

Written submission from West Lothian Council

1. What would be the benefits and disadvantages for you as a consequence of the UK Government's proposed provision in the Scotland Bill 2015?

With regard to the general rationale for limiting the number of fixed-odds betting terminals available to the public if they are identified by Government to play a causal role in relation to problem gambling (see further below), the issue seems to be whether the Scottish Government could limit the number of fixed-odds betting terminals under all relevant types of gambling premises licences, regardless of when they were issued, or whether this would have to be done in part by the Scottish Government (for betting premises licences issued after the change in law came into effect only), and in part by the UK Government (for betting premises licences issued before the change in law came into effect and all other relevant premises licences). With regard to this the council is unable to comment on whether the UK Government's proposed provision would hold benefits or disadvantages for the council, as too much remains uncertain. This includes:

- whether the Scottish Ministers would limit the number of fixed-odds betting terminals permitted under a betting premises licence issued after the law came into effect and, if so, to what number;
- whether the UK Government separately would limit the number of fixed-odds betting terminals permitted under existing betting premises licences/ other types of premises licences and, if so, to what number; and
- what effect this would have overall on reducing problem gambling (see further below).

2. What would be the benefits and disadvantages for you as a consequence of the proposed alternative position suggested by the Scottish Government?

The same comments made above are repeated here. The apparent difference being that the Scottish Ministers would be able to limit the number of fixed-odds betting terminals permitted under all relevant gambling premises licences, regardless of when they were issued, rather than this being done in part by the Scottish Government and in part by the UK Government. However, there would still be a question as to whether the Scottish Ministers would exercise this power and, if so, to what number, and what effect this would have on reducing problem gambling.

3. Which of these approaches do you prefer and why?

The council notes that, under the Gambling Act 2005, the categories of premises permitted to have category B2 machines (fixed-odds betting terminals) are casinos, betting offices and tracks with the relevant additional permissions. Currently licensed betting offices are permitted to have up to four fixed-odds betting terminals.

The council notes that there is research, including findings published by the UK Government, that fixed-odds betting terminals have been controversial. In the main

the council understands this is because critics believe they have played a role in problem gambling, in particular due to the relatively large amount of money which can be lost on them in what may be a short space of time. However, the council understands that there is also ongoing debate as to whether there is a causal link between fixed-odds betting terminals and problem gambling. The council also understands that there is also debate as to whether the maximum stake available on fixed-odds betting terminals should be reduced.

As licensing boards are not required to hold records of what number and type of machines premises licence holders have on their premises under the current permissions, the council is unable to comment on whether the current permissions have resulted in a “proliferation” of fixed-odds betting terminals in its area, or may have contributed to such a phenomenon across Scotland.

Due to the limited number of relevant premises licences issued by West Lothian Licensing Board (currently 32 licensed betting offices, one track but without the relevant additional permissions, and no casinos), and the absence of any complaints received to date regarding this issue, the council has no information to suggest that a “proliferation” of fixed-odds betting terminals in its area has occurred. The council also has insufficient information available to form an opinion on whether and to what extent fixed-odds betting terminals play a causal role in problem gambling.

In West Lothian there has been very little change over the years in the provision of licensed betting offices. Only two applications have been processed in the last five years. Due to the limited number of gambling licences issued in West Lothian, this is not expected to change to any significant extent in the foreseeable future.

However, the council would generally support action taken by Government to address problem gambling and the associated problems it can bring for members of the community, as deemed appropriate by Government. The council provides a range of services to the community in areas such as debt management and housing in which problem gambling can be a factor. The council generally supports action taken by Government to address issues of financial hardship and homelessness through primary legislation, or to provide licensing/ local authorities with the means to do so.

While in Scotland it is licensing boards, rather than local authorities, who are “licensing authorities” for the purposes of the Gambling Act 2005, the council is also nonetheless generally supportive of the licensing objectives contained in the Act, including protecting children or other vulnerable persons from being harmed or exploited by gambling.

On this basis the council would generally support legislation providing the means for Government to limit the availability of fixed-odds betting terminals, should Government identify that fixed-odds betting terminals play a causal role in problem gambling.

With regard to the extent of the powers to be devolved to the Scottish Government in this regard, the council generally considers that, if fixed-odds betting terminals are identified by Government to play a causal role in relation to problem gambling,

Government would wish to have the ability to limit the number of these machines permitted under any relevant type of gambling premises licence. The council is unaware what the rationale would be for the power to limit their availability to be part devolved to the Scottish Government for betting premises licences only and reserved to the UK Government for other types of premises licences.

With regard to whether the powers to be devolved to the Scottish Government should apply to existing premises licences as well licences issued after the law is changed (future licences), the council considers that clarification may be required, based on the UK Government position, as to whether the future licences concerned would or would not include licences issued after the power to limit the number of fixed-odds betting terminals was devolved to the Scottish Ministers, but before the Scottish Ministers exercised that power to set a minimum permitted number.

In any event, the same comments made above are repeated here. If Government identifies fixed-odds betting terminals to play a causal role in relation to problem gambling, Government would presumably wish to have the ability to limit the number of these machines permitted on gambling premises, whether the relevant licences were issued before or after the reduced number of machines permitted became law.

4. Are there any changes in this area of law you would like to see which are not covered by either proposal, and why?

The council does not have sufficient information to form any opinion on the impact a change to the law as to the maximum permitted stake on fixed-odds betting terminals could have in relation to problem gambling. However, the council considers that, if this has been identified as a potential form of legal redress to the same issue, this should also be considered by Government.

5. Please make any further comment you feel is relevant to Committee's inquiry into FOBTs.

N/A