

City of London
Premises Licensing Team
The Guildhall
PO Box 270
EC20 2EJ
By email only: Andre.Hewitt@cityoflondon.gov.uk

20 December 2018

Representation in relation to the application for a bingo premises licence for Bingo Forever Limited [Dabbers, 18-22 Houndsditch, London EC3A 7DB]

The Gambling Commission (the Commission) is a Responsible Authority by virtue of section 157 of the Gambling Act 2005 (the Act) and wishes to make the following representations, pursuant to section 161 of the Act.

The Applicant

1. The Applicant, Bingo Forever Limited t/a Dabbers Social Bingo, holds a non-remote bingo operating licence. The licence was issued by the Commission under Part 5 of the Act on 17 August 2017.
2. The operating licence authorises the Applicant to provide facilities for playing bingo by non-remote means.

The intentions and structure of the Act in relation to gambling environments

3. We note the applicant's statement that they do not intend to place any gaming machines on the premises. However, the Act provides that certain gaming machine entitlements apply automatically to certain operating and premises licences, including bingo operating and premises licences. It is therefore our view that the following provisions on the use of gaming machines should be considered nonetheless, due to the applicant's entitlement to place machines on the premises at a later stage should they wish to do so.
4. The Commission is of the view that the Gambling Act 2005 intends that different environments are entitled to offer specific forms and levels of gambling. It provides regulations that set out such entitlements. In particular, machine entitlements are linked to specific environments. These entitlements are limited by the number and type of machine (with limits as to the stakes and prizes each type may offer) dependent on the nature of the environment in which they are situated. Licensed gambling premises have a greater entitlement than environments such as alcohol licensed premises or membership clubs.
5. The Act envisages that public houses (or alcohol licensed premises) may offer limited forms of gambling, but that this remains an ancillary product and not the commercial purpose of those premises. It allows for:
 - a. A very limited offer of gaming machines (category and numbers)
 - b. The ability to offer bingo (or equal chance gaming) either as:

- Exempt equal chance gaming (subject to certain rules, such as staying below £2000 a week in stakes and/or prizes and not taking a par fee)^[1]; or
 - Offer bingo which is above £2000 a week under an operating licence (high turnover bingo), but without a premises licence and associated machine entitlement.^[2]
6. It is therefore clear from the final requirement set out above that the Act specifies a further protection where high turnover bingo is taking place in a pub, that being the requirement to obtain an operating licence. There would **not** be an additional machine entitlement which a bingo premises licence brings.
7. These requirements are explained in the Guidance to Licensing Authorities (GLA) as follows:

Bingo in clubs and alcohol-licensed premises

18.12 Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. ***There are regulations setting controls on this form of gaming, to ensure that it remains a low stakes and prizes activity.***

18.13 In addition, new rules are laid down in the Act about the playing of bingo specifically in alcohol-licensed premises, clubs and miners' welfare institutes. Where the level of bingo played in these premises reaches a certain threshold, it will no longer be authorised by these rules and a bingo operating licence will have to be obtained from the Commission for future bingo games. Even in these circumstances bingo can only be offered under the rules for exempt gaming. ***The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.*** (Emphasis added)

8. This is in contrast to the holder of a bingo operating licence who is permitted to:
- a. offer unlimited bingo
 - b. charge a participation fee where a premises licence or relevant permit is held in conjunction with the operating licence (ie they are unable to charge participation fees under the exemptions for equal chance gaming in alcohol licensed premises).
9. In circumstances where the holder of a bingo operating licence obtains a bingo premises licence they are entitled to a greater offering of gaming machines – namely:
- a. They may make available for use a number of category B machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D gaming machines. However;
 - premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater

^[1] See Annex A

^[2] See Annex B

- the holder of a bingo premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.
- b. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.

10. They are also entitled to hold an alcohol licence.

11. Given the above, the Commission is of the view that commercial bingo, and the accompanying gaming machines that can be offered by virtue of a bingo operating licence, should only be offered in **dedicated bingo premises**. The Commission believes that this would reduce the risks associated with such ambient gambling, and supports the licensing objectives contained in section 1 of the Act.

12. Social Responsibility Code Provision 9.1.2 of the Licence Conditions and Codes of Practice (LCCP) outlines requirements that operating licence holders should adhere to when making gaming machines available in licensed bingo premises.

Social responsibility code provision 9.1.2

Gaming machines in gambling premises – bingo

All non-remote bingo operating licences

1 Gaming machines may be made available for use in licensed bingo premises only where there are also substantive facilities for non-remote bingo, provided in reliance on this licence, available in the premises.

2 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times.

3 Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities.

13. We note that the applicant's website currently promotes "Family Brunch Bingo" to be held on Sundays. Whilst under 18s are permitted in bingo premises, the licensee must ensure that children and young people cannot play bingo or category B or C gaming machines. Schedule 2 Part 1 of the **The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007** details all of the mandatory conditions attaching to bingo premises licences, and these include certain requirements intended to prevent underage gambling. The local authority may want to give consideration to the applicant's policies and procedures to prevent underage gambling on the premises in question.

