

## **Location of gambling premises and the Planning Authority role**

The Town and Country Planning (Use Classes) Order 1987 (as amended) dictates what types of land uses fall into different set use classes. Changes to the Use Classes Order in 2015 means that most gambling outlets such as betting shops, amusement arcades and bingo halls are now classified as a “Sui Generis” use. Any new premises falling within this use class must apply for planning permission. The only exception to this would be where a new premises is filling a unit which is already permitted for that use. For example, where a new betting shop tenant moves into a unit where the last known use was also as a betting shop, no planning permission is required as there is no change of use occurring. To clarify, planning permissions run with the land, not the applicant.

As a Sui Generis use, it is possible to create targeted planning policies that seek to control the proliferation of these kinds of gambling outlets, in a similar manner to policies that seek to control other Sui Generis uses such as hot food takeaways. However, such policies can only address the opening of new outlets and cannot retrospectively control existing ones. Any new policy would also only apply to outlets where this kind of gambling function is the primary use. It could not be used for uses such as pubs that may have an electronic gambling machine on site. Such a policy would also need to be adopted as part of the new Local Plan for the city, known as the Southampton City Vision, in order for it to be used in deciding planning applications. The current suite of Local Plan documents does not include such a policy and one cannot be retrospectively added as planning regulations require significant public consultation and an examination in public by an independent Planning Inspector for new policy to be adopted. For that reason, new policies are not adopted on a one-by-one or ad hoc basis but rather holistically with other new policies as part of a new Local Plan.

For new policy controlling the proliferation of gambling outlets to be adopted it would need to be justified through a robust evidence base. This is a requirement for all policies in a Local Plan. A starting point for this would be the Strategic Planning Team’s annual centres survey which records the mix of retail and commercial uses within each of the city’s various centres (a full list of current and proposed centres can be found in Draft City Vision Policy IN3 (City, Town, District and Local Centres) and its supporting text. See pages 81-84 of <https://www.southampton.gov.uk/media/5eidwnjh/full-draft-local-plan-with-options.pdf>).

The survey results could be used to identify the location of gambling outlets to identify any clusters and to understand how numbers of outlets are changing each year. If this analysis indicates a demonstrable problem then this can be used to commence preparation of policy writing and the gathering of any additional evidence that is deemed to be required (such as health data and publications and reports by Government bodies, academia and think tanks) to work up a policy approach. Given the progress that has already been made on the new Local Plan, rather than an entirely new policy on gambling outlets, it may be appropriate to incorporate such policy into an existing draft one. For example, this could be Draft City Vision Policy IN4 (Location of Uses within Centres) which already looks to address the mix and location of different uses in centres (see pages 88-89 of Draft City Vision).

In addition to being justified, the policy would also need to meet other tests of soundness in order to be adopted. This includes the policy being consistent with national planning policy, effective (i.e. actually deliverable) and positively prepared (i.e. ensuring it meets the needs of the city and is worded in a positive manner – not unnecessarily negative/restrictive). The policy, alongside the rest of the new Local Plan, would then need to be subjected to public consultation before being submitted to the Secretary of State who will appoint a Planning Inspector to examine the plan. The Inspector will determine if each policy meets the Government's test of soundness and will require modifications to a policy if it does not. In a worst case scenario, an Inspector can require the removal of a particular policy if they deem it not to meet all soundness tests, which is why ensuring the policy can be justified with sufficient evidence base is crucial.

Notably, there are examples of other local authorities having successfully adopted a policy controlling the proliferation of specific types of gambling outlets as summarised in the table below. Whilst these policies take different approaches there are some commonalities. For example, specifying that there must be a certain number of units with other uses between the types of gambling outlet they are seeking to control.

Newham and Blackpool also require that not more than 3 of the outlets they seek to control should be within 400 metres of each other. Brent takes a different approach and does not allow new outlets where it would breach a specified percentage of the total number of units in a centre. However, such an approach can be more difficult to manage given that these percentage thresholds can be influenced by other factors such as whether new retail units have been added to a centre which would decrease the percentage of gambling outlets even if the actual number of outlets has stayed the same.

Analysis of SCC's 2023 centres surveys indicates that the percentage of gambling outlets in each centre is relatively low. More specifically, at present, the percentage of gambling premises in the district centres is between 1.98 and 3.23%, other than Lordshill which has a result of 12.5% due to the low number of commercial units (16 in total), two of which are gambling uses (1 betting shop and 1 bingo hall). For local centres however, the range is between 0% and 4.76%, except for Aldermoor Road (16.67%), Butts Road (20%) and Windermere Avenue (12.5%) These three each have a betting shop and less than 10 units which skews the percentages notably. (Note: these percentages do include vacant betting shops that could start operating again without new planning permission). As such, a percentage threshold would likely not be the most effective option. However, further detailed analysis would be needed before reaching any firm conclusions or decisions as to which approach should be taken, if a policy is deemed necessary. Likewise, if a policy is deemed an appropriate response, the approach proposed will need to be developed in consultation with Development Management officers who would ultimately be using the policy to determine planning applications. To clarify, any new policy could only be used within the context of new development coming forward through the planning system, not existing units.

<b>Authority</b>	<b>Local Plan Document</b>	<b>Date Adopted</b>	<b>Policy Number</b>	<b>Link to Plan</b>
London Borough of Newham	Newham Local Plan 2018	December 2018	SP9: Cumulative Impact	<a href="https://www.newham.gov.uk/downloads/file/1111/newham-local-plan-2018-pdf-">https://www.newham.gov.uk/downloads/file/1111/newham-local-plan-2018-pdf-</a>
London Borough of Brent	Brent Local Plan 2019-2041	February 2022	Policy BE5: Protecting Retail in Town Centres	<a href="https://www.brent.gov.uk/-/media/files/resident-documents/planning-and-bc-documents/brent-local-plan-2019-2041.pdf?rev=b46d40cbd58e465d81447be1565fb679">https://www.brent.gov.uk/-/media/files/resident-documents/planning-and-bc-documents/brent-local-plan-2019-2041.pdf?rev=b46d40cbd58e465d81447be1565fb679</a>
Blackpool Council	Blackpool Local Plan Part 2: Site Allocations and Development Management Policies	February 2023	DM13: Betting Shops, Adult Gaming Centres and Pawnbrokers in the Town Centre	<a href="https://www.blackpool.gov.uk/Residents/Planning-environment-and-community/Documents/LPP2-Adoption-Final-Feb-23.pdf">https://www.blackpool.gov.uk/Residents/Planning-environment-and-community/Documents/LPP2-Adoption-Final-Feb-23.pdf</a>

Kind Regards,

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