



ISLINGTON

# **Regulation 12(a) Consultation Statement**

## **Location and Concentration of Uses Supplementary Planning Document**

**April 2016**



# Location and concentration of uses SPD – Regulation 12(a) Consultation Statement (April 2016)

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## 1 Introduction

- 1.1. This document has been prepared in accordance with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It accompanies the Location and Concentration of Uses Supplementary Planning Document (SPD) which provides guidance on how to identify those areas where certain uses create concern and put in place measures to prevent over-concentration of these uses.
- 1.2. This consultation statement sets out:
- preliminary consultation activity undertaken to develop the Location and Concentration of Uses SPD, including the council's response to representations received during preliminary consultation; and
  - details of the consultation on the draft SPD including the responses received during this consultation; and how those issues have been addressed in the adopted SPD.

## 2 Preliminary consultation

- 2.1. The council conducted a preliminary consultation exercise on a discussion paper between 10 March and 7 April 2014. This exercise was conducted to gauge opinion; and to ensure that the SPD was focused on the most important and relevant issues.
- 2.2. The discussion paper posed the following questions:
1. Do you agree with the proposed main objective of the Supplementary Planning Document; to identify those areas where certain uses create concern and put in place planning measures to prevent over-concentration?
  2. Do you agree with Islington Council's intention to produce specific guidance in relation to the location and over-concentration of payday loan shops, betting shops and hot food takeaways?
  3. Are there any other uses which you think Islington Council should specifically address in the proposed Supplementary Planning Document?
  4. Do you have any further comments on the proposed Supplementary Planning Document?
- 2.3. The council targeted this preliminary consultation to the following groups:
- E-mail to all e-mail addresses registered on planning policy consultation database
  - E-mails and letters to various industry groups. Address information was sourced via the internet and Islington business rates data:
    - Betting shops: letters sent to head office address or store address for all betting shops with a presence in the borough. A letter was also sent to the Association of British Bookmakers, which is the UK's leading trade organisation for betting shops. E-mails were sent in conjunction with these letters where a general correspondence e-mail address was available.
    - Payday loan shops: letters sent to head office address or store address for all payday loan shops with a presence in the borough. A letter was also sent to 4 separate trade organisations representing the payday loan industry. E-mails were sent in conjunction with these letters where a general correspondence e-mail address was available.

- Hot food takeaways: E-mails were sent to 2 separate trade organisations representing facets of the hot food takeaway industry.
  - Letters to local organisations registered on planning policy consultation database.
  - Letters to Islington's 48 elected councillors.
  - E-mails to the council's public health and environmental health departments.
  - Other external groups/organisations including Sustain, the London Food Board, the Campaign for Fairer Gambling and the NHS London Healthy Urban Development Unit.
- 2.4.** A questionnaire mirroring the questions posed in the discussion paper was also set up using Survey Monkey. This was accessible via the SPD webpage on the council's website.
- 2.5.** In total, 51 responses were received during the preliminary consultation exercise; 13 written consultation responses and 38 questionnaire responses.
- 2.6.** The vast majority (76%) of respondents were supportive of the intention to produce an SPD to identify those areas where certain uses create concern and put in place planning measures to prevent over-concentration.
- 2.7.** All responses received were considered and, where relevant, informed the drafting of the SPD. The council's response to each comment received during preliminary consultation can be viewed at Appendix 1 (written responses) and Appendix 2 (questionnaire responses).
- 2.8.** In addition to the preliminary consultation, ongoing discussions took place with various council departments, to develop and refine the draft SPD.

### 3 Draft SPD consultation

- 3.1.** The council consulted on a draft SPD between 10 July and 4 September 2015.
- 3.2.** As part of the consultation process, the council contacted the following groups:
- Head office/property department of all betting shops and payday loan shops with a presence in the borough.
  - Head office/property department of all chain hot food takeaways with 3 or more units in the borough.
  - All hot food takeaways; non-A5 units with a takeaway element; betting shops; and payday loan shops in the borough.
  - Relevant industry groups.
  - Respondents to the preliminary consultation, including all written respondents; and questionnaire respondents where contact information had been provided via Survey Monkey.
  - Council departments involved in the production of the draft SPD.
  - Email to local ward councillors.
  - Planning policy database (letter or email).
  - Other relevant organisations with acknowledged or potential interest in draft SPD.

