

**IN THE MATTER OF DISCIPLINARY PROCEEDINGS**

**B E T W E E N:**

**WORLD PROFESSIONAL BILLIARDS AND SNOOKER ASSOCIATION LIMITED**

**and**

**STUART BINGHAM**

**DECISION OF THE DISCIPLINARY COMMITTEE**

**Introduction**

1. This is the Decision of the Disciplinary Committee of the World Professional Billiards and Snooker Association Limited ('WPBSA'). The Committee originally comprised Nicholas Randall QC (who was appointed as Chairman by letter dated 5<sup>th</sup> July 2017), Mr Tim Ollerenshaw and Mr Gordon McKay. It subsequently transpired that Mr McKay was not able to sit. At the outset of the hearing on 11<sup>th</sup> July 2017 all parties consented to the proceedings commencing in the absence of Mr McKay.
2. Both parties were represented by Counsel at the hearing. The WPBSA was represented by Mr Louis Weston and Mr Bingham was represented by Mr Gabriel Buttimore. We are grateful to both Counsel for their excellent representation and helpful submissions. We also wish to record our appreciation of the efficient and helpful way in which all parties conducted themselves at the hearing.

3. All references are to the hearing bundles.

### **The Charges**

4. The charges are set out in the Charges document at 1/2/22-24.
5. Prior to the hearing Mr Bingham made a number of admissions to the charges. The extent of those admissions is set out in his witness statement and the Note served on his behalf by his Counsel on 10<sup>th</sup> July 2017.
6. It follows that the role of the Disciplinary Committee was to rule on the charges to the extent that they had not been admitted by Mr Bingham. Notwithstanding the above we consider that, from the perspective of sanction, these differences may be somewhat academic. We deal with that issue later on in this Decision.

### **Sanction**

7. Although the final determination of sanction is obviously a matter for another day, the Committee wishes to record at this stage that the WPBSA (through its Counsel) accepted that any sanction would be in the general discretion of the Committee subject, of course, to the normal control of the Courts on severity of sanction. This concession was, if we may say so, correctly made and would have been the decision reached by the Committee in any event.

### **Overview**

8. We were addressed skilfully by both Counsel on how we should approach the evidence in this case. In many respects this is the nub of the dispute between the parties.
9. Mr Buttimore's approach was developed in his closing oral submissions and in his Timeline of Accounts document. We are grateful to him for summarising those oral submissions in writing on 16<sup>th</sup> July 2017.

### **Overview of Witnesses**

10. We shall deal first of all with our findings regarding the credibility of the witnesses who gave evidence before us.
11. There were no issues as to credibility of the witness evidence presented to us in both oral and documentary form by the WPBSA and Mr Buttimore, entirely properly, did not suggest that there were any such issues and his case was not based on any such allegations.
12. The position with Mr Bingham and Mr Gary Purkiss was somewhat different. The position as advanced by Mr Weston was that neither of these witnesses was being entirely truthful in their evidence. We agree with him.
13. We shall deal with Mr Gary Purkiss first of all. Mr Purkiss is often described as Mr Bingham's manager but he confirmed to us that there is, in fact, no financial arrangement between them. It is clear, however, that Mr Purkiss regularly drives Mr Bingham to tournaments and accompanies him.

14. We did not find the evidence of Mr Purkiss to be credible. In particular his explanation as to why he placed bets on Mr Bingham's matches seemed to us to be entirely lacking in credibility. He deals with this at paragraphs 15 and 16 of his witness statement. On their face these explanations make no logical sense. When cross examined about these explanations the Committee noticed Mr Purkiss's body language and general demeanour which showed that he was extremely uncomfortable when dealing with these issues. We have no doubt whatsoever that this evidence was untrue. We believe and so find that these bets were a form of "hedging" to obtain some financial return if Mr Bingham was to lose. They were deliberate and intentional bets. It had nothing to do with Mr Purkiss wanting Mr Bingham to win so much that he put bets on him to lose. This is a proposition which only needs to be stated for it to be realised that it is absurd.
15. In short we do not believe that Mr Purkiss did Mr Bingham any favours at all with his evidence. Where the evidence of Mr Purkiss is in conflict with the oral evidence of Mr Bingham or that of the WPBSA we emphatically reject it.
16. The position with Mr Bingham's own evidence was very different. We are of the unanimous view that Mr Bingham's evidence showed that he was on something of a journey during this case. We noted that he made numerous concessions under cross examination and departed on a number of occasions from his written evidence. We commend him for this. We repeat that we think that Mr Purkiss does no credit to Bingham when he claimed that he was making concessions that were not true. We believe that the opposite is the case: namely that during his evidence Mr Bingham opened up and made considerable strides towards providing a truthful account. We comment on this further below.
17. It follows that, from a purely forensic point of view, we consider the oral evidence of Mr Bingham shows that the original position as stated in his

written statements and that of Mr Purkiss is largely unreliable. This, obviously, has implications for the way in which his case was argued by Mr Buttimore which was, no doubt, based on the evidence he understood was to be given. In particular this has an impact on the extent to which we can draw adverse inferences.

