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## Regulating Everyday Gambling: A Photo Essay

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### 1. Introduction

In 2014, I (Kate Bedford) published a research note in *feminists@law* on bingo and feminist political economy.<sup>1</sup> It introduced a research project on gambling regulation for which I, and a team of colleagues at Kent Law School, had recently received funding.<sup>2</sup> Bingo is a globally salient and distinctive gambling form that often merges playful risk-taking with charity and community. In many jurisdictions it is associated with virtuous good works more than the vice of gambling. Moreover, and not coincidentally, in many places it is also especially popular with older working class women as players. In part because it bridges commercial and non-commercial realms, and in part because it is dominated by women in many places and hence mostly ignored by academics, I argued that we owed bingo, in its own right, more attention in our discussions of gambling regulation. However, I also argued that bingo could contribute to our debates within feminist political economy about (1) the governance and regulation of ‘everyday’ risk and speculative consumption; and (2) volunteering as a specific form of unpaid work.

In the intervening period, the researchers involved with the project have written several academic articles on bingo. I have addressed the aforementioned feminist political economy debates,<sup>3</sup> while colleagues have considered issues of place regulation in Brazil;<sup>4</sup> gambling law reform;<sup>5</sup> and welfare and risk in EU law.<sup>6</sup> We have also published a non-academic report of our findings, oriented to policymakers, regulators, and those working in the bingo sector.<sup>7</sup>

However in the course of the research we also stumbled across material that fitted neither into the category of academic peer-reviewed publication, nor policy report. In one notable example, in 2016 a Kent-based photographer, Andrea Shieber, began taking some photographs of a local bingo hall, using them as part of an assessment for an Adult Education photography course. She kindly allowed us to use several of the images in our report (she

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<sup>1</sup> <http://journals.kent.ac.uk/index.php/feministsatlaw/article/view/97>.

<sup>2</sup> See *A Full House: Developing a New Socio-Legal Theory of Gambling Regulation*, described here: <https://www.kent.ac.uk/thebingoproject/>.

<sup>3</sup> See Kate Bedford, ‘Bingo Regulation and the Feminist Political Economy of Everyday Gambling’ (2016) 13 *Globalizations* 801; Kate Bedford, ‘Regulating Volunteers: Lessons from the Bingo Halls’ (2015) 40 *Law and Social Inquiry* 461.

<sup>4</sup> Toni Williams, ‘All About That Place: The Rise and Demise of Bingo Regulation in Brazil’ (2018) *Journal of Law and Social Policy*, forthcoming.

<sup>5</sup> Luiza Jobim and Toni Williams, ‘Bingos no Brasil: fardo ou legado? Reflexões críticas e contribuições para a regulação dos jogos na atualidade’, in Luiz Carlos Prestes Filho (ed), *A Teoria das Probabilidades no Jogo, na Ciência e nas Políticas Públicas* (Rio de Janeiro, E-Papers 2017).

<sup>6</sup> Donal Casey, ‘Risk, Charity and Boundary Disputes: The Liberalisation and Commercialisation of Online Bingo in the European Union’ (2018) *Journal of Law and Social Policy*, forthcoming.

<sup>7</sup> See [https://www.kent.ac.uk/thebingoproject/resources/Bingo\\_Project\\_report\\_final.pdf](https://www.kent.ac.uk/thebingoproject/resources/Bingo_Project_report_final.pdf).

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also displayed them in an exhibition at our final project conference). However, I felt dissatisfied with the balance that we had struck between the images and the text in the report. The photographs were being used to illustrate themes, not to generate, contest, or disrupt them. I sensed that I was instrumentalising the images, and the people represented in them, in a way that I would not do with interview data. For example in our final report we included text boxes with a range of different quotes from our 255 interviews, and we discussed how we had sent transcripts back to interviewees, in order that they could change them if they wanted to. With the photographs, however, we made no equivalent effort to let the evidence ‘speak back’ to our analysis. In fact, as the deadline for the final report drew closer, I had even emailed the team asking for images to illustrate the key themes they had identified. You can’t get more instrumentalising than that!

In this piece, and by way of part repentance, Andrea and I try to re-stage that three way dialogue between her photographs, the interview data gathered in the case study of bingo regulation in England and Wales, and my analysis of what bingo regulation can add to existing debates within political economy. She and I met to discuss the images, and the reactions that people had when Andrea circulated the photographs back at the bingo hall. We identified some key themes that had struck her – a relative bingo novice – in her visits, and we talked about how those did, and didn’t, mesh with the interview data. We identified two themes that emerged from that dialogue, about (1) the social, part-domestic nature of the bingo hall and the non-compliance required to keep it that way, and (2) the key role of cash within bingo. In the remainder of this piece we discuss these themes.