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- 3.3.** A response form was set up using Survey Monkey and was accessible via the SPD webpage on the council's website.
- 3.4.** In total, 20 responses were received. These responses are detailed in full in Appendix 3; alongside the comments on how the issues raised have been addressed in the adopted SPD.
- 3.5.** A quarter of respondents were supportive of the measures proposed in the draft SPD; respondents included the Greater London Authority, the London Healthier High Streets group and local community groups. Almost half the responses objected to the draft SPD; these objections were exclusively from the betting shop, payday loan and hot food takeaway industry. The remaining responses were neutral responses from statutory consultees.
- 3.6.** Some minor changes have been made in response to the consultation feedback on the draft SPD, in order to improve the clarity of the document.
- 3.7.** The production of the Location and Concentration of Uses SPD has involved extensive and ongoing consultation which has influenced both early development and later refinement of the document. The process has complied with the relevant Regulations.

## Appendix 1: Preliminary Consultation - written responses

Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
PC1	Individual	Someone rang but didn't leave a name and suggested that the map on the 'consultation location and concentration of uses SPD' would be easier to use if it was portrait rather than landscape.	Response noted. Map in pre-consultation paper was purely indicative to gauge opinion about maps in the SPD proper
PC2	Environment Agency	Thank you for your email below, however I don't think we would have any comments to make on this document.  If you have any further queries please contact me.	Comments noted
PC3	Angel Association	The Angel Association has considered the above consultation document. In our opinion this is well thought through and we are happy to give our support. We are pleased the Council is taking this approach which will in our view be for the benefit of all Islington residents. We have no further comments or suggestions at this stage.	Support noted
PC4	Highways Agency	Thank you for your correspondence of 21 March inviting the Highways Agency (HA) to comment on the: Consultation on the Location and Concentration of Uses SPD – Discussion Paper and Questionnaire  The HA is an executive agency of the Department for Transport (DfT). We are responsible for operating, maintaining and improving England's strategic road network (SRN) on behalf of the Secretary of State for Transport.  The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN.  We have reviewed the documents and do not have any comments at this time.	Comments noted
PC5	Natural England	Town Centre Related Supplementary Planning Document (SPD)  Thank you for your consultation on the above dated 21 March 2014, which was received by Natural England on 21 March 2014.  Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.  We support the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.  Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not relate to our remit to any significant extent. We do not therefore wish to comment.  Strategic Environmental Assessment/Habitats Regulations Assessment  In principle SPDs should not be subject to the Strategic Environmental Assessment Directive or the Habitats Directive because they do not normally introduce new policies or proposals or modify planning documents which have already been subject to a Sustainability Appraisal or Habitats Regulations Assessment. However a SPD may occasionally be found likely to give rise to significant effects which have not been formally assessed in the context of a higher level planning document. This may happen, for example, where the relevant high level planning document contains saved policies within a saved local plan which predates the need to carry out a SA or HRA and therefore no higher tier assessment has taken place. If	Comments noted. Islington have produced an SEA Screening Assessment alongside the draft SPD. The screening assessment found that the draft SPD was unlikely to have significant effects on the environment, and it was therefore unnecessary to carry out a SEA on the document. The minor amendments made following consultation do not alter the SEA Screening Assessment conclusion.

