

## MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON FRIDAY 18 JANUARY AT 2.30 PM

**APPLICANT:** Bingo Forever Limited t/a Dabbers Social Bingo  
**PREMISES:** Dabbers, 18-22 Houndsditch, EC3A 7DB

### Sub Committee:

Marianne Fredericks (Chairman)  
Deputy Keith Bottomley  
Caroline Addy

### Officers:

Leanne Murphy - Town Clerk's Department  
Paul Chadha - Comptroller and City Solicitor  
Peter Davenport - Markets and Consumer Protection  
Rachel Pye - Markets and Consumer Protection

### Given Notice of Attendance:

#### Applicant:

Edward Wethered	Managing Director, Dabbers Social Bingo
Jonathan Wright	Creative Director, Dabbers Social Bingo

#### Making representations:

Charlotte Meller	LA Partnership Specialist, Gambling Commission
Clive Noblett	Senior Manager – Compliance, Gambling Commission

#### In Attendance:

Edward Wethered  
Jonathan Wright  
Charlotte Meller  
Clive Noblett  
Sylvia Moys CC

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### Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 2.30 PM in Committee Room 1, Guildhall, London, EC2V 7HH, to consider a representation submitted in respect of an application for a bingo gambling licence in respect of Dabbers Social Bingo, 18-22 Houndsditch, EC3A 7DB, the applicant being Bingo Forever Limited.

The Sub Committee had before them the following documents:-

Hearing Procedure  
Report of the Director of Markets & Consumer Protection  
Appendix 1: Copy of Application

Appendix 2: Premises Licence

Appendix 3: Local Risk Assessment & Further Information

Appendix 4: Representation from the Gambling Commission

Appendix 5: Local Area Profile

Appendix 6: Premises Plans

1. The Hearing commenced at 2.30 PM.
2. At the commencement of the Hearing, the Applicant was asked to provide the Sub Committee with a more comprehensive outline of how the business was currently operating and the reason for applying for a bingo gambling licence. The Applicant provided background for the business stating that the idea had emerged through previous event work with his charity *Raise Your Hands*. There had been a very popular bingo event which had ran for 8 weeks. It was noted that it had taken two years to raise the money to fund the bingo hall project
3. The Applicant advised the Hearing that since November 2018, the premises had been offering a reimagined, interactive, social bingo experience tapping into the millennial psyche which was being run under exempt gambling. He noted that if a bingo gambling licence was approved then the premises would continue to operate in the same way, the only change would be that it would enable the Applicant to make money from the bingo games which was prevented under the current operating licence.
4. The Sub Committee asked the Applicant to explain to the Sub Committee what was meant by exempt gaming. The Applicant advised that an operating licence functioning under exempt gaming prohibited the profits of gambling to exceed £2k and all stake revenue had to be reinvested back into the prizes. He confirmed that the business could not currently make any money from the act of gambling.
5. The Applicant advised that the premises also offered entertainment such as comedy and live music alongside the bingo games with a bar, food and the addition of waitress service to customers whilst they played to ensure the bingo games were not disrupted by customers having to purchase drinks at the bar. The Applicant confirmed that 43% of their revenue was derived from beverages, 22% food, 21% entertainment, and only 12% from bingo.
6. The Sub Committee requested more information regarding the family event being advertised at the premises as the exempt gaming restrictions and mandatory bingo conditions prohibited anyone under the age of 18 to play bingo on the premises. The Applicant explained that this offering had been put on hold but the idea for the concept was to provide young parents with an activity to do with their children on a Sunday. The bingo cards had used animal symbols instead of numbers, which the children had been encouraged to recognise and dab. In future, the bingo would be played by adults only and all children would receive the same prize. The Sub Committee were concerned that exposure to bingo in any form would normalise the practice and encourage children to gamble, even if just watching a parent play. The Applicant stated that the family brunch event was not critical to the business and they would not go ahead with this event if the

Gambling Commission were not happy with this offering. However, the Applicant did not consider the game to promote gambling to children as this was a family show and considered it a shame for young parents looking to entertain their children during the weekend. Other ideas were being considered, e.g. Sunday roast bingo for adults.