## **Approach**

18. We agree with Mr Buttimore that the approach that we should adopt to the evidence is as set out in his written closing submissions at paragraph 3.
19. What is clear is that notwithstanding the rules against betting on matches Mr Bingham has admitted that he did precisely that. That admission relates to periods between January 2009 to March 2010 on the Sporting Bet account and between July 2012 and November 2013 on the [REDACTED] account.
20. We cannot accept Mr Buttimore's submission at paragraph 7 of his closing submissions that there is *no evidence* at all to the effect that the Stan James account was also being used. We find that there are three categories of evidence that show that it is very likely that this account was used by Mr Bingham. First of all there is the evidence detailed at paragraph 19 above. We agree with Mr Weston that it is a legitimate inference that if someone is betting on snooker during the admitted periods then, absence convincing evidence otherwise, you would infer that such conduct continues. Secondly, there is the evidence that Mr Bingham had the relevant pass code, so he had access to this account. And finally we simply do not accept the evidence of Mr Purkiss and Mr Bingham on this matter for the reasons set out above.

21. When taken together we are fully satisfied that the evidence shows that Mr Bingham did place bets on the Stan James account. The fact that we cannot identify precisely which bets were placed by him is not the fault of the WBSPA but arises because Mr Bingham and Mr Purkiss are not providing the detail to the Committee.
  
23. It follows that the findings on the first 3 charges are as follows:
  - 23.1 Charge 1 – we accept Mr Bingham's admission that the charge is made out to the extent that there were 8 bets in 2009 and 2010; the total stake was £424.44; most bets were under £25 and the biggest was £200.
  
  - 23.2 Charge 2 – we accept Mr Bingham's account that there was a total of 4 bets and the total stake was £20.
  
  - 23.3 Charges 3, 4 and 5(a) – we find the charges proved regarding the Stan James account. We are unable to identify precisely how many bets were placed by Mr Bingham and how many by Mr Purkiss. This is not the fault of the WPBSA. We infer that the betting was substantial and that Mr Bingham was responsible for 50% of it.
  
24. We now consider the ██████ and Big Purk Account. Charge 5(a)(ii) is admitted.
  
25. We find that charge 5(b)(i) is also established because of Mr Bingham's admissions. We consider that carrying winnings forward is also a benefit. We also agree with Mr Buttimore that this is academic.

26. We accept the majority of the arguments advanced by Mr Buttimore at paragraphs 18 to 33 of his closing submissions document. We therefore make the finding in relation to the BigPurk account that Mr Bingham was infrequently using the BigPurk account prior to October 2016 but this picked up after October 2016 with Mr Bingham placing in the region of 40 bets in October and December 2016. For the reasons we have already provided we do not consider that Mr Bingham's betting on snooker was "infrequent".
  
27. We now move on to the Curtis Braithwaite charges. The difference between the parties appears to us to be largely academic. In the circumstances we accept the admission in relation to charge 5(b)(ii) but accept the technical defence in relation to charge 5(a)(iii) on the basis that Mr Bingham did not directly use the account of Mr Braithwaite.
  
28. We now have to consider the charges in relation to Phillip Alden. The difference between the parties is again largely academic. Charge 6(a) is admitted with regard to 3 bets in 2014/15. We accept the propositions advanced by Mr Buttimore in paragraphs 38 and 39 of his closing submissions and we dismiss charge 6(b).

## **Conclusions**

29. We therefore find the relevant charges as proven or dismissed as set out above.

30. After careful consideration we consider that it is important that we provide comments regarding our concerns in this case which relate to sanction. We stress that these are comments and not findings.
31. It is clear to us that Mr Bingham is an outstanding competitor. As we have said above, notwithstanding the comments of Mr Purkiss, we believe that Mr Bingham has been on something of a journey during this case. We were impressed by the extent to which he accepted matters in cross examination which were contrary to his witness statements. We believe that he was embarking on a process of acceptance of his problem during this evidence.
32. We have noted in the evidence that it is suggested that Mr Bingham has no gambling addiction. We have seen no medical evidence to support this. Although we are not medically qualified it is impossible not to pick up certain knowledge of the basics of gambling addiction when you sit regularly on sports disciplinary cases. We consider the facts of this case would be likely to establish a prima facie case of gambling addiction through the eyes of a properly qualified expert.
33. It is clear beyond doubt that Mr Bingham's gambling has landed him in considerable difficulties with his profession. That is normally the starting point for evidence of an addiction. Furthermore, we consider that Mr Bingham has tried to hide the extent of his gambling but, during his cross examination, began to offload his experiences. Again this would be a classic sign of gambling addiction.
34. The reason that we make the above comments is to assist the parties. There is no evidence at all to the effect that Mr Bingham has deliberately thrown a match due to his gambling. It follows that we will have a wide variety of sanctions available to us. If we are to impose a sanction that does not provide

for any suspension or just a limited suspension our confidence that Mr Bingham will not return to these habits will be highly relevant. It may be relevant to this assessment whether or not Mr Bingham has faced up to his problems and sought help to such an extent that we could feel confident that there would be no repeat.

35. In light of the above we await the parties' representations on how we should now deal with sanction.

NICHOLAS RANDALL Q.C.

TIM OLLERENSHAW