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Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
		there is any doubt on the need to carry out a SA or HRA a screening assessment should be carried out.	
PC6	Marine Management Organisation	Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I write to confirm that the MMO has no comments to submit in relation to this consultation.	Comments noted.
PC7	Emily Thornberry, MP for Islington South and Finsbury	<p>Re: Location and Concentration of Uses Supplementary Planning Document</p> <p>Thank you for your letter of 7th March about the consultation. I understand that this consultation will close on 7th April, and I would like to add a few comments.</p> <p>Firstly, I full support the council in introducing Policy DM4.3, which sets out the circumstances where proposals for cafes, restaurants, drinking establishments, off-licences, hot food takeaways, lap dancing clubs, nightclubs, casinos, betting shops, amusement centres and other similar uses will be resisted.</p> <p>In my view, even one lap dancing club is too many, and I agree that it makes sense to impose sensible limits on the number of betting shops, casinos, amusement centres etc.</p> <p>I understand that the current proposal is intended to provide clarity over how to assess the concentration of three specific types of establishment - payday loan shops, betting shops and hot food takeaways - so that robust measures can be put in place to prevent over-concentration</p> <p>I support this objective – I think we should do everything we can to prevent Islington shops being converted into payday loan outlets, and I think we already have too many betting shops. Whilst it is undoubtedly true that many hard-up Islington residents will already be able to access both online high-interest loans and on-line gambling. I still feel we should do what we can to keep these businesses away from shopping streets.</p> <p>Islington is a deprived inner-city area with a very high level of child poverty. I am very concerned that this Government's harsh benefit policies – sanctions, capping etc – are driving vulnerable families into the arms of payday lenders, and I think we need to take a firm stand against companies which charge the poor and desperate over 4000% interest.</p> <p>Where hot food takeaways are concerned, I am aware of the evidence which links concentration of takeaways with obesity levels, so I support the Council's proposal to look closely at concentration and location. I think we have to be careful how we do this - clearly, it is a good thing to have a range of hot foods available, and I welcome the wide range of food stalls and takeaways in our shopping areas, but I appreciate that we do need to consider child health, and proximity to schools must be a factor when considering new proposals.</p> <p>The other point which constituents often mention to me is the anti-social behaviour associated with hot food takeaways — groups of youths who congregate outside the chicken shops and kebab shops and get into arguments or intimidate those passing by.</p> <p>To summarise Lap dancing. There are some types of establishment - lap dancing clubs, sex cinemas, etc - which I would like to see banned from Islington altogether. I would be tempted to add in the payday loan shops to this group.</p> <p>Gambling. The gambling group - betting shops, casinos, amusement centres - I think we have plenty of already, so I would hope that any proposal to expand the numbers would be resisted.</p>	<p>The general support is welcomed.</p> <p>Research into the amount and concentration of lap dancing clubs shows a low absolute amount with little evidence of specific over-concentration. However, the SPD provides general guidance which can be applied where proposals involving such uses come forward, especially in sensitive locations.</p> <p>The council agrees with the points raised about applying 'sensible limits' and being careful not to restrict uses in an over-zealous way. We have been clear that it is not the council's intention to ban all betting shops, hot-food takeaways, etc; instead we want to put in place logical guidance which makes it easier to identify where these uses are causing harm.</p> <p>Issue of anti-social behaviour associated with hot-food takeaways, betting shops, etc is discussed in draft SPD.</p>