14. The Commission also has concerns with the applicant's compliance with code 9.1.2.3 above. We note the applicant's statement that the only signage they intend to utilise is two large signs at the front of the premises stating "Social Bingo". There remains a concern that this may not be sufficient to ensure customers will be aware that the premises is a dedicated gambling premises, particularly in the context of how the applicant plans to run the bingo (i.e. in a non-traditional format).

Default conditions attached to bingo premises licences

15. The applicant has requested that the default licence conditions pertaining to all bingo premises licences is removed from the bingo premises licence for which they are applying. These default conditions, as laid out in Schedule 2 Part 2 of The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007, are:

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.

2. The condition in paragraph 1 shall not apply to making gaming machines available for use.

16. The local authority may wish to consider whether information has been provided for the following questions;

- Whether the local risk assessment reflects any increased risk caused by the removal of the default condition. Are you satisfied that the operator has mitigated any increased risk – for example – are the police satisfied?
- What gambling is offered after midnight, and what does this provision look like?
- Are you satisfied with the way that the premises proposes to apply the multi-operator self- exclusion scheme during the extended hours?
- Is alcohol to be offered as well between the hours of midnight and 09:00, and if so is this throughout the venue? What additional considerations have been given to the impact of an extension to the alcohol licence and have any additional safeguards been put in place, or any considerations been made, to address the impact that extended alcohol sales may have on those who are gambling?
- What staffing levels will be in place and is this sufficient for the facilities being provided? There must be in consideration of SR code 9.1.2 relating to appropriate supervision of gambling facilities at all times, and this is particularly important where an extension to the alcohol licence has also been sought.
- What is the layout, estimated footfall and size of the venue to be made available after midnight? Do the plans for supervision, security, staffing, etc. correspond to these estimates?
- Where are the premises located – residential areas, 24 hour activity areas, close to late night bars etc. and what door security is in place?

17. The local authority may wish to request further information if the application is insufficient to answer the above questions, in accordance on Section 153 of the Gambling Act 2005. This section specifically references the Codes of Practice, the licensing objectives, your own Statement of Policy and the Commission's GLA. You should continue to seek information from the applicant until you are content on all matters.

Conclusion

18. With regard to the matters raised in these representations, the Commission respectfully invites the licensing authority to consider its representations and have regard to the Commission's Guidance to Licensing Authorities when making its decision.

19. The Commission has concerns with the proposals put forward by the applicant. Based on the information available we have concerns that the way in which the facilities will be

offered presents risks in terms of ambient gambling and in terms of compliance with the regulatory requirements on the operator.

20. The Commission hopes the representations set out above are sufficiently detailed and clear, but reserves the right to add further information to these representations if that appears appropriate. If the licensing authority wishes the Commission to provide any further information, the Commission would be happy to do so.

Yours sincerely



Helen Venn
Executive Director, Licensing & Compliance

Annex A

Part 12 *Pubs, and c.*

279 Exempt gaming

1.(1) Sections 33 and 37 shall not apply to the provision of facilities for equal chance gaming which—

2.(a) takes place on premises to which this section applies, and

3.(b) satisfies the conditions of this section.

4.(2) The first condition of gaming for the purposes of subsection (1) is that the arrangements for the gaming satisfy the prescribed requirements in relation to—

5.(a) limiting amounts that may be staked, or

6.(b) limiting the amount or value of a prize.

7.(3) The second condition of gaming for the purposes of subsection (1) is that no amount is deducted or levied from sums staked or won.

8.(4) The third condition of gaming for the purposes of subsection (1) is that no participation fee is charged.

9.(5) The fourth condition of gaming for the purposes of subsection (1) is that a game played on one set of premises is not linked with a game played on another set of premises.

10.(6) The fifth condition of gaming for the purposes of subsection (1) is that children and young persons are excluded from participation.

Annex B

281 Bingo

11.(1) The disapplication of section 33 by section 279 shall not apply to high turnover bingo played during a high turnover period.

12.(2)Bingo played on premises in any period of seven days is high turnover bingo if—

13.(a)the aggregate of stakes at bingo played on the premises during the period exceeds £2,000, or

14.(b)the aggregate of prizes at bingo played on the premises during the period exceeds £2,000.

15.(3)A high turnover period begins in relation to premises at the end of a period of seven days during which—

16.(a)the aggregate of stakes at bingo played on the premises exceeds £2,000, or

17.(b)the aggregate of prizes at bingo played on the premises exceeds £2,000.

18.(4)A high turnover period expires at the end of the year beginning with the first day of the period of seven days which caused the high turnover period to begin.

19.(5)A period of seven days any of which is in a high turnover period does not cause a new high turnover period to begin.

20.(6)The holder of an on-premises alcohol licence or relevant Scottish licence for premises in relation to which a high turnover period begins shall, unless he holds a bingo operating licence, inform the Commission as soon as is reasonably practicable.

21.(7)A person commits an offence if he fails without reasonable excuse to comply with subsection (6).

22.(8)A person guilty of an offence under subsection (7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

23.(9)The Secretary of State may by order vary a monetary amount specified in this section.