## 2. Regulars and the rules of belonging in a part social, part domestic space

### 2.1 Images and captions

*This is where Kathy and Sally sit. As soon as they arrive, they arrange their space with their snacks, their drinks, and their dabbers. Home away from home.*



*Sally, Kathy and Rose invited me to share their cigarette break in a shelter at the back of the bingo hall. I sat with them as Kathy recounted a very funny incident that had happened earlier that day, involving an elderly resident of the care home where her husband was staying. There was much raucous laughter as she told the tale. Before she got up, she turned to me and put her hand on my arm. "This is why I come," she said quietly. And I understood instantly.*



*It's all about family and a chance to get together for this particular group of women - two sisters (sitting side by side, right) daughter/niece (left) and a long-time family friend. And the bingo caller tonight is a female family member too!*



## 2.2 Interviews

*A lot of the members are regular members. They are five, six, seven days a week. So you get to know them very well. ... This is their social—they have been coming here for so many years and they know all the members. They have got friends here. It's a very social atmosphere. (A13, male manager of a commercial bingo hall)*

*I think the benefits of bingo is, it gives, it certainly gives the older generation somewhere to go if they have always been coming. So then they have got a social aspect still in their life. And also, on certain sessions, people with low incomes, it gives them still like an activity that they can come and do. It's a good thing for families. We all have people where they will come in with their grandmother and their mum and then the daughter joins and if they didn't go to bingo how many other activities would you be able to do where you get so many generations in a family together? (F18, female bingo organiser)*

*These people are quite dependent on coming here. This is their life. You know that might sound a bit dramatic—but I think that it is that for a lot of people. My mum plays bingo. And I don't know what she would do if she didn't come. (A22, female bingo executive)*

*Our customers are very unique. They know the product better than you do.... You can't come in here head strong, acting like you know the world, you really can't. (F16, female manager of a commercial bingo hall)*

*You know, bingo players take ownership. The regular ones take ownership of their club. And if you do stuff to their club without consulting them or, you know... (A30, male bingo executive)*

### 2.3 *The subsequent academic analysis*

Commercial bingo in the UK rests on a membership paradox. Under the 2005 Gambling Act membership was removed as a statutory requirement in commercial bingo premises but, with a few exceptions,<sup>8</sup> most facilities have retained it. Membership cards are still checked before granting access and giving prizes in most bingo halls, and new customers are still asked to join as members.

There are two commercial reasons given for retaining membership: that it is useful for marketing, and that it helps businesses comply with social responsibility requirements around preventing under-age entry and self-exclusion. Membership cards can appear to be little more than customer loyalty cards in this respect, with the added benefit that some identification is required to get one in order to ensure that the holder is over 18, and that people who have self-excluded because of gambling problems can be prevented from entering.

That said, however, most interviewees suggest a different, and much more significant, role for membership. These conversations occur when they talk about regulars. Regulars are those players – mostly older women – who come very frequently, sometimes daily, and often in the afternoons (which are cheaper). These players are heavily reliant on their bingo hall for warmth, friendship, a sense of community, and an affordable way to get out of the house. Staff claim that many such regulars use halls as a form of self-referred ‘day care’, and in this respect the service provided becomes very significant indeed. In fact, I was repeatedly told (by staff and customers) that when halls close some of the regulars die. It is hard to imagine a more powerful assertion of the game’s significance.

This trope – of commercial halls providing social services for lonely old ladies – has long been mobilised by the commercial bingo industry. Reports commissioned by the trade association deploy it to argue for tax cuts for example,<sup>9</sup> and politicians supportive of commercial bingo have invoked it for decades. It has also been discussed by the small number of academics who have researched bingo.<sup>10</sup> However there is less said about the reciprocal, interdependent nature of the relationship between regulars and commercial halls. Although bingo halls have tried hard to attract younger people in order to arrest declining attendance, the profitability of many bingo halls relies on a small, and shrinking, group of older regulars. One manager spoke of a ‘hard core’ of 300 of his 1200 members who come regularly, some seven nights a week, and thereby keep the place open. Another described a typical quiet afternoon where 90-95% of the roughly 100 people present were regulars. Survival relied on such regulars, people aged 50 to 80 who “*are the bread and butter that keep it ticking over. Your bingo virgins might come once or they might come twice in six months. But there is not many*” (A9, female).