7. The Chairman requested a full description of a current average day at the premises. The Applicant advised that patrons arrive at 18:00 and hand in their ticket to the box office. The patron would either be allowed to visit the bar upstairs (Bar22) or taken to their pre-assigned seat downstairs by a waiter where the bingo games take place and a bar and restaurant is available. The show start time is 19:30 and would involve entertainment and audience participation. Each patron would purchase 3 cards and each round would consist of line wins until full house was achieved. The event would end at 22:30. Patrons would be able to order drinks from waiters throughout the games.
8. In response to a query regarding disco bingo nights, the Hearing heard that this Saturday night event was yet to be trialled, but the concept consisted of dancing and the dabbing of lanyards using UV pens throughout the night between 23:00 – 02:00. The plan was to trial this concept on a night between 21:00 – 23:00. The Applicant was seeking to exclude the default condition so that the premises may be licenced until 03:00 every day. The Applicant advised that as the business was in its infancy and numbers were relatively low, it was not operating every day.
9. The Sub Committee queried whether there was a limit to the number of cards an individual could purchase. The Applicant told the Hearing that the business had a policy on money laundering and that any stakes over £500 would flag concern. The Sub Committee questioned whether £500 could be spent in one go and were advised that it was unlikely due to the style of gaming as a social entertainment event but yes, it could in principle. The Sub Committee commented that with a bingo gambling licence the stakes could be raised and would therefore provide more incentive for gamblers.
10. The Sub Committee noted that high stakes gaming machines would be available on this licence. The Applicant was explicit that he had no intention of ever having betting machines at the premises which he felt to be alien to the concept offering and detrimental to business. The Applicant offered to submit/add a condition to the alcohol licence that there would be no gambling machines or under 21-year olds at the premises.
11. The Chairman asked the Gambling Commission representatives if they had any questions for the Applicant. Mr Noblett made two observations: Firstly, he confirmed that the Applicant could not add any conditions to the alcohol licence regarding gambling machines by law. Secondly, Mr Noblett noted that he had attended the premises on 10 January 2019 to discuss the business plan with the Applicant. During this conversation, the Gambling Commission were advised that tickets would be purchased online only but the Applicant had suggested that tickets could be bought on the door. The Applicant confirmed that tickets would generally be purchased in advance, but walk-ins would not be turned away if

tickets were available on the day. This had not yet happened to date. Mr Noblett recommended that the Applicant develop a policy on walk-ins.

12. Mr Noblett advised the Hearing that family events including children had been freely described by the Applicant; however, any premises running under exempt gaming was prohibited from allowing anyone under the age of 18 years old on the premises.
13. Mr Noblett also noted that the concept for Dabbers Social Bingo was not new or original and that there were 11 other such premises in London. He confirmed that none of the other businesses had a bingo gambling licence and this would make Dabbers Social Bingo different as it would not be run under exempt bingo regulations.
14. The Sub Committee asked the Gambling Commission to explain the due diligence process when reviewing a new gambling establishment. Mr Noblett explained that the Licensing Department of the Commission were focussed on the three licensing objectives under the Gambling Act 2005. They would explore the background of the business and Applicants would need to complete application including submission of the business plan and policies and procedures. This application is risk assessed and the concerns explored by compliance. Mr Noblett noted that it was down to the operator to be compliant and ensure their practice is correct. Periodic visits would follow to ensure the operator was compliant.
15. The Chairman invited the Gambling Commission to set out their objections to the application. Mr Noblett advised that the main concerns highlighted in the Gambling Commission's representations (Item 4) were that should a bingo gambling licence be approved, the Applicant would be entitled under the Gambling Act 2005 to introduce betting machines to the venue. Despite the Applicant's objections, the Commission clarified that by granting the licence, the Applicant (or any future business operating at the premises) could decide at any time to bring in gambling machines and therefore this possibility remained a concern.
16. The Applicant argued that they had been advised that they would require a licence variation and were subject to the Licensing Authority if they decided to bring in betting machines. The Comptroller & City Solicitor confirmed that this legal advice was incorrect and that a premises that did not allow children would not need to identify its gambling machinery on a plan.
17. Mr Noblett advised that the Commission was also concerned by the risks of alcohol consumption on gambling. As an alcohol-licensed premises with alcohol/food sales being the prominent focus for the business, the Commission felt it would undermine the aims of the Gambling Act 2005, which sought to enforce a clear distinction between premises dedicated to gambling as the main activity, and other licensed premises which sometimes offered gambling as an ancillary activity. It therefore viewed the premises to be an inappropriate high stakes gambling environment as it operated, by the Applicant's own admission, primarily as a bar and restaurant rather than a dedicated bingo premises.

