot be considered to have the same rate of suicide attempts, probably by a large margin as one group are taking talking therapy while the other group is in residential care.

The GWL's equation for calculating the number of gambling related suicides is determined by taking what it calculates to be the number of gamblers seeking treatment; as shown above, this is the flawed 10,000 figure. It then applies the

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<sup>875</sup> Sharman, S., Murphy, R., Turner, J. J., & Roberts, A. . (2019). Trends and patterns in UK treatment seeking gamblers: 2000–2015. *Addictive Behaviors*, 89, 5.

<sup>876</sup> GambleAware. (2018). *Annual Review 2017/18*. GambleAware. [https://www.begambleaware.org/sites/default/files/2020-12/gamble-aware-annual-review-2017-18\\_0.pdf](https://www.begambleaware.org/sites/default/files/2020-12/gamble-aware-annual-review-2017-18_0.pdf) p.27

<sup>877</sup> Ibid pp.23-26

<sup>878</sup> Ibid p.26. Sharman, S., Murphy, R., Turner, J. J., & Roberts, A. . (2019). Trends and patterns in UK treatment seeking gamblers: 2000–2015. *Addictive Behaviors*, 89, 5. ,p.52

<sup>879</sup> Ibid p.27

<sup>880</sup> Ibid p.23

30% from the *Trends and patterns in UK treatment report*, which as shown above relates only to those in residential care and makes the conceptual leap from those who attempted suicide to those who actually do it. Thus giving us 3,000 potential suicides which then, somehow get affected by the average number of suicide attempts, given as 10-25, to provide a range of between 120 ( $3000 \div 25$ ) – 24 ( $3000 \div 10$ ). GWL state this suggests a rather disappointingly low number of '> 120 to 300 gambling related suicides per year in the UK'.<sup>881</sup> As per the Chair's foreword in the *GambleAware Annual Report 2017/18* stating only 2% of problem gamblers were receiving treatment and there was scope for much more provision.<sup>882</sup> GWL increases the suicide count by a factor of three, stating:

Arguably we should apply the 30% to a much higher figure of gamblers to reflect the numbers who should be receiving treatment. GambleAware/GamCare aim to treble the number in treatment => 360 to 900 gambling related suicides per year in the UK.<sup>883</sup>

In 2020, GWL was arguing that the number of gambling related suicides was between 250 – 650 based on the academic research and 360-900 based on their own equation. At the time of writing (June 2023), its website ([www.gamblingwithlives.org](http://www.gamblingwithlives.org)) gives a number of 400+, which in three years is a rather dramatic and unmentioned reduction.

What is of more importance from a policy perspective is the influence GWL has been able to wield considering it is a small charity/pressure group. The Gambling With Lives story is both tragic and fantastical. Jack Richie, 24, committed suicide in November 2017 in Vietnam. He was the son of retired consultant psychotherapist with the NHS, Liz Richie and retired head of higher

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<sup>881</sup> Gambling With Lives. (2022). *Understanding the Gambling Industry and the Impact of Gambling* Gambling With Lives. <https://www.gamblingwithlives.org/wp-content/uploads/2022/01/Understanding-the-Impact-of-the-Gambling-Industry.pdf> p.1

<sup>882</sup> GambleAware. (2018). *Annual Review 2017/18*. GambleAware. [https://www.begambleaware.org/sites/default/files/2020-12/gamble-aware-annual-review-2017-18\\_0.pdf](https://www.begambleaware.org/sites/default/files/2020-12/gamble-aware-annual-review-2017-18_0.pdf) p.iii

<sup>883</sup> p.1

education research for the Department for Business, Innovation and Skills, Charles. He was a middle class man who at the age of 17 had faked ID to gamble on FOBTs at his local bookmakers. Jack had a gambling problem that went untreated as his parents thought he was cured. Jack made it through university, got a 2:1 degree in history, volunteered for work in Kenya (helping budding entrepreneurs) and then moved to Vietnam to teach English. He ended his life by throwing himself from a roof in Hanoi. According to the Richie family he had been hounded by online bookmakers and it was their advertising that caused his death.<sup>884</sup> The family set up Gambling With Lives in 2018, 'To support those bereaved by gambling-related suicide and to improve mental health and save lives through raising awareness of the risks to health posed by gambling'.<sup>885</sup> Their vision is 'A world free from gambling-related suicide'.<sup>886</sup>

Even though GWL was not registered as a charity until 26 June 2019, it managed to gain a one-to-one meeting with the Minister with responsibility for gambling, Tracy Crouch MP on 16<sup>th</sup> May 2018, just a few months after being organisationally launched, the purpose being an 'Introductory meeting with the founders to learn about their work on preventing gambling harms'.<sup>887</sup> GWL would go on to have, according to this author's survey of DCMS Ministerial meetings between January 2012 and August 2022, the highest number of solo meetings with Ministers of any gambling related group save the Gambling Commission.<sup>888</sup> Other organisations may have had more meetings overall, but

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<sup>884</sup> Lawson, D. (2018, 25/06/2018). When will we rein in gambling sharks with blood on their hands? In shattering interviews, whose sons took their lives *Daily Mail*.

<sup>885</sup> Gambling With Lives. (2023b). *Gambling With Lives - Our Story*. Gambling With Lives,. Retrieved 20/06/2023 from <https://www.gamblingwithlives.org/our-story/>

<sup>886</sup> Ibid

<sup>887</sup> Charity Commission. (2023). *Gambling With Lives Charity number: 1184114*. Charity Commission,. Retrieved 20/06/2023 from <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5136371/governing-document>, Department for Culture Media & Sport. (2018a). *DCMS: Ministerial meetings, 1st April to 30th June 2018 (GWL meetings with Tracey Crouch 16/05/18)*. Department for Culture Media & Sport,. Retrieved 20/06/2023 from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/748908/Meetings\\_\\_Ministerial\\_Return\\_.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/748908/Meetings__Ministerial_Return_.csv/preview)

<sup>888</sup> Department for Culture Media & Sport. (2022c). *Transparency and freedom of information releases*. Department for Culture Media & Sport,. Retrieved 20/06/2023 from <https://www.gov.uk/search/transparency-and-freedom-of-information->

as part of roundtable discussions with other organisations. GWL has met, individually, with Secretaries of State, Nadine Dorries MP and Michelle Donelan MP and the Ministers with responsibility for gambling Tracy Crouch MP, Mims Davies MP, Nigel Huddleston MP (3 times), John Whittingdale MP, Chris Philp MP and Paul Scully MP.<sup>889</sup> Gambling With Lives would also meet Ministers with other groups as it did with Paul Scully MP and Chris Philp MP.<sup>890</sup> According to its own website: 'Since 2018, GWL families have met with hundreds of MPs,

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releases?parent=department-for-digital-culture-media-sport&organisations%5B%5D=department-for-digital-culture-media-sport&order=updated-newest

<sup>889</sup> GWL Ministerial Meetings: Tracy Crouch MP 16/05/18

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/748908/Meetings\\_\\_Ministerial\\_Return\\_.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/748908/Meetings__Ministerial_Return_.csv/preview) Mims Davies MP 10/12/2018

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/787993/Ministerial\\_Return\\_-\\_Meetings\\_Oct-Dec18.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/787993/Ministerial_Return_-_Meetings_Oct-Dec18.csv/preview) Nigel Huddleston MP 26/02/2020