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<sup>8</sup> Non-member bingo is offered in some high street locations. These are generally conversions from adult entertainment centres, where a bingo premises license offers advantages in terms of gaming machine numbers.

<sup>9</sup> Denise Hicks and Ray Stone, ‘Unlucky for Some: The Social Impact of Bingo Club Closures’ (Henley Centre Headlight Vision 2007) DCMS FOI Response CMS Case Number 99220.

<sup>10</sup> See, inter alia, Richard Maclure et al., ‘Entertainment or Imprudence? An Ethnography of Female Bingo Players’, in James Cosgrave (ed), *The Sociology of Risk and Gambling Reader* (Routledge 2006) 169-171; Carolyn Mary Downs, *Social, Economic and Cultural History of Bingo (1906-2005): The Role of Gambling in the Lives of Working Women* (VDM 2009); Constance Chapple and Stacey Nofziger, ‘Bingo! Hints of Deviance in the Accounts of Sociability and Profit of Bingo Players’ (2000) 21 *Deviant Behavior* 489; Rachael Dixey and Margaret Talbot, *Women, Leisure, and Bingo* (Trinity & All Saints’ College 1982).

The fact that halls are so dependent on regulars means that they have considerable power over the space. Their routines and habits are essential to the atmosphere of the bingo hall, their preferences shape play mechanics significantly, and they can sometimes assert a quite remarkable level of control. Clubs 10 miles from each other, owned by the same company, may have different game set-ups because regulars in one like to play treble chance bingo (a line, two lines, full house), a format that takes longer to finish and that divides prizes up into smaller amounts. Regulars sometimes arrive several hours before a game starts (sometimes before the hall officially opens; they will knock on the door until someone lets them in), going to their regular table, stretching out their paper, or book, or food, or knitting to claim it. Regulars in one club had displayed clothes – widely understood to be stolen – in the toilets during the interval between games. A young trainee manager had been told by those who stood outside the toilet doors during the sale to walk on by; they were, he recalled, butch lesbians and so he wisely took their advice. There is also widespread acceptance of non-compliance with company rules about not bringing in outside food and drink: regulars arrive with not just sweets and snacks but with meals in tupperwares, and flasks of tea and coffee. The photographs above show such sweets, and tupperwares of food. In short, the sense from staff is that regulars think they own the place – and, if we use a pluralist notion of property as involving use and a sense of belonging, they probably do.

The reality is that managers cannot be too headstrong; they must defer to regulars as a distinctive group of members. When such players are defiant after being caught stealing (or when they get drunk and undress, or threaten to sue after falling over a chair – other incidents that provoked temporary bans from the premises), a managerial foot gets put down, and a sense of entitlement may be checked. But more often than not commercial facilities are part controlled by non-compliant, sometimes cantankerous, sometimes bawdy women who act like they own the place. Hence although membership was removed as a statutory requirement in commercial bingo premises by the 2005 Act, in practice the regular member is not being usurped in bingo halls. She is defiantly staying put, flask in hand, and telling you to shush.

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### 3. Cash use

#### 3.1 Images and captions



*Beside every bingo player is their designated pile or stack of coins.*



*The coins are an integral part of play, just as much as the dabbers and the bingo shutter boards.*



*Fishing coins out of bags, popping coins into slots, seeing coins pile up on tables – it's a physical manifestation of the game but it's not always the end goal. Winning is a bonus, they all say.*



*Theresa, Pauline and Mary arrive at the same time, sit in the same seats and order the same drinks. I suspect they gather and bring the same number of coins and spend the same amount. The game, the cash – it's all part of their much-loved bingo ritual.*

### 3.2 Interviews and reports

The anonymity currently inherent in cash-based gambling makes identifying and reducing harm much more challenging than it otherwise might be. It hampers research into the causes of harm and cost effective ways of mitigating it. And it makes more advanced player protection measures, such as feedback from patterns of play over time and associated operator action, virtually impossible to introduce effectively. It is also important to recognise that for some customers – those engaged in the disposal of criminal assets or fruits of the black economy – anonymity is highly attractive. Added to this, we are now in a world where new forms of harm reduction, based on data analytics, are becoming possible. The package of research commissioned by the Responsible Gambling Trust, published in December 2014, confirmed that account-based or registered play – with the ability to link play to identified players over time – offers opportunities to identify those who potentially might be at risk of harm. (Chair of the Gambling Commission Philip Graf, laying out the social responsibility case against cash, Licensing Conditions and Codes of Practice amendments, February 2015, 3).