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Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
		<p>Pubs and cafes. Where the drinking establishments, nightclubs, cafes and restaurants are concerned, I am happy to see these in my constituency provided that the negative impact on residents is minimised, so we do need to keep a careful eye on concentration and location.</p> <p>Hot food takeaways. The same goes for hot food takeaways, but with a stricter view on location - provided that the impact on child health and residents' comfort and safety can be minimised, it is good to have a reasonable range of hot food outlets.</p> <p>I hope you find these comments helpful, and I look forward to hearing the outcome of the consultation.</p>	
PC8	Association of British Bookmakers	<p>LOCATION AND CONCENTRATION OF USES SPD: DISCUSSION PAPER AND QUESTIONNAIRE RESPONSE BY ASSOCIATION OF BRITISH BOOKMAKERS</p> <p>Question 1 Do you agree with the proposed main objective of the Supplementary Planning Document; to identify those areas where certain uses create concern and put in place planning measures to prevent over-concentration?</p> <p>We believe that policy should be evidence based and we would question whether the proposal meets this criteria. In a recent Planning Appeal (June 2013, APP/V5570/A/12/2189530 re 31 Junction Road, London N19 5QT) the DCLG appointed Inspector commented that “there is no indication as to why this number of betting shops would be harmful ... I am not persuaded that there would be an over-concentration of such use”, that “there is no substantiated evidence to show that the function of the centre would be compromised” and “there is no evidence of disturbance arising from existing betting shops in the area”. As such there is no basis for this proposal.</p> <p>Local engagement and ongoing dialogue is the most effective way to address local concerns and find local solutions that work.</p> <p>It is often forgotten that betting offices are already well-regulated environments, with their activities constrained and directed by three different types of licence: the premises licence, the operating licence and the personal licence, all of which combine to ensure that the licensing objectives are promoted. Where they are not, there are various existing mechanisms in the legislation to remedy the position. Gambling Commission statistics show that just 45 visits were made by local authorities following a complaint about a betting office in 2011/12.</p> <p>Betting shop operators work pro-actively to tackle any issues in communities alongside the Gambling Commission, police, local authorities, other businesses and other organisations like Neighbourhood Watch and Crimestoppers. A good example of this is Lewisham, where the major operators recently signed up to the Deptford High Street Charter. The charter aims to encourage everyone to play their part in tackling crime and grime. It sets out what Lewisham Council and Lewisham Police can do to support businesses in Deptford High Street, and how businesses themselves can help to keep the local area safe, clean, green and liveable.</p> <p><u>The Number of Betting Shops is Stable</u> In terms of background, it is also useful to reflect on the number of betting shops, both nationally and locally. The number of betting office licences peaked in 1968 at 15,782. In 1987, when the new Use Classes Order was published, the number was 10,384. In 2012 there were 8,772 shops according to industry data. Research by Gerald Eve LLP (Planning</p>	<p>Response noted.</p> <p>Little of the evidence alluded to in the response has been provided.</p> <p>To reiterate, the purpose of this SPD is not to uniformly prevent new betting shops; it is to prevent betting shops locating in areas where they may cause harm and/or where they may cause/exacerbate an over-concentration. In this respect, we have considered evidence from both sides, both pro and anti-betting shop when developing the SPD.</p> <p>The SPD is not introducing new policy; it is providing further guidance on an existing policy, DM4.3 of the adopted Development Management Policies DPD (June 2013). Hence the development of an SPD is justified and has a solid basis.</p> <p>The appeal decision referenced by the respondent gave little weight to the council's over-concentration policy, which at the time of decision was not yet adopted. If anything, this appeal actually demonstrates the need for specific guidance on defining over-concentration, which would give more certainty to applicants. Since this appeal decision, central Government have deemed betting shops and potential clustering of these uses as sufficiently worrying to amend the use classes order to ensure that local authorities can consider all applications for betting shops and assess harm on case-by-case basis.</p> <p>It not clear why the respondent believes that one planning appeal related to one unit in a specific area of the borough means there is no basis for the SPD, which will apply borough-wide. This appeal decision does not preclude a different inspector taking a different view either at the same location or in other parts of the borough. Irrespective of this, we are not aware of planning regulations or guidance which means that an SPD cannot be developed where a local authority has lost an appeal decision involving similar issues.</p> <p>Measures to improve local engagement and dialogue are undoubtedly important but they are not a substitute for a robust assessment against planning policies. A planning application for a betting shop would be open for local residents and businesses to respond to, either positively or negatively. If a betting shop operator engaged in significant local consultation and dialogue to assuage fears of local residents and businesses and garner support, this could be taken on board in the application process. In terms of discussion with local authorities, pre-application discussions are recommended at the earliest possible stage so issues can be addressed.</p> <p>The SPD discussion paper clearly acknowledged the primacy of licensing for regulating betting shops. Planning assessment of betting shops has different considerations and is more responsive than licensing policy; hence it can quickly pick up on new clustering trends where they arise. Therefore there is a clearly a role for planning in the assessment of betting shops alongside licensing.</p>