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/905167/DCMS\\_Ministerial\\_meetings\\_\\_1st\\_January\\_to\\_31st\\_March\\_2020.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905167/DCMS_Ministerial_meetings__1st_January_to_31st_March_2020.csv/preview) 17/06/2020

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/930750/DCMS\\_Ministerial\\_meetings\\_1st\\_April\\_to\\_30th\\_June\\_2020.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/930750/DCMS_Ministerial_meetings_1st_April_to_30th_June_2020.csv/preview) 16/02/21

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1002605/DCMS\\_Ministerial\\_meetings\\_1st\\_Jan\\_31st\\_Mar\\_2021.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002605/DCMS_Ministerial_meetings_1st_Jan_31st_Mar_2021.csv/preview) John Whittingdale MP 22/07/22

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1050618/Ministers\\_meetings\\_\\_1st\\_July\\_to\\_30th\\_September\\_2021.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1050618/Ministers_meetings__1st_July_to_30th_September_2021.csv/preview) Nadine Dorries MP (Secretary of State) 24/11/21

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1065226/DCMS\\_-\\_Ministers\\_Gifts\\_\\_Hospitality\\_\\_Overseas\\_Travel\\_and\\_Meetings\\_-\\_1\\_October\\_to\\_31\\_December\\_2021-Meetings.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1065226/DCMS_-_Ministers_Gifts__Hospitality__Overseas_Travel_and_Meetings_-_1_October_to_31_December_2021-Meetings.csv/preview) Paul Scully MP 20/12/22

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1150977/DCMS\\_Ministers\\_1\\_October\\_31\\_December\\_Meetings.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1150977/DCMS_Ministers_1_October_31_December_Meetings.csv/preview) Michelle Donelan MP (Secretary of State) 20/12/22

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1150977/DCMS\\_Ministers\\_1\\_October\\_31\\_December\\_Meetings.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1150977/DCMS_Ministers_1_October_31_December_Meetings.csv/preview) Chris Philp MP 10/02/2022

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1090476/Ministers\\_Gifts\\_\\_Hospitality\\_\\_Overseas\\_Travel\\_and\\_Meetings\\_-\\_1\\_January\\_to\\_31\\_March\\_2022.xlsx\\_-\\_Meetings.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1090476/Ministers_Gifts__Hospitality__Overseas_Travel_and_Meetings_-_1_January_to_31_March_2022.xlsx_-_Meetings.csv/preview)

<sup>890</sup> Paul Scully MP and GamFam and GamLearn on 30/11/22

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1150977/DCMS\\_Ministers\\_1\\_October\\_31\\_December\\_Meetings.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1150977/DCMS_Ministers_1_October_31_December_Meetings.csv/preview). Chris Philp MP and NHS Northern Gambling Service; National Problem Gambling Clinic; Gamcare; Gordon Moody Association; Gambling Commission; University of Glasgow; Oxford University; Public Health for Sheffield; GambleAware;; University of Birmingham; Money and Mental Health Policy Institute; Deakin University; Behaviour Insights Team 20/01/2022

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1090476/Ministers\\_Gifts\\_\\_Hospitality\\_\\_Overseas\\_Travel\\_and\\_Meetings\\_-\\_1\\_January\\_to\\_31\\_March\\_2022.xlsx\\_-\\_Meetings.csv/preview](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1090476/Ministers_Gifts__Hospitality__Overseas_Travel_and_Meetings_-_1_January_to_31_March_2022.xlsx_-_Meetings.csv/preview)

regulators and other organisations. We've also hosted two parliamentary events in the House of Commons, including in December 2021 which was attended by over 25 parliamentarians'.<sup>891</sup> GWL has become, almost instantaneously, a formal part of the gambling policy eco-system, which raises the question as to how this happened. A former Minister told the author that as a Minister it is very difficult to refuse a request from a suicide related charity as if it is refused the potential for negative political consequences is too great. It could also be due to the fact that GWL's campaign demands are identical to that of the APPGGRH's and that there has obviously been a strong relationship between the two as evidenced by photos of them together on the website.<sup>892</sup> Money is another obvious aid to political influence, as seen by Derek Webb's contributions detailed above. This is not to suggest that anything illegal has taken place, rather that money provides access to professional lobbying and marketing advice and resources. Bizarrely in the case of GWL its access to funds has come from the gambling industry.

In April 2017, 25 year old Chris Bruney, committed suicide after allegedly falling into debt due to his gambling addiction. His mother and girlfriend were some of the earliest joiners of GWL.<sup>893</sup> The company held responsible by the Gambling Commission was a subsidiary of Playtech's, PT Entertainment Services (PTES).<sup>894</sup> As part of the regulatory settlement, Playtech donated £2.88million to Gambling with Lives, while a remaining £620,000 went to other charities in addiction research and treatment.<sup>895</sup> In a sleight of hand operated by the Gambling Commission, money from regulatory settlements are taken from the

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<sup>891</sup> Gambling With Lives. (2023a). *Gambling With Lives - Campaigning*. Gambling With Lives,. Retrieved 21/06/2023 from <https://www.gamblingwithlives.org/campaigning/>

<sup>892</sup> Ibid

<sup>893</sup> Lawson, D. (2018, 25/06/2018). When will we rein in gambling sharks with blood on their hands? In shattering interviews, whose sons took their lives *Daily Mail*.

<sup>894</sup> Gambling Commission. (2020e). *Failures in player protection at PT Entertainment Services (PTES)*. Gambling Commission,. Retrieved 21/06/2023 from <https://www.gamblingcommission.gov.uk/news/article/gambling-commission-investigation-into-systemic-failures-in-player>

<sup>895</sup> Bradford, A. (2020, 28/05/2020). No wonder the betting industry keeps gambling with lives like my father's when they are only fined a pittance. *Daily Mail*.



gambling industry and donated by the regulator to groups that are seen as having socially responsible purposes although the process by which the funds are allocated is opaque and the question of how this is justified when some of these groups actively campaign against the gambling industry remains unanswered.<sup>896</sup>

For the foreseeable future it does seem that GWL will be a prominent policy actor in the gambling debate with direct access to the heart of government and having obvious, as will be shown later, influence over Ministers. That it appears to have little concern about evidence when lobbying, and is in lockstep with the other anti-gambling actors, supporting their mostly un-evidenced claims, should be of serious concern to the gambling industry. Liz and Charles were both awarded MBEs in the 2023 New Year Honours List for their services to charity and bereaved families.

Another example of GWL's influence is a segue to the next example of faulty suicide reporting, that of Public Health England's *Gambling-related harms evidence review: the economic and social cost of harms*. In the introduction to its section on suicide, it states:

Gambling with Lives estimates deaths related to gambling between 250 and 650 every year in the UK, a minimum of one every working day, representing between 4% to 11% of total suicides. These estimates are based on some of the same sources we use for our analysis identified in the gambling-related harms evidence review as discussed below.<sup>897</sup>

Again, for a charity barely months old to have basically contributed the major part of the PHE's work, especially when the validity has been shown to be so

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<sup>896</sup> Gambling Commission. (2023c). *Destinations of regulatory settlements - April 2022 - March 2023*. Gambling Commission,. Retrieved 21/06/2023 from <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/destinations-of-regulatory-settlements-previous-years#destinations-of-regulatory-settlements-april-2022-to-march-2023>

<sup>897</sup>Public Health England. (2021). *Gambling-related harms evidence review: the economic and social cost of harms*. London: Public Health England,.p.29

tenuous shows both the influence of GWL and the willingness of PHE to accept its findings without question.

