

COSLA Submission to the Call for Evidence on Fixed Odds Betting Terminals

COSLA welcomed the Smith Agreement's proposal to devolve the power to vary the number of gaming machines on licensed betting premises. The potential harm the proliferation of these machines presents to communities is of serious concern to locally elected members.

COSLA believes that the Scottish Government should take the opportunity to devolve this power further to the local level so that Licensing Boards can determine the appropriate number of fixed odds betting terminals (FOBTs) in their locality based on local circumstances.

Action and the joint work of Local and Scottish Government are key if we are to see effective reform placing a strong emphasis on prevention, service integration and "place". The need for this is more important now than ever. National governance should enhance the ability of local government to achieve this as effectively as possible and deliver those benefits to communities through:

- Empowering local democracy
- Integration not centralisation led by community planning
- Focus on outcomes not inputs
- Local democracy needs to be at the heart of improvement and accountability

As recent and ongoing research shows the vulnerability to harm from gambling and risk factors present vary depending on local circumstances. A significant tool would be created if Licensing Boards are empowered to vary the number of FOBT in a premises in response to local risk. This will enable Licensing Boards to fulfil the licensing objects set out in the Gambling Act, particularly protecting children and other vulnerable persons from being harmed or exploited by gambling.

COSLA also supports the Scottish Government view that it is disappointing that this power to vary FOBT will only apply to new premises and would agree that it should also be applied to existing premises to deal with areas where there is already significant proliferation.

COSLA notes however that for the provisions to work local government requires an amendment to be made to ensure that local authorities are able to enforce this power. Presently, due to a drafting error arising from the definition of 'licensing authorities' in the Gambling Act (2005), Licensing Standards Officers (LSOs) in Scotland are not 'authorised persons'. Because of this we have no powers of entry into betting premises to check or enforce any variation in the number of gambling machines present.

Amending the Gambling Act (2005) to enable Scottish local authorities to enforce this provision would also address the pre-existing legislative issues surrounding enforcement of the Act in Scotland.