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		<p>Research in the Location of Betting Offices, 2012) found that the number of betting offices is likely to remain stable in future. This has certainly been the case in Islington, which has seen an increase of one betting offices in seven years and during this period the population of Islington has grown by 10 per cent.</p> <p><u>Use Class - Flexible Use</u> The discussion paper refers to the fact that on 30 May 2013 the government introduced further flexibility (to the use class order) under Schedule 2, Part4, Class D which allows a change of use to a flexible use for a period of two years. It is extremely unlikely that a betting shop operator would invest £250,000 in a shop fit for just 2 years. It is even more unlikely now that we are 10 months into the 24 month period.</p> <p>Question 2 Do you agree with Islington Council's intention to produce specific guidance in relation to the location and over-concentration of payday loan shops, betting shops and hot food takeaways? If yes, what are the particular characteristics of these uses which you think necessitate specific guidance? Are there any locations within Islington where one or more of these uses are causing concern? If no, please provide justification for your answer. Do you think any of these uses have particular characteristics which are unlikely to cause harm/adverse impacts due to their location/over-concentration?</p> <p>No. There is no evidence whatsoever that the exercise of permitted development rights in relation to betting has impacted detrimentally on the health of the population or the vitality and viability of town, district and neighbourhood centres.</p> <p>In London, betting shops contribute £627 million per annum to the regional economy and support more than 11,500 jobs, 532 of these jobs are in Islington. Furthermore, there is a wealth of evidence from planning experts, based on survey data, showing that betting shops generate greater footfall and linked trips on high streets than standard retail units.</p> <p><u>Gambling-Related Harm</u> In terms of public concern, it is important to remember that problem gambling levels in the UK are low by international standards and there is a downward trend, with an average of 0.5% of people classified as a problem gambler, compared to 0.9% in 2010 and 0.6% in 1999 and 2007. We are, however, not complacent and recently launched a new Code for Responsible Gambling and Player Protection. This is the first time in the world that a betting shop trade association and its members has put in place a series of harm minimisation measures that go far beyond those that are legally required and given consumers new tools that will make a difference.</p> <p>The Code has been endorsed by one of the world's leading academic gambling experts, Dr Mark Griffiths, Professor of Gambling Studies at Nottingham Trent University's International Gaming Research Unit, who says:</p> <p>"The player protection and harm minimisation measures proposed go further than anything else emanating from the UK gambling sector in the past. Some of the measures proposed are innovative and potentially world-leading and I am delighted that the ABB has taken such a proactive stance in their efforts to promote responsible gambling and minimise problem gambling."</p> <p><u>Betting Shops are NOT Concentrated in Deprived Areas</u> Industry data also clearly shows there are more betting offices in the least deprived areas</p>	<p>The council does not hold records on the change in the level of betting shops over time. Monitoring the change over time is not considered to be an effective representation of the impact of betting shops, considering that betting habits change over time and innovations such as FOBTs skew impacts. Certainly going back to 1968 is irrelevant given that the legislative and regulatory framework for betting shops at this time was somewhat laissez faire and the role of betting in society was completely different. The absolute number of betting shops does not shed any light on clustering, e.g. if the number of betting shops in a borough reduced from 100 in 2010 to 80 in 2014, this in theory suggests a lesser impact using the ABB logic. However, if those 80 betting shops had consolidated/relocated and were now made up of 20 betting shops in each of a boroughs four main retail centres, this is arguably a much greater impact than 100 betting shops dispersed more evenly across a borough with little clustering. The Government announcement on gambling controls (April 2014) recognises this very point. Irrespective of this, the robustness of the ABB claim that the number of betting offices has reduced is disputed. An analysis by Landman Economics in April 2014 suggests an increase of 500+ betting shops across the UK between March 2010 and December 2013.</p> <p>The respondent seems confused regarding the flexible use PD rights. The SPD discussion paper highlighted that these PD rights have the potential to lead to an increase in betting shops at the expense of retail uses. The respondent may be correct that some betting shop operator would not invest money for a shop fit for just 2 years of operation, although the £250,000 cost of fit-out given is thought to be completely unrealistic. Clearly some operators may find these PD rights an attractive proposition; ultimately the existence of the rights creates potential for new betting shops to open without full assessment of impacts. The reference to being 10 months into the 24 month period betrayed a lack of understanding from the respondent of how the PD rights operate.</p> <p>Following the pre-consultation exercise, changes to the Use Classes Order mean that betting shops will no longer benefit from the any PD rights as they are no longer an A2 use; the draft SPD reflects this change.</p> <p>We do not dispute that betting shops contribute to the local economy and provide some employment, although the extent of this contribution is debatable taking into account evidence from Landman Economics (2014). Ultimately however, to reduce the argument around betting shops to a purely economic argument misses the point. Concern about betting shops generally stems from the fact that they can adversely impact the overtly retail and leisure character and function of an area, particularly where they are over-concentrated; this is intrinsically linked with the local economy. For example, if betting shops have indeed created 532 jobs in Islington, but have also caused adverse impacts that caused retail and leisure uses to close and led to the loss of double that many jobs, this is clearly not desirable. The 'wealth of evidence from planning experts' alluded to in the response is not provided to reinforce the claim that betting shops generate greater footfall and linked trips on high streets than standard retail units. There may be some merit in this argument in less healthy centres with a high rate of vacancy. However, this claim is disputed with regard to healthy centres such as Islington; retail planning policy should be flexible but there is a clear direction in national planning policy to identify primary shopping areas which have a high concentration of retail uses. Implicit in this is recognition of the significant agglomeration benefits of maintaining a core of retail uses, in terms of footfall and linked trips. In healthy centres with clearly identified primary shopping areas, betting shops are considered more likely to adversely affect retail and leisure uses.</p>