As background, in May 2018, DCMS published its response to a consultation on proposals for changes to gaming machines and social responsibility measures.<sup>898</sup> In it the Department announced that 'PHE will conduct an evidence review of the health aspects of gambling-related harm to inform action on prevention and treatment'.<sup>899</sup> This resulted in a number pieces of research into gambling harms published in October 2019.<sup>900</sup> The most controversial of this was the *Gambling-related harms evidence review: the economic and social cost of harms*, due to its estimate of the total cost of gambling harms of £1,266.1M, which was split between £647M of direct costs to government and £619.2M of indirect costs, half of which was attributed to gambling related suicide.<sup>901</sup> While there is much to discuss regarding the validity of the direct costs, which are mostly made up of costs for depression and homelessness with questionable causality and the fact that no attempt is made to estimate the benefits of gambling to provide a balanced viewpoint, it is suicide that is our focus.

The PHE report does repeatedly state that due to the dearth of academic research making estimates about the costs of harms is very problematic and in a number of cases it could not attempt it. With gambling related suicide it used just one piece of academic research, the same used by GWL above, a Swedish paper from 2018, *Gambling disorder, increased mortality, suicidality,*

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<sup>898</sup> Department for Culture Media & Sport. (2018b). *Government response to the consultation on proposals for changes to Gaming Machines and Social Responsibility Measures*. London: DCMS,

<sup>899</sup> Ibid p.50

<sup>900</sup> Department for Culture Media & Sport. (2019). *Gambling-related harms: evidence review*. Retrieved 29/01/2024 from <https://www.gov.uk/government/publications/gambling-related-harms-evidence-review>

<sup>901</sup> Public Health England. (2021). *Gambling-related harms evidence review: the economic and social cost of harms*. London: Public Health England, .p.6 NB: Numbers do not add up due to rounding

*and associated comorbidity: A longitudinal nationwide register study*.<sup>902</sup> The controversy about this is not even down to the fact that the suicide rate in Sweden is almost twice that of the UK (in 2019, for example, it was 6.9 per 100,000 population and in Sweden 12.4).<sup>903</sup> The controversy is that this report's findings were misused in a similar way that GWL misused the data from *Trends and patterns in UK treatment report*. As Dan Waugh points out:

the Swedish study used as the basis for extrapolation (Karlsson & Hakansson, 2018) analysed hospital records of people receiving clinical treatment for Gambling Disorder. It is highly probable therefore that the records represent more extreme and complex cases, often involving a range of other mental health problems, including Major Depressive Disorder, Anxiety Disorders, Trauma and Stressor-Related Disorders, Alcohol Use Disorder and Substance Use Disorders (it is worth noting that, on average, fewer than 0.4% of 'problem gamblers' in Sweden receive hospital treatment for Gambling Disorder).<sup>904</sup>

PHE extrapolated the Swedish report's findings to everyone in the UK who was designated a problem gambler, the same mistake of GWL in transposing statistics for clinically pathological gamblers, who make up a tiny number of extreme cases, to a wider number of those scoring 8 or more on the PGSI screen. Furthermore, the PHE report completely ignored the fact that a high number of problem gamblers suffer from comorbidity, and attributed all suicides to gambling solely. Based on this basic and possibly wilful misinterpretation of the data, the PHE report estimated there to be 409 per year at a cost of £619.2 million. The allegation of wilful misuse of data is explored in Dan Waugh's September 2022 article, *Game of Chancers – The reality of Public Health*.<sup>905</sup> The cost number is calculated by using the Department of Transport

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<sup>902</sup>Karlsson, A., Håkansson, A. (2018). Gambling disorder, increased mortality, suicidality, and associated comorbidity: A longitudinal nationwide register study. *Journal of Behavioral Addictions*, 7(4), 8. .

<sup>903</sup> Dattani, S., Rodés-Guirao, L., Ritchie, H., Roser, M., Ortiz-Ospina, E. (2023). *Suicides. Our World in Data*,. Retrieved 21/06/2023 from <https://ourworldindata.org/suicide>

<sup>904</sup> Waugh, D. (2022a). *Academia in a Spin Research-as-advocacy and the subversion of the Gambling Act Review*. CIEO. Retrieved 21/06/2023 from <https://www.cieo.org.uk/research/academia-in-a-spin/>

<sup>905</sup> Waugh, D. (2022b). *Game of Chancers The Private Reality of Public Health*. CIEO. Retrieved 21/06/2023 from <https://www.cieo.org.uk/research/game-of-chancers/>

practice when calculating cost benefits of introducing road safety infrastructure. This involves estimating the value of a healthy year of life for a person, which is priced at £60,000 per year and then estimating the number of years of life they would have lived if they had not been killed in a road accident.<sup>906</sup> PHE has estimated an average year for gambling suicides and then calculated the remaining years of an average life for each of their 409 suicides, ignoring any questions of whether a suicide is the same as someone who is randomly killed in a road traffic accident and whether suicides have healthy years ahead of them, if they were not to die.

After an investigation by Dan Waugh, assisted by journalists and this author, using questions to the PHE, FOI requests and Parliamentary Questions to PHE, its successor the Office for Health Improvement and Disparities (OHID) and the Gambling Commission, 'On 2nd August [2022], the Department for Health & Social Care finally admitted (in response to repeated Freedom of Information Act requests) that PHE had made a fundamental 'mistake' in its analysis of suicide prevalence. On the same day, the Health Minister, Maggie Throup provided an answer to a parliamentary question submitted by the Conservative MP, Scott Benton (Blackpool South). She revealed that her department would conduct a review of the PHE estimates and that it would publish, in full, the underpinning calculations at some point in the Autumn'.<sup>907</sup> A revised version of *The economic and social cost of harms associated with gambling in England* was published in January 2023. Ignoring best practice, the OHID used many of the same team of researchers to review its work. It now

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<sup>906</sup> The PHE Report gives as references for the valuation of a year of life the HM Treasury's Green Book. HM Treasury. (2022). *The Green Book Central Government Guidance on Appraisal and Evaluation*. London: HM Treasury, Retrieved from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1063330/Green\\_Book\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063330/Green_Book_2022.pdf)

This in turn refers to the Department of Transport's Transport analysis guidance found at Department of Transport. (2022). *Guidance Transport analysis guidance*. Gov.UK,. Retrieved 21/06/2023 from <https://www.gov.uk/guidance/transport-analysis-guidance-tag#webtag-data-book>

<sup>907</sup> Waugh, D. (2022b). *Game of Chancers The Private Reality of Public Health*. CIEO. Retrieved 21/06/2023 from <https://www.cieo.org.uk/research/game-of-chancers/>

suggests that gambling harms cost between £1,047.8 million - £1,768.4 million compared to the original report's £1,266.1 million. As for suicide the 2023 version states:

The estimate of between 117 and 496 suicides associated with problem gambling or gambling disorder results in a cost of £241.1 million to £961.7 million<sup>908</sup>

This is quite a difference from the original number of 409 suicides and £619.2 million. The 2023 report comments:

There is limited evidence as to what extent this assumption holds (applying figures from a clinically diagnosed population to a population of people who are not necessarily clinically diagnosed). It could be argued people receiving treatment are less likely to be suicidal due to the care they are receiving, but it could also be argued that these are more severe cases so are more likely to result in suicide. It is not possible to say with confidence either way. This assumption was agreed at the expert panel and was another contributing factor to us using a range<sup>909</sup>

As per Dan Waugh's findings, there were obvious political intentions of PHE to use the report to strengthen the case for PHAG regardless of the poor methodology of the report. The evidence update does little to dissuade the reader from concluding that OHID has little idea how many gambling related suicides there are or what this means in terms of cost to society.

