

Written evidence submitted by Peers for Gambling Reform (OSB0114)

Peers for Gambling Reform (PGR) welcomes the opportunity to submit evidence in response to the Draft Online Safety Bill.

Our response focuses on aspects of gambling which was referenced in the Online Harms White Paper but, regrettably, is not in the draft Online Safety Bill. Many of our concerns about Gambling have been covered in our separate response to the government's current review of the Gambling Act 2005 but we believe that the Online safety Bill provides an opportunity to address our concerns about new forms of gambling activity online, where this activity involves user-user content sharing, and to address situations where vulnerable people and children can be exposed to gambling activity through social media: the ability to see it taking place.

About Peers for Gambling Reform

PGR was formed in 2020 to ensure the recommendations made in the House of Lords Social and Economic Impact of the Gambling Industry Select Committee Report 'Gambling Harm: Time for Action' were implemented by Government, the Gambling Commission or other relevant bodies. PGR is made up of over 150 cross-party members of the House of Lords, making it the largest 'interest group' in the Upper Chamber.

Executive summary

The ability for under 18s to encounter and experience gambling activity through social media is potentially significant, particularly through video sharing (live streams). To address this, we recommend that the Online Safety regulatory regime includes a requirement for platforms to make a risk assessment for exposure of children to gambling harms through streaming and video sharing, and take action to prevent children from being exposed to this content.

Situation – the expansion of gambling online and need for action

The Government's Online Harms White Paper (April 2019) mentioned the regulation of gambling at a number of points. This included recognising the emerging challenge of 'designed addiction', gambling-specific initiatives to protect players online and the work of the CMA where concerns about consumer protection had occurred. We welcome these interventions, however, there is much more to do as we and others have outlined in responses to the current Gambling Act review.

This is not an official publication of the House of Lords, nor the House of Lords Select Committee on the Social and Economic Impact of the Gambling Industry.

Peers for Gambling Reform is an informal group of Peers with a common interest in particular issues. The views expressed in this response are those of the group.

Since this point there has been no mention of gambling harms in relation to the online safety regulatory regime. This is despite the strong potential for some social media platforms to provide a route, through user-to-user content sharing, for vulnerable users, particularly children and young people, to encounter gambling activity and be normalised to it. There is a strong case for amending the legislation and online safety regulatory system to tackle some of the root causes of these issues which can potentially cause so much harm.

It is vital that we grasp the opportunity presented through the Online Safety Bill to stop social media and internet users being exposed to gambling harms. Gambling and gambling related activities are also taking place through new services and activity which are not adequately regulated. In some instances they are not even classified as gambling, despite being potentially harmful. This is a separate issue which we mention below to provide context.

Fragmented regulation

The 2019 Online Harms White Paper stated that: *“Currently there is a range of UK regulations aimed at specific online harms or services in scope of the White Paper, but this creates a fragmented regulatory environment which is insufficient to meet the full breadth of the challenges we face.”* Gambling harms was one of these.

A coordinated approach between regulators is required and we ask the joint committee and the Government to consider this as the Draft Online Safety Bill is scrutinised. We also welcome joint-working through the Digital Regulation Cooperation Forum. Regulators must work together to identify gambling and gambling-like activity so harms can be prevented.

Response to questions

Are children effectively protected from harmful activity and content under the measures proposed in the draft Bill?

We are concerned that some social media platforms could allow children to watch and give gifts to other users that stream online gambling. This activity, known as ‘slot streaming’ allows users to live stream their gambling activity for others to see and interact with them.

By way of example, the Gambling Related Harm All Party Parliamentary Group (APPG) recently held an evidence session looking at new forms of gambling online and one witness (Danny Cheatham) stated that 35.2m hours of slots were watched on Twitch during June. The potential audience is significant, albeit we recognise some platforms are now preventing promotions and referral codes from being used in streams, and offering tools whereby users can restrict gambling advertising and content.

Does the draft Bill make adequate provisions for people who are more likely to experience harm online or who may be more vulnerable to exploitation?

We suggest that either through the bill itself, or future codes of practice, the government ensures that any gambling activity streamed through platforms in scope of the legislation is subject to suitable protections for children. This might include identification of potentially harmful gambling content and preventing access to it by under-age audiences, or signposting users to trusted sources of information about the risk of harm through gambling.

Are there any types of content omitted from the scope of the Bill that you consider significant e.g. commercial pornography or the promotion of financial scams? How should they be covered if so?

Streamed gambling content should be identified as potentially harmful to users and protections put in place to ensure children and young people are not able to access it.

Proposed changes to Online Safety regulation

We recommend the following:

- Government to include a risk assessment for gambling related harms through video sharing and streaming in children's risk assessments conducted by platforms.
- Government to confirm platforms will have to protect children from gambling related harms arising from user generated streaming and video content.
- Government to commit to age assurance provisions where required, to prevent children accessing gambling services or content online.

New activity online

In addition to traditional sites there are a number of new forms of online gambling or gambling like activity that are not addressed by existing regulation, despite the potential for harm. They reflect the convergence between betting and gaming, and normalisation of gambling. This includes issues such as investment apps and platforms which arguably 'gamify' the trading of stocks.

We have written to DCMS minister John Whittingdale MP, with colleagues at the Gambling Related Harm APPG, to raise these new activities and also the issue of gambling services offered via WhatsApp. We understand this is not classified in the same way as online gambling platforms and does not have an exclusion scheme for vulnerable customers.

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