



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD

**THURSDAY 23 NOVEMBER 2017
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON**

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Goodfellow
Councillor J Henderson
Councillor C McGinn
Councillor J McMillan

Clerk of the Licensing Board:

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

Attending:

Ms G Herkes, Licensing Officer
PC H Bowsher, Police Scotland

Committee Clerk:

Ms J Totney, Team Manager – Democratic Services

Apologies:

None

Declarations of Interest:

None

1 MINUTES FOR APPROVAL

(1a) The minutes of the East Lothian Licensing Board meeting of 26 October 2017 were approved as a true record.

(1b) The minutes of the East Lothian Licensing Board and East Lothian Licensing Forum, joint meeting, of meeting of 28 2017 were approved as a true record. Councillor McMillan commented that this had been a useful meeting.

**2 POSSIBLE REVIEW HEARING FOR BREACH OF LICENCE CONDITIONS
– UNPAID ANNUAL FEES**

2 (a) Masons Arms, 8 High Street, Belhaven

2 (b) Giancarlo's 119 High Street, Tranent

The Clerk advised that these two premises had been called for review as the annual fees, due by 1 October 2017, were outstanding. However, as these fees had now been paid, the hearings had been cancelled.

Decision

East Lothian Licensing Board noted the update.

**3 UPDATE FROM DEVELOPMENT CONTROL ON STATUS OF PLANNING
PERMISSION
Broxmouth Stately House & Gardens**

The Clerk advised, that as requested at the last Board meeting, the Planning Officer had provided a written update which had been circulated to members. The written update reported that there has been no progress with the planning application.

Decision

East Lothian Licensing Board noted the update.

**4. CONSULTATION ON PROPOSALS FOR CHANGES TO GAMING
MACHINES AND SOCIAL RESPONSIBILITY MEASURES**

The Clerk referred to her report and commented that the Government had announced the review in October 2017 to ensure that there is an appropriate balance between a sector that can grow and contribute to the economy and one that is socially responsible and doing all it should to protect consumers and communities from problematic gambling. She advised that the Consultation will close on 23 January 2018; that she is seeking the Board's input into the response; and asked that the Board delegate the Clerk of the Board to respond to the Consultation. She highlighted that a number of questions are posed in the Government paper. Before dealing with those questions, she asked members for their views on option 4, outlined in the Overview of Findings, which is to reduce the maximum stake on all category B2 gaming machines (Fixed-Odds Betting Terminals (FOBTs)) from £100 to £2.

Councillor Goodfellow proposed that the Board's response should call for a maximum stake of £2. Councillor McGinn supported this proposal. Members unanimously agreed this response from East Lothian Licensing Board.

The Clerk referred to questions 2 – 7 regarding FOBTs and pointed out that the proposals are to maintain the status quo. She highlighted that, at question 8, the industry had been lobbying to increase the stake and prize money.

Councillor Henderson suggested that the stake for category B1 gaming (casino sector) should be a maximum of £2.

Councillor Bruce commented that casinos operate in a different environment from the High Street.

The Clerk advised that the casino sector is seeking for the maximum jackpot to be increased to £100,000, although the Government remains unconvinced about this. She

asked members if they are supportive of maintaining the status quo, adding that there are no casinos in East Lothian.

Councillor McMillan commented that the status quo is prudent and conservative; that measures to prevent and deter people from heavy gambling are important; advertising could carry more warnings; suggested that there is a wider discussion at Council regarding the Consultation; and indicated that he would welcome further advice on protection measures in addition to self-exclusion.

The Clerk advised that these comments would be borne in mind when redrafting the statement of General Principles next year.

Councillor McGinn commented on the community issues and damage caused by the use of category B2 terminals. He was of the view that reducing the stakes would reduce the damage, and advocated a move away from money-based High Street outlets to cashless/token operated terminals where trained employees can monitor individual usage. Councillor Goodfellow supported these comments.

Councillor Goodfellow expressed concern that question 1, regarding maximum stakes, did not go far enough as there was also the issue with category B2 machines regarding the time between bets, which is 2.5 seconds. He suggested that the timing be adjusted to mirror the spin of a roulette table which is every one minute. This was unanimously supported by Board members and there was general agreement that the government's proposal to maintain the status quo in questions 2-7 was supported.