What is more obvious is the costs to the British gambling industry because such information, given the credibility of being from a government body, becomes the formal evidence in evidence-based policy making, and the data points of debate. For example in a Westminster Hall debate on Gambling Harms called by Carolyn Harris MP (Labour, Swansea East), Co-Chair of the APPGGRH, on 29<sup>th</sup> March 2022, Gerald Jones MP (Labour, Merthyr Tydfil and Rhymney) stated

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<sup>908</sup>Public Health England. (2021). *Gambling-related harms evidence review: the economic and social cost of harms*. London: Public Health England,., p.45

<sup>909</sup> Ibid p.46

'On average, a problem gambler commits suicide every day. A recent report from Public Health England showed that the annual economic burden of gambling harm is estimated to be more than £1.2 billion'.<sup>910</sup> Jim Shannon MP (DUP, Strangford) another prominent member of the APPGGRH, had obviously not got the updated GWL press release, even though he references them, when he stated 'Some 4% of suicides among 20 to 24-year-olds are gambling-related. There are 250 gambling-related suicides per year in the UK'.<sup>911</sup> Jeff Smith MP (Labour, Manchester, Withington) stated, 'someone with gambling-related problems dies by suicide every day'.<sup>912</sup>

While the Gambling White Paper appears to have refrained from placing a number on the number of gambling related suicides, the problem for the gambling industry is that the anti-gambling lobby is intent on having a number that can be used in an emotive way, by arguing that either one or two suicides a day happen due to gambling. Its intent appears to be to make gambling appear as having fatal consequences, thus justifying its calls for gambling restrictions. What is missing from the debate is a broader fact: that whatever the number of gambling related suicides actually is, it is infinitesimally small compared to the number of people who gamble, and, furthermore, it is inextricably linked to people with serious mental health issues and comorbidity. The problem for the gambling industry is that to critique the grieving parents of sons (they are predominantly male) who have committed suicide appears insensitive.

As seen in chapter two, GWL could be considered as an example of Masked Morality. GWL's motivation is grief, understandably a psychologist having their child suffer with addiction problems for years and finally commit suicide must be traumatising, especially knowing that they probably could have helped more than most parents in a similar situation. Wanting to end gambling related

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<sup>910</sup> HC Deb 29/03/2022, Vol.711 Col.260WH

<sup>911</sup> HC Deb 29/03/2022, Vol.711 Col.263WH

<sup>912</sup> HC Deb 29/03/2022, Vol.711 Col.270WH

suicides is an honourable ambition but even the least qualified in psychology would know this is an impossible ask. Add to this the 'weaponising' of suicide and the acceptance of using misinformation to make its case and it is plausible to argue that the wishes of GWL are ultimately to prohibit/severely restrict gambling whatever the evidence, as a therapeutic response to the founders' personal experience. This may seem harsh but as a comparison, Keith and Anne Evans' son, Alan, committed suicide in 2010 after suffering from gambling addiction for over 20 years. In response their grieving parents set up the Young Gamblers Education Trust (YGAM) to educate schoolchildren and students about the risks of gambling.<sup>913</sup> This is a charity positively seeking to help reduce the harms of gambling rather than arguing for a restrictive environment for gambling that would likely send much of the activity underground and cause many more suicides than currently the case.

As for PHE/OHID, their willingness to misinterpret and miscalculate the figures when attempting to estimate the number of suicides, places them in a similar situation to the PHAG academic category analysed earlier, driven by the prospect of industry money to fund research as PHAG becomes accepted.

### **The Gambling White Paper**

At 11.45am on the morning of Thursday 27<sup>th</sup> April 2023, Lucy Frazer MP (Con, South East Cambridgeshire), Secretary of State for the Department of Culture, Media & Sport rose to the Despatch Box and asked permission from Madam Deputy Speaker to make a statement about the Government's proposals for gambling reform.<sup>914</sup> She explained that 'Ours has always been a freedom-loving democracy where people are entitled to spend their money how they please and where they please, and millions choose to spend some of their hard-earned money on the odd bet on a match or a race without any problems', but 'with the advent of the smartphone, gambling has been

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<sup>913</sup> YGAM. (2023). YGAM. YGAM. Retrieved 21/06/2023 from <https://www.ygam.org/>

<sup>914</sup> HC Debate 27/04/23 Vol. 731 c.941

transformed: it is positively unrecognisable today, in 2023, from when the Gambling Act was introduced in 2005. Temptation to gamble is now everywhere in society, and while the overwhelming majority is done safely and within people's means, for some the ever-present temptation can lead them to a dangerous path'.<sup>915</sup> Frazer then gave the example of the suicide of Jack Richie, as mentioned above, as an extreme case of the problems of gambling addiction. This would imply that DCMS were not fully convinced by the PHAG argument that gambling harms existed everywhere; yet, considering the new restrictions that she would outline, this would be immaterial.

Before giving a brief summary of the new restrictions, the Secretary of State gave thanks to the hard work of her predecessors and the Ministers with responsibility for gambling who had been involved in the White Paper during the nearly 29 months of its gestation. This would be six gambling Ministers including the incumbent and four Secretaries of State including Frazer.<sup>916</sup> Such churn in Ministers was testament to the frenetic nature of post-Brexit British politics, which saw a Conservative government on its third Prime Minister during the period of the White Paper's writing.<sup>917</sup>

The recommendations of the White Paper in summary were:

1. Financial checks (to see if bankruptcy or County Court Judgement) at £125 net loss within a month or £500 within a year – DCMS estimates that only around 20% of accounts in a calendar year would trigger this check
2. Enhanced (affordability) checks at £1,000 net loss within 24 hours or £2,000 within 90 days– DCMS estimates that only around 3% of accounts in a calendar year will trigger this check

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<sup>915</sup> HC Debate 27/04/23 Vol. 731 c.941

<sup>916</sup> Gambling Ministers: Nigel Huddleston MP (Con, Mid Worcestershire), John Whittingdale MP (Con, Maldon), Chris Philp MP (Con, Croydon South), Damian Collins MP (Con, Folkestone and Hythe), Paul Scully MP (Con, Sutton and Cheam), Stuart Andrew MP (Con, Pudsey). Secretaries of State: Oliver Dowden MP (Con, Hertsmere), Nadine Dorries MP (Con, Mid Bedfordshire), Michelle Donelan MP (Con, Chippenham), Lucy Frazer MP (Con, South East Cambridgeshire)

