

From: Andrew Lyman [alyman@williamhill.co.uk]
Sent: 01 March 2016 13:13
To: LDF
Subject: William Hill's Response to the Consultation on the DPD

We are responding to the consultation on the Development Plan Document as it relates to proposed betting shop restrictions.

We note that it is proposed that non retail use is already to be restricted by DM42 and 43.

We object to the proposed policy under DM46 which is said to relate to local concerns about the “over concentration” of betting shops. “Over concentration” is undefined and the policy does not appear to be based on any clear empirical evidence relating to either vibrancy, vitality or evidence of any negative impact on public health. The proposed policy is neither necessary, proportionate or objectively justifiable and there is no reference to supporting evidence.

DM42 and 43 are already restrictive in their nature and to attempt to impose a 5% cap on the numbers of betting shops in addition to these other proposed restrictions is we believe unlawful and would be susceptible to judicial review on the grounds of unreasonableness. Such restrictions set an unwelcome precedent and William Hill would be minded to challenge as it prejudices the commercial well being of a business that has its headquarters in the Borough. William Hill employs some 250 people in Haringey and the authority should not be introducing a policy which prejudices local jobs (Administration offices and betting shops)

Planning evidence held by William Hill (see below) supports the view that betting shops drive considerable footfall and, in attempting to bring forward such a policy, a conflict is created with the Gambling Act 2005. The Authority is under a general duty to aim to permit gambling.

Whilst planning and licensing law fall to be considered separately, this proposal clearly creates a conflict of laws. Gambling law specifically deals with issues relating to protecting children and the vulnerable so if this policy is related to the vibrancy and vitality of the high street, then the authority is duty bound to bring forward evidence that (a) there is an “over concentration” and (b) that such concentrations would damage the vibrancy and vitality of town or local centres. The plan produces no such evidence and if the authority proposes such restrictions then the onus is on it to provide the substantial evidence required to introduce a policy that is prima facie an interference with legitimate trade.

A previous enquiry into betting shops in the Borough did not find any particular evidence of betting shops creating substantial social harm. Problem gambling levels in the UK are low by international standards (0.4%) and probably falling. The Authority have also failed to consider the negative outcomes of an overly restrictive policy in terms of creating a risk that this restriction may cause unmet demand for gambling and a risk of migration to an illegal market.

A restrictive policy is also at odds with competition law as it introduces market restriction which has a direct impact on new market entrants.

Included below are a series of comments from planning inspectors which evidence the positive impact of betting offices:

“Unlike a retail shop, the proposed change of use would mean that the appeal premises would be open until 10pm, thereby providing evening activity in the town centre and contributing to its vitality. Based on my observations on my site visit I agree with the appellants that the proposed change of use would not have a detrimental impact upon the character of Sylvania Way South. It is also not in dispute that a betting shop is an appropriate town centre use.”

(Clydebank)

“Independent surveys supported by your own surveys, show convincingly that betting offices attract a considerable number of customers, indeed more than many retail uses”

(Hayes)

“Bearing in mind the long opening hours, and the likelihood that a fair proportion of customers would combine their visit with shopping trips, I consider that this proposal would have the effect of adding vitality to the town centre”

(Hayes)

“Any AI shop use which might occupy the appeal premises in the future would be unlikely to attract as much additional activity as the expansion of the betting office....the development would not harm, but would benefit the overall vitality, viability and function of the district centre”

(Witton)

“The proposed change of use would not harm the vitality and viability of the centre; it would be more likely to contribute towards its strengthening”

(Llangefni)

“...would not harm the primary shopping function of the street or the shopping area. Rather it would provide an additional complementary service which would be likely to add to its vitality and attractiveness”

(Hitchen)

“The centre is more likely to retain its viability and vitality if units are occupied, especially if the uses concerned attract linked trips and avoid unacceptable dilution of the retail offer”

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A previous enquiry into betting shops in the Borough did not find any particular evidence of betting shops creating substantial social harm. Problem gambling levels in the UK are low by international standards (0.4%) and probably falling. The Authority have also failed to consider the negative outcomes of an overly restrictive policy in terms of creating a risk that this restriction may cause unmet demand for gambling and a risk of migration to an illegal market.

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“Finally, betting offices are considered to be part of the essential mix of uses within town centres and Basingstoke Town Centre is no exception, demonstrated by the presence of a number of other betting offices in the locality. If there were not a market demand for this type of use, it is unlikely that the Appellant would be seeking to locate to the appeal property.”

(Basingstoke)

Andrew Lyman

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