The Clerk sought views in relation to question 8: prize gaming. In response to Councillor Henderson, who asked what prize gaming is, the Clerk offered to provide further information outwith the meeting.

In relation to question 9, Members did not support the industry's drive to increase the number of gaming machines in pubs and noted that the majority of pubs in East Lothian no longer have gaming machines.

The Clerk referred to question 10 and the Government's proposal to bar contactless payments as a direct form of payment on gaming machines. There was clear support for this from the Board.

Members then discussed the options for Social Responsibility measures as outlined in the report. Members supported the bar on cashless gaming; the use of algorithms to identify problematic play and protect people at risk; increasing health warnings on promotional material; issuing betting permits/having a betting registration system; the fact that the Government had asked the Gambling Commission to advise on the costs and benefits of introducing a form of tracked play on B1, B2 and B3 gaming machines; and the publication of gaming data, by location.

The Clerk referred to the section in the report about online gambling and asked members if they supported the package of measures that had been outlined.

The Clerk pointed out that the report states that the Gambling Commission has made clear it will consider restricting the use of bonus and promotional offers. All Board members agreed that the Gambling Commission should take action in this regard.

Councillor McMillan referred to the sentiments expressed in the report by the Competitions and Marketing Authority regarding possible unfair terms and misleading practices around on-line gaming sign-up promotions and free bet promotions, and stressed the need to protect young and vulnerable people. Councillor Dugdale shared this view and wondered how you prevent marketing to people who have self-excluded.

Members debated gambling advertising and suggested that the Gambling Commission looks at the relationship between bookmakers and sports institutions.

The Voluntary Advertising Code was discussed and Councillor McGinn remarked that this should not necessarily be made mandatory as the vast number of people gamble responsibly. However, he stressed the need to safeguard vulnerable people. Councillor Bruce stated the desire to mirror the alcohol protection measures that are in place to protect people who cannot use alcohol safely.

Question 14 relates to Research, Education and Training (RET) and the Clerk sought views about imposing a mandatory levy should the gambling industry not provide adequate funding for RET.

Councillor Bruce suggested that a contribution from all gaming machines should go to charity and that there should be a mandatory levy; Councillor McMillan advocated a levy to support prevention work; Councillor Henderson commented that the external effects of alcoholism are more visible than the effects of gambling and that there can be a stigma in talking about gambling problems, thereby making it more difficult to provide support to vulnerable people; and Councillor Dugdale concurred that gambling can be a hidden problem and suggested that the response to question 14 is worded more strongly than that suggested by the Government.

PC Bowsher advised that Police Scotland's Policy Unit would respond to the consultation at a national level.

The Clerk introduced question 15 in relation to the assessment of the current powers available to local authorities and pointed out that the Government has failed to recognise that there are Licensing Boards in Scotland. She added that the Gambling Act presumes in favour of the grant of a licence for gambling premises and that over provision is not a criteria in the decision making/refusal process.

Decision

East Lothian Licensing Board:

- i. considered the Government's Consultation on Proposals of Changes to Gaming Machines and Social Responsibility measures and decided on their responses to the questions posed.
- ii. authorised the Clerk of the Board to submit the Board's response to the Consultation.

5 NHS PRESENTATION

The Clerk advised that this presentation would be continued to a future date.

SCOTTISH GOVERNMENT GUIDANCE FOR COMPLETING A DISABLED ACCESS AND FACILITIES STATEMENT

Before closing the meeting, the Clerk brought Members' attention to a letter from the Justice Directorate about the Disabled Access and Facilities Statement. She explained that this is not a statutory requirement as the 2010 legislation has not been enacted; however, consideration is being given to bringing this into force for new applications.

The Clerk commented that she considered this to be good practice and suggested that it should be incorporated into the statutory application form.

Members unanimously supported measures to encourage licence holders to assess their premises in relation to accessibility.

Decision

East Lothian Licensing Board agreed that guidance should be published on the website along with details of the disability and accessibility categories.

Signed

Councillor Fiona Dugdale
Convener of East Lothian Licensing Board