<sup>917</sup> Boris Johnson MP (Con, Uxbridge and South Ruislip) 24th July 2019 – 6th September 2022, Liz Truss MP (Con, South West Norfolk) 6th September 2022 – 25th October 2022, Rishi Sunak MP (Con, Richmond (Yorks)) 25th October 2022 -



3. For under 25's: Financial check at £62.50 net loss within a month or £250 within a year and affordability checks at £500 net loss within 24 hours or £1,000 within 90 days
4. Once a suitably effective and secure platform is in place, the Gambling Commission will consult on making data sharing on high risk customers mandatory for all remote operators – this is known as Single Customer View (SCV) and a trial started in April 2023
5. Mandatory deposit limits to be set at customer account creation at or at least an opt out of them is needed
6. As of yet undetailed restrictions on bonuses and free bets – The proposed consultation will consider measures such as a cap on re-wagering requirements and an appropriate minimum time frame for customers to claim bonuses.
7. New and existing customers to be given more choice on what offers they want (including requiring consent to 'cross-selling' new products) and how marketing is sent to them
8. The Department of Health and Social Care and the Gambling Commission to take over from the industry in producing safer gambling messaging
9. Industry Group for Responsible Gambling Code to extend the Betting & Gaming Council's existing commitment of at least 20% of TV and radio ads space being safer gambling focused to all advertising space across online and broadcast media
10. Introduction of a Code of Conduct for gambling sponsorship that will be similar to that already in place for alcohol sponsorship through the Portman Group code
11. Increased Gambling Commission fees and the ability for the Commission to set fees without resorting to the Secretary of State to set them via a Statutory Instrument
12. Legal powers for the Commission to ask for a court order to get ISP and financial blocking of black market sites
13. Mandatory Levy for RET which will probably be 1% of GGR – there will also be the setting up of PHAG research hubs at Universities
14. A new gambling ombudsman that will consider complaints about gambling harms and safer gambling such as complaints that an operator allowed a self-excluded customer to gamble, or should have taken greater steps to identify a customer at risk of harm and stepped in earlier to prevent unaffordable gambling. This will be non-statutory and involve one of the existing ADRs, such as IBAS, upgrading to an Ombudsman.
15. Mental vulnerability controls to be introduced by the Gambling Commission
16. Consultation on online slots limits of £2 - £15 and for under 25s either £2 or £4 or a bespoke limit. The White Paper does state 'The stake limits already applied to electronic gaming machines in the land-based sector could be a sensible starting point' which suggest the outcome will more likely be £2 akin to B2, B3 & B4

machines. The highest stake limit is £5 for B1 machines only allowed in casinos. A landbased comparison is problematic as in landbased the stake limit gets higher with the level of access available in the premises which is not comparable to online. Interestingly, DCMS use a stake limit of £8.50 (the midpoint of their consultation range) when estimating the economic impact of the measure, a limit that does not exist in the land-based sector.

17. All lotteries and football pools to be over 18 and Category D machines that involve cash out to be over 18. Land based operators to move to Think 25 from Think 21
18. 1968 Act casinos to be allowed up to 80 slots if space available and pro rata if not
19. The machine to table ratio equalised at 5:1 for both Large and Small 2005 Act and larger 1968 Act casinos
20. Casinos to offer sports betting alongside other activities
21. The government will take steps to free up unused 2005 Act casino licences where there is no prospect of development for reallocation to other local authorities.
22. Casinos will be allowed to offer credit to non-UK residents, subject to thorough financial risk and anti-money laundering checks
23. Government to consider further the potential for allowing a wider range of games on electronic terminals at casinos, subject to appropriate restrictions
24. Cashless payments for slots to be allowed with undefined player protections
25. Session limits for land based slots
26. The 80/20 ratio which governs the balance of Category B and C/D machines in bingo and arcade venues to be changed to 50/50
27. Exploration of the potential for regulating the largest competitions, such as those advertised on TV, as they are currently unregulated
28. Trials of linked gaming machines in venues other than casinos, where prizes could accrue from machines linked in a community to be allowed with legislation forthcoming
29. Consideration to be given to licensed bingo premises being permitted to offer side-bets
30. Local authorities to be given the power to introduce a formal system of cumulative impact assessments (CIAs) for gambling, as there is for alcohol, which will inevitably reduce the number of new gambling venues
31. Increase in fees for local authority licensing of gambling venues<sup>918</sup>

In the House of Commons, the reaction to the Minister's very succinct precis of the above came from the Opposition Spokesperson with responsibility for

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<sup>918</sup> Department for Culture Media & Sport. (2023a). *High Stakes: Gambling Reform for the Digital Age*. HMSO.

gambling, Alex Davies-Jones MP (Labour, Pontypridd) who made her views on the gambling debate clear from the start by stating that she would like to ‘pay tribute to all the campaigners who have long been calling for better regulation and reform of the gambling industry’.<sup>919</sup> Davies-Jones confirmed her like for land based gambling, ‘It is therefore welcome that the announcement distinguishes between bricks-and-mortar bingo halls and low-stake adult gaming centres on the one hand, and the unique dangers of the online world on the other’.<sup>920</sup>

Ian Duncan Smith MP, one of the leaders of the APPGGRH would express his delight at the White Paper and also share in the desire to protect land-based gambling:

I welcome this announcement because it is at least a start. It is a positive start, and it includes most of the recommendations of the all-party parliamentary group on gambling related harm, which is welcome, but there are a couple of other areas to mention. First, we should recognise that gambling is an online harm, with most of the harm being caused by online companies. Physical betting shops and so on are not part of that process, and the Minister will recognise that the majority of the statutory levy should be borne by those causing online harm.<sup>921</sup>

Such a statement arguably opened up the ex-leader of the Conservative Party to accusations of hypocrisy as his previous efforts against FOBs caused the closure of hundreds of betting shops and the jobs that went with them.

Since it was a statement by the Minister and not a debate, little time was allocated and there was almost universal acclamation for the White Paper’s

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<sup>919</sup> HC Debate 27/04/23 Vol. 731 c.943

<sup>920</sup> HC Debate 27/04/23 Vol. 731 c.943. Ironically Davies-Jones fails to mention her love of a dinner at a casino as confirmed to the author by a number of casino executives

<sup>921</sup> HC Debate 27/04/23 Vol. 731 c.946

proposals. Over the following days there would be some criticism. The *Spectator* would state: 'These checks on people's background and income are so heavy-handed, they seem like the kinds of rules a government might usher in if the country suffered from a widespread gambling epidemic. But the UK doesn't – not even close'; and it concluded, 'Meanwhile they [the government] seem totally blind to the unintended consequences that might arise, including pushing the minority of gamblers with a real problem into the hands of criminals'.<sup>922</sup> The *Racing Post*, which had been the only publication championing the rights of punters opposed to Affordability would carry an article about how the CEO of the British Horseracing Authority (BHA) was concerned about how Affordability would impact horseracing, it being dependant on betting for its finances. BHA chief executive Julie Harrington stated that 'the sport would do its own due diligence to see if the three per cent of punters subject to more detailed checks would be mirrored among racing's customers.' She added: 'Our suspicion is that there will be a higher value punter in there so we would be more impacted than the average'.<sup>923</sup> The gambling Minister, Stuart Andrew MP (Conservative, Pudsey) had his own article in the *Racing Post*, trying to allay racing's fears, stating:

I know what horseracing means to people up and down Britain and how concerned some people in the industry were about the prospect of these player protection checks being intrusive and discouraging people from betting. That is why there will be a consultation on how those checks will be implemented.<sup>924</sup>

*The Times* would focus on these consultations, with the Minister wishing to have the new restrictions in place before the General Election which would be at the latest January 2025, by warning that 'Industry figures also said that

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<sup>922</sup> Andrews, K. (2023, 27/04/2023). The Tories' war on gambling is a win for the nanny state. *The Spectator*. <https://www.spectator.co.uk/article/the-gambling-white-paper-is-a-win-for-the-nanny-state/>

<sup>923</sup> Barber, B. (2023, 27/04/2023). BHA concern over financial risk checks as government reveals white paper. *Racing Post*. <https://www.racingpost.com/news/gambling-review/government-announces-frictionless-financial-risk-checks-in-long-awaited-white-paper-at1Tq9l4o0FE/>

<sup>924</sup> Ibid.

consultations, which are due to start this summer and continue until around the new year, could leave the government open to legal challenges'.<sup>925</sup> This seems contrary to the initial reactions of the biggest gambling companies, which appeared to be happy with the results. Jette Nygaard-Anderson, then CEO of Entain which operates the brands Ladbrokes, Corals, BWIN, PartyPoker to name just a few, said, 'We welcome the clarity that it will bring to the industry and customers. In leading the industry on player protection, we have already implemented a comprehensive range of actions to protect our customers, such as our industry-leading Advanced Responsibility and Care safer gaming programme, personalised online slots staking limits, and the implementation of an affordability model across the UK'.<sup>926</sup> Peter Jackson, CEO of Flutter Entertainment which operates such brands as Paddy Power, Betfair, Sky Betting & Gaming and Poker Stars, said 'We welcome the publication of the White Paper, which marks a significant moment for the UK gambling sector...Whilst we will need to review the detail of the proposals, we believe proactive change will lead to a better future for our industry'.<sup>927</sup> It would take one of the niche brands, upmarket bookmakers Fitzdares, to make a less 'spun' statement with its CEO, William Woodhams stating, 'second guessing affordability checks has cost the industry around 20% of business, so I do hope we can find a technology first solution to this. I really hope a line can be drawn now and the UK can get back to seeing betting as the fun and brilliant pastime that it is'.<sup>928</sup> *The Times*, while being broadly supportive, would point out that 'The combined impact of the financial checks and the levy could cost the industry £500 million

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<sup>925</sup> Witherow, T. (2023, 29/04/2023). Gambling reforms will be in force next summer, says minister. *The Times*. <https://www.thetimes.co.uk/article/gambling-reforms-will-be-in-force-next-summer-says-minister-3qlwlh8x3>

<sup>926</sup> Orme-Claye, T. (2023b, 28/04/2023). White Paper: Entain, Flutter, Fitzdares and Health Lottery CEOs respond. *SBC News*. [https://sbcnews.co.uk/featurednews/2023/04/28/white-paper-ceo-responses/?mc\\_cid=937df6c55e&mc\\_eid=55b77ada1a](https://sbcnews.co.uk/featurednews/2023/04/28/white-paper-ceo-responses/?mc_cid=937df6c55e&mc_eid=55b77ada1a)

<sup>927</sup> Ibid

<sup>928</sup> Ibid

to £1 billion, the equivalent of up to 8% of annual revenues, according to official estimates'.<sup>929</sup>

The response of the Betting and Gaming Council was also supportive stating:

We welcome the decision to reject proposals from anti-gambling prohibitionists for blanket, low level and intrusive affordability checks, as well as their calls for bans on advertising, sports sponsorship and consumer promotions, which would harm our best-loved sports like horseracing and football, threaten jobs and drive customers to the growing unsafe, unregulated gambling black market online. These proposed measures will mean significant change but hopefully much needed regulatory stability to ensure our members can focus entirely on delivering for customers.<sup>930</sup>

What is apparent is that, for the biggest operators, the main benefit of the publication of the White Paper was the end of a sustained period of uncertainty and rumour about its likely contents. They had pre-empted the outcome and had started introducing restrictions, such as deposit limits for under 25s, so there were no major shocks. There does seem to have been a certain level of acceptance about the step change in regulation and a complete absence of any 'push back' about the level of misinformation and poor quality science that made up the 'evidence' in the evidence-based policy making. Unfortunately, the time frame of this thesis does not extend to the consultation period on the recommendations of the White Paper and whether we will witness any resistance from the industry to what has been a significant change in gambling policy based, to a significant extent, on ideology rather than actual evidence.

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<sup>929</sup> Swinford, S., Witherow, T. (2023, 28/04/2023). Gambling white paper: New curbs to save young from addiction. *The Times*. <https://www.thetimes.co.uk/article/gambling-white-paper-uk-dcms-commission-curbs-save-young-addiction-6b7wl97n5>

<sup>930</sup> Betting and Gaming Council. (2023a). *BGC welcome government Gambling White Paper*. Betting and Gaming Council,. Retrieved 04/07/2023 from <https://bettingandgamingcouncil.com/news/response-to-white-paper>

Of the 31 recommendations of the White Paper listed above, the only changes needing primary legislation or using secondary legislation are:

- the ability for the Commission to set fees without resorting to the Secretary of State to set them via a Statutory Instrument
- legal powers for the Commission to ask for a court order to get ISP and financial blocking of black market sites
- All lotteries and football pools to be 18 over and Category D machines that involve cash out to be over 18.
- 1968 Act casinos to be allowed up to 80 slots if space available and pro rata if not
- The machine to table ratio equalised at 5:1 for both Large and Small 2005 Act and larger 1968 Act casinos
- Casinos to offer sports betting alongside other activities
- The government will take steps to free up unused 2005 Act casino licences where there is no prospect of development for reallocation to other local authorities.
- Casinos will be allowed to offer credit to non-UK
- Exploration of the potential for regulating the largest competitions, such as those advertised on TV as they are currently unregulated
- Trials of linked gaming machines in venues other than casinos, where prizes could accrue from machines linked in a community to be allowed with legislation forthcoming
- Consideration to be given to licensed bingo premises being permitted to offer side-bets
- Local authorities to be given the power to introduce a formal system of cumulative impact assessments (CIAs) for gambling, as there is for alcohol, which will inevitably reduce the number of new gambling venues
- Increase in fees for local authority licensing of gambling venue

This confirms that the allegation that the Gambling Act 2005 can be seen as an analogue law in a digital age does not stand up, as the legislative changes proposed are all to do with the non-digital aspects of the land-based industry and even with these, many are purely 'explorations' or 'considerations' and not firm policy commitments. The changes proposed for digital gambling are all dealt with by the Gambling Commission via their own regulatory process, as the creators of the Gambling Act foresaw.

