

SUBMISSION FROM HIGHLAND LICENSING BOARD

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

The UK Government's proposed Clause 45 would have the benefit of enabling Scottish Ministers to reduce the number of FOBTs which are currently automatically permitted on premises with betting premises licences but only in respect of applications for new licences.

Reduction in the number of FOBTs permitted in betting premises would be welcomed by The Highland Licensing Board (the "Board"). The Board's powers to refuse a betting premises licence application are very restricted under the Gambling Act 2005 and, as a result, the Board has very little control over the proliferation of FOBTs in its area. Moreover, where a number of betting premises are situated in a particular small locality, the total number of FOBTs available for use within that locality can be high. For example, in a particular part of Inverness, which incidentally is close to an area of social deprivation, there are now three betting premises within 200 m of each other, each with entitlement to make up to four FOBTs available for use. Each of them has elected to use their full entitlement, giving a total of 12 FOBTs within a 200 m radius.

The principle disadvantage of the UK Government's proposed clause 45, however, is that it would apply only to applications for new betting premises licences. The Highland Licensing Board would wish it also to apply to existing betting premises licences so that the existing number of FOBTs, particularly in parts of Inverness, can be reduced.

The other disadvantage is that the devolved power will relate only to betting premises licences. Casino licences also carry with them an automatic entitlement to make FOBTs available. Under the current legislation, even a small casino would be entitled to make up to 80 FOBTs available for use, depending on the number of gaming tables it offers. While The Highland Licensing Board area is not an area in which casino premises licenses may be issued, the Board would support a restriction on FOBT numbers in casinos in the interest of reducing FOBT numbers generally.

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

The benefits of the Scottish Government's proposed alternative Clause 45 are that it would apply to both betting premises licences and casino premises licences and both to new licence applications and existing licences, with the effect that the disadvantages identified in answer 1. above in relation to the UK Government's proposed Clause 45 would be avoided.

The Highland Licensing Board can identify no disadvantages as a consequence of the Scottish Government's proposed alternative provision.

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

The Scottish Government's proposed alternative approach, for the reasons stated above.

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 Highland Licensing Board would like to see amendment to the Gambling Act 2005 to enable Licensing Boards to refuse an application for a betting premises licence in the relevant locality of their area if the Board considers that the number of betting premises in that locality at the time the application is made is equal to or exceeds the number which the Board considers is appropriate for that locality. The Highland Licensing Board would also wish the Gambling Act amended to entitle Boards to determine that, for the purpose of refusal on this ground, the appropriate number of betting premises in any particular locality may be nil.

It is anomalous that local authorities have powers to restrict numbers of other types of licensed premises in particular localities (eg. premises licensed for the sale of alcohol, houses in multiple occupation, sex shops and, shortly, sexual entertainment venues) on this or similar grounds (such as overprovision), but have no power to do so in respect of betting premises.

As mentioned at answer 1 above, it is the experience of The Highland Licensing Board that operators have set up betting premises in or close to urban areas of greatest social deprivation resulting in clusters of betting premises in close proximity to one another. The Board would wish power to prevent this.

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

None.