18. Mr Noblett stated that the Commission was particularly concerned by the advertised family event. It was noted that by allowing persons under the age of 18 years, the premises was in breach of S.46 of the Gambling Act 2005 and the Licence Conditions and Codes of Practice (LCCP). Other LCCP breaches identified during a compliance visit to the premises included marketing and advertising of the business which included images of children and missing mandatory requirements such as no premises licence, rules of the game or gambling literature being displayed.
19. The Applicant advised that he had taken on board all concerns raised by the Gambling Commission and Licencing Authority and would do what was necessary to ensure the business was fully compliant. He confirmed that he would concede for no bingo after midnight. He felt that that the licence would provide a detailed policy document on top of the alcohol licence therefore providing more regulation on the business. It was also argued that the offering was very clearly a dedicated bingo premises and everything at the venue and on the premises related back to bingo.
20. The Applicant also made the Hearing aware that he had been in an accident on 9 December 2018 and was hospitalised for nine days. He was back to work on 2 January 2019 and rectified the issues concerning missing mandatory information at the premises.
21. The Sub Committee advised the Applicant that the Local Area Risk Assessment provided was not a thorough or thoughtful assessment of the local risks and controls. They were surprised that a number of important locations were missing including a synagogue, church (St Katharine Cree), school and homeless centre. The Sub Committee noted the clear guidance available on the City of London Corporation's website and the Gambling Commission added that the LCCP also had a requirement for a thorough Risk Assessment. The Applicant agreed to look at the Risk Assessment.
22. The Chairman asked all parties to provide a final summary. The Applicant concluded that the business was interested in offering good experiences in a 21<sup>st</sup> century setting, and that bingo was a fun social game with nostalgia. He advised that he had good local engagement with the Aldgate Partnership and the wider local community and had agreed to host community events for free. The Applicant stated that the reasons for applying for a bingo gambling licence was to make money to cover the production and entertainment costs and ensure the business was fully compliant.
23. Ms Mellor summarised that the Commission had identified risks and concerns from the operating licence and the compliance visit to the premises. The Commission ultimately did not feel the premises was suitable as a dedicated bingo premises.
24. The Chairman thanked all attendees for their comments and advised that a written decision letter would be sent to all relevant parties within five working days.
25. The Hearing closed at 4.15 PM.

26. The Sub Committee retired and considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing. In reaching its decision, the Sub Committee were mindful of the provisions of the Gambling Act 2005, in particular the statutory licensing objectives, together with the "Guidance to Licensing Authorities" and "Licensing Conditions and Codes of Practice" issued by the Gambling Commission and the City of London's own Statement of Licensing Principles pursuant to the Gambling Act 2005. It was evident to the Sub Committee that the most relevant licensing objective under the Gambling Act 2005 was the protection of children and other vulnerable persons from being harmed or exploited by gambling.
27. The Sub Committee were impressed with the Applicant's enthusiasm and vision and acknowledged during the Hearing the Applicant's offer to no longer request the removal of the default position and therefore the bingo licence would cease at midnight. However, the Sub Committee still had significant concerns surrounding the Applicant's understanding of the requirements of the Gambling Act 2005 and their ability to promote the licensing objectives. The Applicant did not appear to have recognised or considered the risks that could arise from its intended offering to children, vulnerable persons or problem gamblers. These were inherent in the type of bingo experience the Applicant wished to provide and could not be addressed by the imposition of conditions by the Sub Committee.
28. The Sub Committee was persuaded by the Gambling Commission's representations which, in the Sub Committee's view, illustrated the Applicant's lack of understanding of the requirements of the Gambling Act 2005 and associated guidance and its ability to implement the necessary safeguards to ensure the promotion of the licensing objectives.
29. In particular, in light of the activities which had been taking place on the premises to date, the Sub Committee were concerned as to the Applicant's ability to protect children from being harmed or exploited by gambling. The Sub Committee were concerned that exposure to bingo in any form would normalise the practice and encourage children to gamble even if just watching a parent play. The Sub Committee also noted that the Gambling Commission had identified a number of fundamental breaches of the statutory requirements when it carried out a recent inspection of the premises. These breaches undermined the confidence of the Sub Committee in the ability of the Applicant to deliver and maintain appropriate safeguards.
30. The Sub Committee noted that the Applicant had advised that 43% of their revenue was derived from beverages, 22% food, 21% entertainment, and only 12% from bingo. Therefore, the Sub Committee shared the concerns of the Gambling Commission that the premises are primarily operating as a bar and restaurant with bingo as ancillary. In addition, they shared the concerns of the Gambling Commission regarding the Applicant's entitlement to install high stakes gaming machines in a premises which was not a dedicated bingo premises. Consideration was given as to whether it was feasible to impose any condition on the premises licence which could effectively prohibit the introduction of such gaming machines, but it was concluded that it was not possible to impose a condition which would achieve this aim. The Sub Committee had further concerns

that by raising the stakes which was possible under a gambling licence, this would encourage the desire to gamble more as an end in itself rather than as fun for social entertainment.

31. The Sub Committee had concerns regarding the Applicant's Local Risk Assessment which appeared generic in nature and did not address the potential issues which could arise as a result of the premises operating as both a bar/restaurant and dedicated bingo premises. Furthermore, there were a number of premises which should have been identified in the Local Area Profile but had not been identified by the Applicant.
32. Consequently, it was the decision of the Sub Committee to refuse the application for a bingo premises licence.

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Chairman

**Contact Officer: Leanne Murphy**  
**Tel. no. 020 7332 3008**  
**E-mail: [leanne.murphy@cityoflondon.gov.uk](mailto:leanne.murphy@cityoflondon.gov.uk)**