## Chapter 7: Conclusion

This thesis has shown how an approach based on Masked Morality can illuminate and explain some of the key developments in UK gambling policy in the last two decades in a way that other approaches have failed to do to date. In contrast with morality politics, Masked Morality avoids, in its approach to British gambling policy, being oriented around fundamental issues such as whether gambling should be banned. At the same time, however, as mentioned in chapter five, PHAG academics appear to be seeking to use behavioural change to dramatically reduce the amount and types of gambling entered into by the public and restrict it to an almost prohibited state. While the White Paper does not actually propose this, the introduction of Affordability measures can be seen as the first steps towards this goal and the question is whether the Gambling Commission will continue to introduce new regulations to accommodate this. What the White Paper does show is how the regulator, in lockstep with the anti-gambling lobby, was keen to introduce new restrictions based on scant evidence of need. The government acquiesced to these demands on the basis, arguably, that to take an alternative route would be too difficult politically. Masked Morality shows that policy change in gambling policy, however relatively minor compared to that traditionally considered in morality politics, is not based on a rationalist approach, or it evidence based. Rather, it is highly susceptible to both ideological and self-interested motivations combined with the political expediency of the policy broker.

Masked Morality's biggest difference to ACF is how it views policy actors. Masked Morality builds into its model an assumption that the anti-gambling actors may be primarily motivated by self-interest -- even though they publicly argue not to be anti-gambling and are just concerned with preventing harm. Sabatier argues that the motivations of policy actors can only be judged through interviewing them, something which has not been feasible in the case of this thesis: apart from the constraints of time and space it is especially due



to the public allegiance of the author to the pro-gambling camp; moreover, even if this were not the case there would (pace Sabatier) surely be, on the part of those interviewed, a reticence to provide full answers while the topic was still politically 'live'.

The purpose of developing *Masked Morality* is to provide a theoretical foundation to the paradox of why, given that the evidence would suggest British gambling policy has been a success based on the criteria of whether the Gambling Act's objectives (to ensure that gambling is crime free, children and the vulnerable are protected and the games are fair) have been met.

British gambling policy has been changed as if it had failed. There has been no reporting of organised crime involvement in British gambling or even major crimes being committed. There has been no reporting of rigged games, although logically the rare technical error will have arisen. This is evidenced in every Gambling Commission annual report, where it would be obliged to report it. The issue is over whether children and the vulnerable have been protected.

This author argues that as problem gambling rates were 0.6% in the year 2000 and are 0.3% in 2022 (see Table 8), not only have the vulnerable been protected but have been made less vulnerable over the time period. As for children, the fact is that the number of children gambling illegally, as in gambling with licensed gambling operators, is tiny and done with the consent (maybe connivance) of their parents. This means that they too have been protected, the stringent age restrictions being another example.<sup>931</sup>

This is the key point in *Masked Morality* and in this thesis, that all the evidence suggests that the Gambling Act 2005 has been a success as a government

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<sup>931</sup> [www.GamblingConsultant.co.uk](http://www.GamblingConsultant.co.uk). (2019). *March 2019 - Won't someone think of the children?* [www.GamblingConsultant.co.uk](http://www.GamblingConsultant.co.uk). Retrieved 31/08/2023 from <https://www.gamblingconsultant.co.uk/march-2019-won-t-someone-think-of-the-c>

policy, yet policy actors have used well-funded political lobbying and at times dubious research to give the impression that this has not been the case. The regulator is even introducing a new way of measuring problem gambling and introducing the concept of gambling harm to increase the key statistic to way over 1%. This will undoubtedly be the prelude to further calls for regulatory restrictions. Masked Morality highlights how this significant shift in gambling policy, significantly divergent to the objectives of the designers of the Gambling Act 2005 could have imagined, has been based on a false projection of reality. Masked Morality also proposes that the reason for this is the combination of self-interest and ideology of the anti-gambling coalition and an ineffective response from the gambling industry. Government, when acting as policy broker, has found the pressure exerted (to be seen to be doing something to deal with the moral panic) to be such that it has, for the sake of political expediency, acceded to the demands of the anti-gambling coalition.

An obvious test of the strength of this approach will be where the British gambling industry finds itself in a few years' time. Should it remain relatively unchanged then this would suggest serious weaknesses in the approach, and that what we have seen is just evidence of the regulatory pendulum swinging one way after it had swung the other with the liberalisations of the Gambling Act and a new equilibrium being found. Or, as this author believes, if we start to see the de-channelisation of the industry, as first customers and then operators move to the black market and regulated gambling reduces significantly, then there will be evidence that the approach has some substance. The overall irony of this phenomenon, is that should this be the case, then the Gambling Act 2005 will have failed. So much emphasis was put on the objective of supposedly protecting the vulnerable that the objective of keeping gambling crime free will turn out to be defunct.

Masked Morality itself could arguably have its own theory variants as other aspects of regulated life, receive political lobbying for excessive restriction

from a combination of pressure groups and Public Health activist academics. Some contemporary examples are the Scottish government's proposal to ban all alcohol advertising and calls for mandatory salt reduction targets in the U.K.<sup>932</sup> Masked Morality could identify if activist academic research had aligned with pressure group lobbying for restrictions and if so, could analyse the quality of the research being provided as evidence. Masked Morality could also act as way of publicising to politicians and policy makers and ultimately, the electorate, if and when a debate about supposedly improving a population's health had become less about improving public health and more about other factors, such as ideology or personal goals.

Masked Morality also provides a foundation for further questioning the approach of Public Health in general: questioning its approach of deciding which activities are healthy or not; or questioning who decides and on what basis and whether this decision is made in the best interests of the population at large and whether the approach has been accountable, transparent and democratic.

The simplistic argument that a certain activity causes harm and therefore should be restricted, very often has not identified what these harms are specifically, what their severity is and whether they are due solely to a specific activity. Reductions in alcohol and salt intake are indeed likely to reduce heart attacks and blood pressure related illnesses but by imposing mandatory restrictions on whole populations, will the health outcome be worth the cost?

Calculating the cost of Public Health from the counterfactual perspective is something apparently absent from the literature. By forcing populations to change behaviour, indulge less or even stop an activity they enjoyed, pay

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<sup>932</sup> Scottish License Trade News. (2023). *Open letter to ScotGov – Don't destroy Scotland's drinks industry!* Peebles Media Group. Retrieved 20082024 from <https://sltn.co.uk/2023/02/06/open-letter-to-the-scottish-government-dont-destroy-scotlands-drinks-industry/> Pombo, S. (2023). *The Responsibility Deal has failed. We need mandatory salt reduction targets.* William Reed,. Retrieved 20082024 from <https://www.thegrocer.co.uk/health/the-responsibility-deal-has-failed-we-need-mandatory-salt-reduction-targets/683294.article>

higher prices to indulge or not receive advertising about them -- all have impacts that can cause unintended consequences. The main one is displacement. This author predicts that increases in gambling restrictions, like Affordability, will lead to a significant increase in black market gambling which in turn will lead to more problem gambling harm and less tax revenues. Reducing the amount of salt in processed food will not prevent people choosing other foods that have salt or even just adding salt, it may make food producers use alternative ingredients that may have equally negative impacts. Critical to the debate is also whether the reduction of salt makes a meaningful difference to the number of heart attack victims, when these heart attacks are not solely due to salt but other factors, such as lifestyle, exercise, stress, genetic disposition etc.

Equally, will banning alcohol advertising result in fewer alcoholics? Cigarette advertising has been banned for decades and still millions smoke and vape. By stopping advertising for products that are involved in harming a relatively tiny minority, does the subsequent economic impact of lost jobs, lack of investment and reduced tax revenue make it worthwhile when there appears to be no evidence that the advertising of the products creates a specific demand for them?

