

## Written submission from Orkney 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?

We are in agreement with the Scottish Government that Clause 45 of the draft Scotland Bill is inadequate to address Recommendation 74 of the Smith Commission. The powers it provides to Scottish Ministers are limited to betting premises licences only; and would only apply to future applications. Clause 45 as drafted would not prevent the proliferation of fixed odds betting terminals in other premises, nor would it do anything about existing fixed odds betting terminals in areas where their proliferation has caused demonstrable harm.

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

2. We feel that the alternative wording proposed by the Scottish Government is more appropriate. It is more flexible and would help prevent the use of alternative venues such as casinos to install fixed odds betting terminals. We anticipate that applicants are likely to use any available loophole to get around controls on the number of fixed odds betting terminals. We also welcome the application of the provision to existing terminals, as this would otherwise lead to inequity between existing and new providers. This would be undesirable in itself and also difficult to regulate.

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

We have a strong preference for the Scottish Government's approach, as it will better protect small communities such as Orkney.

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

We would like to see this power further devolved to local Area Licensing Boards. Decision-making should always be devolved to the most local level appropriate, and in this case Area Licensing Boards should have power to control the availability of fixed odds betting terminals locally. We are confident that this would have a positive effect on the community.

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

We have no further comments.

Orkney Islands Council  
August 2015