*We don't know what somebody's got in their purse to spend. Whereas, online bingo they know exactly what people are depositing... If you deposit £50 then actually it encourages you to spend that £50 and then they will actually ring you again and say, "we will give you £20 if you put another £30 in".* (A21, female bingo executive)

*We can manage problem gambling far better than any online business...I can open up ten accounts in ten different names. They are never going to know I am a problem gambler. In bingo, we are seeing that person. We can physically see it. We can monitor their play. We know who they are from a presence perspective.* (A29, male, head office)

*With bingo there is still a little bit of control **apart from online bingo, of course**. I can still convince myself that a bingo hall is still a little bit social. It's not hard gaming.* (F32, male, hall manager, emphasis added).

Respondent 1: *The biggest thing that worries me is the online bingo and gambling.*

Both: *Yeah, yeah.*

Respondent 2: *Because I think it's very easy to run up credit card bills and such like if you are not actually going in somewhere and handing your money over.* (B1, local councillors, male)

*(With online bingo) you just think: where is the control on that? You are sitting in your house, you don't have to go out, **you don't see the money**.* (F7, local councillor, female, emphasis added).

Don't take your bank card with you. This is a good way to safeguard your money limit and not let being "in the moment" warp your judgment. (GambleAware advice on staying in control, in Bingo Association Operators' Handbook 2015, section A3).

### 3.3 *The subsequent academic analysis*

The growing regulatory concern with excessive gambling and the need for operators to show social responsibility has led to efforts to track players at an individual and aggregate level, via new technologies. In the UK specifically, debates about player tracking have gained force due to public concern over fixed odds betting terminals in betting shops.<sup>11</sup> In 2014, the national gambling regulator, the Gambling Commission, launched a research initiative using loyalty card and anonymous transactional machine data, to see if there were technology-driven measures that could minimise harmful play without impacting on those who do not exhibit harmful behaviours.<sup>12</sup> The government also placed a requirement on larger betting shop operators to offer account based play, on the basis that it would “allow account holders to track and monitor their own play via statements, and enable targeted interventions in accordance with operators’ licence conditions”.<sup>13</sup> The move was welcomed by many observers, including some academics and gambling treatment providers.

In turn, the Gambling Commission is now recommending cashless play in all gambling sectors. Specifically, “anonymous play” (with cash) is framed as a social responsibility problem, in part because it makes sector-wide self-exclusion policies harder to implement.<sup>14</sup> In 2015, a Gambling Commission document announcing stricter social responsibility codes for licensees opened with a foreword from the organisation’s Chair, Philip Graf, which laid out the case against cash on money laundering and harm prevention grounds. Although Graf noted opposition to player tracking, stemming from concerns about privacy and the personal freedom to dispose of funds that have been acquired legitimately, he stated that these are for parliament, not the regulator, to address.<sup>15</sup>

The Bingo Association, representing commercial operators, consider themselves on notice. Their operators’ handbook notes that manufacturers of Electronic Bingo Terminals and gaming machines are developing player registration tools that include “software to permit customers to limit their spend and time spent gambling”.<sup>16</sup> Moreover in its money-laundering risk assessment of Gala’s bingo operations,<sup>17</sup> the Commission recommended new procedures around player tracking, and as a result Gala are working with suppliers to “provide software which will track player behaviour on a continual basis and then report on activity that appears suspicious or may indicate problem gambling”.<sup>18</sup> Specifically, the software will:

- a) Create a list of transactions that exceed set pre-determined parameters, indicative of a typical range of customer spend patterns;
- b) Sort the transactions as a percentage of cash staked divided by cash in. These would indicate normal, suspicious or problem gambling activity;
- c) Record other details such as date, time and machine in order to permit customer identification by using CCTV or the membership system.<sup>19</sup>

<sup>11</sup> David Miers, 'Regulation and the Management of Risk in Commercial Gambling in Great Britain' (2015) 15 *International Gambling Studies* 422, 426.

<sup>12</sup> *ibid.*

<sup>13</sup> *ibid* at 428, citing DCMS, *Gambling Protections and Controls*, April 2014, p 5.

<sup>14</sup> Gambling Commission, *Licensing Conditions and Codes of Practice*, January 2017, p 72.

<sup>15</sup> Gambling Commission, *Licensing Conditions and Codes of Practice Amendments*, February 2015, p 4.

<sup>16</sup> Bingo Association, *Bingo Operators’ Handbook*, 2017, section A3.1.

<sup>17</sup> Gala is one of the largest land-based bingo operators in the UK.

<sup>18</sup> Bingo Association, *Bingo Operators’ Handbook*, 2017, section 6.4.5.