This then leads to the question about having an adult conversation about the risks people in society are willing to take. Just like Prof. Collin's analogy of setting speed limits, no one expects to be allowed to drive at 100MPH but who wants to drive at 4MPH? A real life example is of the controversial decision to drop the speed limit from 30MPH to 20MPH on restricted roads in Wales which was based on the Public Health campaign arguing that the estimated 561 people killed or seriously injured in road traffic accidents annually could be dramatically reduced by reducing the speed limit by a third. The outcome is that in the few months that restrictions were in place, the 1.6 million car users in Wales were so un-enamoured with the change that its estimated that 35% of drivers were not complying. The Welsh government is now 'rowing back' on

the number of roads to be further speed restricted.<sup>933</sup> Everyone accepts the need for regulations and restrictions but they are perceived as too onerous and authoritarian at the point that the potential benefit seems insignificant. Obviously every road death/injury is a tragedy, but it is understood by society that a very small number of unfortunate incidents will always happen due to the very nature of the activity. As Prof. Collins pointed out, only being allowed to drive at 4MPH would be perfectly safe but also perfectly pointless.

Masked Morality is not about creating obstacles to a government wishing to improve the health of its public. What it is about is ensuring that gambling policy is evidence-based and illuminating and making transparent the policy process when it is not. Nowhere does the Public Health approach consider whether a healthier population is actually the best option for a country. Having millions of people living longer and still suffering from illnesses purely due to longevity is arguably worse, given the lack of resources to pay and provide for such elder care than the 'wastage' we have from the relatively small number of people suffering from unhealthy lifestyles. This is not an argument for unfettered drinking, smoking, drug taking and high salt, sugar and fat but an acknowledgement that just banning things large numbers of people enjoy doing has never been proven to work and the consequences are usually worse. America's experiment with temperance is an easy example to offer.

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## Appendix 1: Fixed Odds Betting Terminals 2006/07 – 2020/21

Year	No. of betting shops	No. of FOBTs	FOBT per shop	FOBT GGY	FOBT GGY per shop	FOBT GGY per FOBT
2006/07	n/a	24,500	n/a	n/a	n/a	n/a
2007/08	8,800	27,000	3.1	n/a	n/a	n/a
2008/09	8,872	31,439	3.5	£ 1,050,710,000	£ 118,429.89	£ 33,420.59
2009/10	8,822	33,663	3.8	£ 1,166,500,000	£ 132,226.25	£ 34,652.29
2010/11	9,067	32,832	3.6	£ 1,302,350,000	£ 143,636.26	£ 39,667.09
2011/12	9,128	33,294	3.6	£ 1,455,950,000	£ 159,503.72	£ 43,730.10
2012/13	9,100	33,356	3.7	£ 1,542,120,000	£ 169,463.74	£ 46,232.16
2013/14	9,111	34,374	3.8	£ 1,567,710,000	£ 172,067.83	£ 45,607.44
2014/15	8,995	34,780	3.9	£ 1,681,750,000	£ 186,964.98	£ 48,353.94
2015/16	8,915	34,516	3.9	£ 1,746,190,000	£ 195,871.00	£ 50,590.74
2016/17	8,800	33,830	3.8	£ 1,821,330,000	£ 206,969.32	£ 53,837.72
2017/18	8,559	33,685	3.9	£ 1,675,220,000	£ 195,726.14	£ 49,731.93
2018/19	8,304	32,652	3.9	£ 1,152,820,000	£ 138,827.07	£ 35,306.26
2019/20	7,683	429	n/a	£ 6,980,000	n/a	£ 16,270.40
2020/21	6,462	84	n/a	£ 1,380,000	n/a	£ 16,428.57

Source:(Gambling Commission, 2006a), (Gambling Commission, 2011), (Gambling Commission, 2022i)



## Appendix 2: Percentage increase/decrease in betting shops

<u>Year</u>	<u>No. of betting shops</u>	<u>Percentage increase/decrease</u>
2007/08	8,800	
2008/09	8,872	0.82%
2009/10	8,822	-0.56%
2010/11	9,067	2.78%
2011/12	9,128	0.67%
2012/13	9,100	-0.31%
2013/14	9,111	0.12%
2014/15	8,995	-1.27%
2015/16	8,915	-0.89%
2016/17	8,800	-1.29%
2017/18	8,559	-2.74%
2018/19	8,304	-2.98%
2019/20	7,683	-7.48%
2020/21	6,462	-15.89%

From start of reliable statistics in 2007/08 with 8,800 shops to their largest estate of 9,128 betting shops, the increase was just 3.72%.

Source:(Gambling Commission, 2007), (Gambling Commission, 2011), (Gambling Commission, 2022d)





### Appendix 3: Different Problem Gambling Surveys and their screens

Survey Date	2000	2000	2007	2007	2010	2010	2015	2015	2015	2016A	2016A	2016A	HSE2018	HSE2018	HSE2018
Screen	DSM-IV	SOGS	DSM-IV	PGSI	DSM-IV	PGSI	DSM-IV	PGSI	Either	DSMIV	PGSI	Either	DSM-IV	PGSI	Either
PG Rate	0.6	0.8	0.6	0.5	0.9	0.7	0.7	0.6	0.8	0.6	0.5	0.7	0.5	0.4	0.54
PG Pop. No.	275,000	370,000	284,000	236,500	451,000	360,000	365,288	303,379	429,708	290,000	230,000	340,000	n/a	n/a	n/a
Implied Pop total	45,833,333	46,250,000	47,333,333	47,300,000	50,111,111	51,428,571	52,184,000	50,563,167	53,713,500	48,333,333	46,000,000	48,571,429	n/a	n/a	n/a
0.1% =	45,833	46,250	47,333	47,300	50,111	51,429	52,184	50,563	53,714	48,333	46,000	48,571	n/a	n/a	n/a

Source: 2000: (Sproston, 2000)p.iii. 2007:(Wardle, 2007). p.10. 2010: (H. Wardle, Moody, A., Spence, S., Orford, J., Volberg, R., Jotangia, D., Griffiths, M., Hussey, D., Dobbie, F., 2011)pp.11-12 . 2015:(Conolly, 2017).pp.38,40,42 & 44. 2016A:(Conolly, 2018). pp.65,69 & 71. 2018:(NHS Digital, 2019). 2016B, 2017, 2018, 2019: (Gambling Commission, 2021c)

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In the interest of space and for ease of referencing, the following abbreviations have been used:

HC Deb for House of Commons Debate

HL Deb for House of Lords Debate

Followed by the date in the following format: dd/mm/yy for 20th & 21st century and dd/mm/yyyy for 19th century

Followed by the Hansard Volume number abbreviated as Vol. and the Column number or numbers abbreviated as c. or cc. if there is more than one

Written Answers are abbreviated to WA and appear after the Column number

Written Statements are abbreviated to WS and appear after the Column number

Westminster Hall debates are abbreviated WH and appear after the Column number

In Public Bill Committees Volume numbers are not provided but column numbers are. These will be referenced. HC or HL Deb dd/mm/yy PBC c.XX

For debates post 2016, online Hansard displays Volume numbers but not Column numbers and has replaced them with the time in quarter of an hour divisions

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