



Planning Committee

1 July 2014

Report from the Operational Director, Planning & Regeneration

Wards affected:
All

Proposed Introduction of Greater Gambling Protections and Controls

1.0 Summary

1.1 The Department for Culture Media and Sport (DCMS) is proposing, and consulting upon, the introduction of gambling protections and controls, including the creation of a separate planning use class containing betting shops. This report explains the limitations of the council's current planning and licencing powers to control the spread of betting shops, and the implications of the proposed controls for Brent. It goes on to recommend the council support the DCMS proposal.

2.0 Recommendations

2.1 That the Planning Committee note the proposed draft response to the consultation at Appendix A which supports the proposed creation of a separate use class for betting shops, and highlight to DCMS the need for a separate class for pawnbrokers and pay day loan shops, given that they present similar issues to that of betting shops.

3.0 Detail

3.1 There is increasing evidence that betting shops are overly dominating town centres. In Brent between 2007 and 2013, the number of betting shops in town centres increased by 41%. For town and neighbourhood centres to be successful, it is imperative that they provide a range of uses to encourage a diverse customer base and increased footfall. Also of concern is that research undertaken by the Gambling Commission on the demographics of high-time only gamblers, indicates Brent's residents are particularly at risk from social impact associated with betting shops, such as problem gambling. As such, the council is proposing to take forward a Development Management policy to set a limit on the proportion of betting shops within town and neighbourhood centres and also to prevent clustering. As it stands, however, the council's powers to implement such a policy are limited.

3.2 The Gambling Act 2005, removed the 'demand test' meaning it is no longer necessary for developers to prove there is demand for further betting shops in an

area. Therefore, the council's Licencing Committee can only have regard to a limited number of criteria including impact on crime and anti-social behaviour, and protecting children and other vulnerable persons.

- 3.3 In terms of planning powers, betting shops fall within the A2 use class. This means these businesses can open in units previously used by financial and professional services (A2), restaurants and cafés (A3), drinking establishments (A4) and hot food takeaways (A5) without planning permission being required. Only changes from retail shops (A1) would currently require planning permission. Local authorities do have the power to overrule these permitted changes of use through the introduction of an Article 4 Direction under the Town and Country Planning Act. However, an Article 4 Direction has financial implications such as loss of planning fees and potential compensation claims. It would also not prevent existing premises in A2 use from converting to betting shops without the need for planning permission.
- 3.4 Brent Council, along with other authorities, has been campaigning for greater powers to control the spread of betting shops. In response to growing concerns, DCMS published the report 'Gambling Protection and Controls' (April 2014). The report proposes, as part of the Government's broader planning reform, to create a smaller planning use class containing betting shops. This will mean that in future, where it is proposed to convert a bank, building society or estate agent into a betting shop, a planning application will be required. In addition, the Government will remove the ability for other premises such as restaurants and pubs to change use to a betting shop without planning permission. All changes of use to a betting shop would therefore require planning permission in future.
- 3.5 In addition to planning controls, the DCMC proposal includes the following protections and controls:-
- Licencing - Betting shop operators will be required to set out how they plan to comply with social responsibility codes when applying for a gambling premises licence.
 - Player projection measures – Give players better information, and provide break points and pauses for thought to help people stay in control. As part of this, the Gambling Commission is undertaking a review of its licence conditions and codes of practice.
 - Gambling advertising - A review of the codes governing gambling advertising.
 - Better education – A £2million programme to promote responsible gambling.
- 3.6 The Department for Communities and Local Government will consult on the detail of these proposals as part of a wider consultation on change of use in summer 2014.

Proposed Council Response

- 3.7 The proposal will help the council to better implement policy to prevent an overconcentration of betting shops, and in doing so protect the viability of Brent's town centres and well-being of local residents. It is therefore recommended that the Planning Committee agree that officers respond in a form indicated in the draft in Appendix A in support of the proposed creation of a separate use class for betting shops, as well as highlighting to the DCMS the need for a separate class for

pawnbrokers and payday loan shops, which present similar issues to that of betting shops.

4.0 Financial Implications

4.1 There are no direct, immediate financial implications arising from the consultation. Should the proposal go ahead the council will not have to progress an Article 4 Direction to control betting shops, and therefore will not have the financial risk of loss of planning fees and potential compensation claims.

5.0 Legal Implications

5.1 To implement the proposal the Government will have to take forward amendments to The Town and Country Planning (Use Classes) Order 1987 (as amended).

6.0 Diversity Implications

6.1 The 2010 British Gambling Prevalence Survey undertaken by the Gambling Commission found the profile of high-time only gamblers consisted disproportionately of those with the poorest socio-economic indicators. The study also found an association between problem gambling and being Asian/Asian British, unemployed and being in bad/very bad health. The introduction of greater powers to prevent the overconcentration of betting shops could therefore be of particular benefit to these groups.

7.0 Staffing/Accommodation Implications

7.1 Staff resources will be required to respond to the consultation.

8.0 Environmental Implications

8.1 No significant environmental implications are anticipated.

9.0 Background Papers

9.1 Gambling Protections and Controls (DCLG), April 2014

Contact Officers

Any person wishing to inspect the above papers should contact Claire Jones, Policy and Projects Team, Planning & Regeneration 020 8937 5301

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Appendix A: Proposed Consultation Response

Brent Council strongly support the proposed creation of a separate use class for betting shops. In Brent between 2007 and 2013, the number of betting shops in town centres increased by 41%. For town and neighbourhood centres to be successful, it is imperative that they provide a range of uses to encourage a diverse customer base and increased footfall. The proposal will allow the council to better implement policy to prevent an overconcentration of betting shops, and in doing so protect the viability of Brent's town centres and well-being of local residents.

However, the council feels strongly revisions to the use class order should go further and create a separate use class for payday loan shops and pawnbrokers. These uses present similar issues to betting shops. Between 2007 and 2013, the number of pawnbrokers and payday loan shops in Brent's town centres increased by 171%. In some areas, these uses cluster and dominate the town centre frontage. As with betting shops these uses fall within use class A2, meaning they can open in premises in use class A5, A4, A3 and A2 without the need for planning permission. To protect the viability of town centres Local Planning Authorities require greater planning powers to control the spread of payday loan shops and pawnbrokers.