<sup>19</sup> Bingo Association, *Bingo Operators’ Handbook*, 2017, section 6.4.9 a –c.

To be clear, it is not the bingo industry pushing for such changes. In contrast, many people we interviewed are critical of moves to player tracking, given the low risks of problem gambling and money laundering associated with bingo, and the fact that its distinctive player demographic has a strong attachment to cash. Cash use is highest among older people, and many bingo players come with set amounts of cash for the session, leaving coins out for their side games or machine play for example. This is clearly evident in the photographs. The idea that these are especially risky players, from a money laundering or problem gambling point of view, struck many in the sector as absurd. Furthermore, unlike casinos, the bingo industry does not see anonymous players as a wasted asset, or a cost about whom nothing is known and who are hard to target with marketing.<sup>20</sup> Cash-using players are not anonymous; in contrast, they may be well-known regulars. Their play may be opaque to data tracking systems, and central regulators, but it is easily legible within the hall, and staff are able to monitor it; they know precisely who is calling them over to change notes for coins to feed into side games, for example. In this regard staff hope that their interactions with members can guide them as to whether people are experiencing problems. They have no such faith in player tracking technologies.

Rather than being pushed by businesses, the promotion of cashless, account-based play reflects the broader capture of the regulator (and some gambling academics) by technological imaginaries about perfect surveillance via electronic payments. In addition, the desire to move away from cash reflects a widespread state and researcher faith in metadata: that algorithms can access truths about social life much more accurately than people can. While businesses may be interested in such data for marketing purposes, regulators and academics are also increasingly motivated to gather and extract value from it.<sup>21</sup> For many critics, it is this “inextricable knot” of market, state, and researcher interests in metadata that explains the proliferation of real-time tracking, and associated efforts to convince the general public that continuous, meta-level surveillance is in our collective interests.<sup>22</sup> In this regard, the Gambling Commission’s recent problematisation of cash users as “anonymous” provides an interesting example of the knot unravelling slightly, since there is no evidence of bingo industry interest in player tracking for marketing purposes.

To a regulator bruised by its failure to control fixed odds betting terminals in betting shops, and struggling to ascertain clear boundaries between normal play, problematic gambling, and maybe-risky-in-the-future gambling, the promise held out by moving players to cashless payments so that computers can show the way is understandably attractive. But it is deeply flawed in relation to bingo. In fact, these measures may make matters worse. Cash is a useful technology for limiting spending. Cards are not. In gambling, card use speeds up play and induces automaticity, in part by reducing interruptions. That is why the “money in” part of the transaction (to turn cash to credits) is automated but the reverse end (of turning credits back to cash) usually requires staff oversight, and takes longer. That is also why other sectors of the gambling industry have tried to encourage card use, and why some problem gambling treatment providers recommend reliance on cash as a harm minimisation measure. When

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<sup>20</sup> On casinos and the push to player cards see Natasha Dow Schüll, *Addiction by Design: Machine Gambling in Las Vegas* (Princeton University Press 2012) 152.

<sup>21</sup> See inter alia Danah Boyd and Kate Crawford, 'Critical Questions for Big Data' (2012) 15 *Information, Communication & Society* 662.; Jose van Dijck, 'Datafication, Dataism and Dataveillance: Big Data between Scientific Paradigm and Ideology' (2014) 12 *Surveillance & Society* 197.

<sup>22</sup> Van Dijck, *ibid.* at 203.

technologies turn money into credit, it is more likely to get psychically separated off into a non-fungible form considered only viable for use in the exchange zone of the machine.<sup>23</sup> The danger is that people will be moved into cashless, account based forms of play that purport to be safer at the individual level, and that promise researchers a treasure trove of metadata, but that actually undermine long-established mechanisms for regulating spending. The interventions being promoted may thus prove ineffective, or even counter-productive, in practical terms, driving out other, long-established social responsibility practices in the land-based bingo sector.

More broadly, these measures further entrench government and researcher faith in algorithmic approaches, and the online technologies of which they are a part, to resolve social problems. In this respect the desire to port bingo players away from cash is important beyond bingo. It points to, and reinforces, the normalisation of everyday surveillance in ways that frankly fly in the face of existing evidence about risk. Those with deep insider knowledge tell us that cash use helps regulate spending, but the embrace of data-driven solutions leads to recommendations for the opposite. Such recommendations are even, sometimes, endorsed by academics long critical of the gambling industry. At issue here is not just a way of buying a bingo ticket, but rather an orientation to knowledge that is very distant from the people in Andrea's photographs.

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<sup>23</sup> Schüll (n 20) 56.

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