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		<p>than in the most deprived areas. Furthermore, betting offices make four times more profit per gaming machine in the least deprived areas than in the most deprived areas. This statistic is supported by the recent NHS Health Survey for England (2012) which found that: “gambling participation is higher amongst the most affluent and lowest among the poorest” and “there is no evidence of higher levels of gambling in deprived areas”.</p> <p><u>Tackling Crime and Anti-Social Behaviour</u> Like any other business, betting shops are the victims of crime not the cause. We take all incidents of violence extremely seriously. However, these cases are exceptional circumstances and not the experience of the vast majority of customers. Like any other business we do not want the actions of a very small number of less responsible people to affect the experience of our millions of very responsible customers.</p> <p>The Safe Bet Alliance (SBA) is a voluntary security code of practice drawn up in 2010, in close consultation with the Community Union, Metropolitan Police and DWP among others. It is clear that these standards are paying dividends. For example, robberies have fallen by 60% over the last two years in London. The ABB is aiming to enhance the code and build new partnerships with police forces in other regions. Additionally, the industry’s efforts in addressing shop security through the SBA were recently recognised with a Home Office award.</p> <p>Question 3 Are there any other uses which you think Islington Council should specifically address in the proposed Supplementary Planning Document? No.</p> <p>Question 4 Do you have any further comments on the proposed Supplementary Planning Document? No.</p>	<p>Voluntary measures such as the ABB Code for Responsible Gambling and Player Protection can be a useful addition to legislative measures, but they are not a replacement for legislative measures and offer no solid guarantee of change. The code has already been criticised by the Prime Minister, who called for it to be strengthened to minimise harm. The Government’s subsequent announcement on new gambling controls also suggests they think that voluntary measures will not produce the necessary changes.</p> <p>In response to the claim that betting shops do not cluster in the least deprived areas, there is evidence to the contrary, notably recent research conducted by the Campaign for Fairer Gambling and also analysis by Landman Economics (2014). The SPD maps the concentration of betting shops against IMD 2010 data, to see whether betting shops in Islington are focused in the most deprived areas. Anecdotal evidence suggests this is the case. Whether betting shops locate in the most or least deprived areas, our primary concern is to maintain the character, function, vitality and viability of retail areas.</p> <p>Having a complete disregard of the role of betting shops as a cause of crime seems somewhat fanciful. We would not claim that every betting shop causes high levels of crime, but we would say that there is definite potential for crime to occur, just as there is with any other business. Simply denying this potential is not constructive. Potential for crime and anti-social behaviour is discussed in the SPD.</p>
PC9	Canal and River Trust London	Thank you for this recent consultation – I can confirm that the Canal & River Trust has no comments to make.	Comments noted
PC10	Upper Street Association	<p>Question 1. Do you agree with the proposed main objective of the Supplementary Planning Document to identify those areas where certain uses create concern and put in place planning measures to prevent over-concentration? Yes. We support the suggested development of Policy DM4.3, and its objective to protect and enhance the amenity of residents and businesses. Our comments below particularly relate to the Upper Street area.</p> <p>Question2. Do you agree with Islington Council’s intention to produce specific guidance in relation to the location and over-concentration of payday loan shops, betting shops and hot food takeaways? If yes, what are the particular characteristics of these uses which you think necessitate specific guidance? Are there any location within Islington where one or more of these uses are causing concern? If no, please provide justification for your answer. Do you think any of these uses have particular characteristics which are unlikely to cause harm/adverse impacts due to their</p>	<p>Response noted. As part of the mapping exercise for the SPD, existing concentrations of hot food takeaways have been mapped and guidance provided. SPD includes discussion of refuse arrangements.</p> <p>With regard to the night-time and leisure economy in Upper Street, particularly licensed premises, this is the remit of the council’s licensing department as the response notes. The night-time economy is an important element of the Upper Street and Angel Town Centre retail and leisure offer (especially north of Islington Green) although the intent of planning policy is to maintain these areas as predominantly retail in nature. Potential over-concentration of A3/A4 units is addressed in the SPD.</p> <p>A Boards and tables and chairs on pavements require a license from the council’s Streetworks team and hence sits outside planning. The council’s Streetbook SPD provides some design considerations for temporary and portable street furniture.</p>

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		<p>location /over-concentration?</p> <p>We certainly agree that there is an over-concentration of uses in certain parts of the Borough, and we suggest other, additional matters in Question 3. Yes specifically we are very much aware of the over-concentration of hot food takeaways in our principal streets, for instance in Upper Street: obviously many of the customers are shoppers, visitors or football fans, and we would not deny the service these outlets can provide. However few of the existing food takeaways provide much evidence of clearing up the litter left across a wide area by their customers. Just one example is McDonalds, whose rubbish from their branch at Highbury Corner can be found in Highbury Fields, Upper Street, and Compton Terrace.</p> <p>We do not have a focused view about the local location and concentration of payday loan shops or betting shops, but would accept that their physical presence is an index of poverty, while also recognising that the latter are widely accessed via the internet.</p> <p>Question 3. Are there any other uses which you think Islington Council should specifically address in the proposed Supplementary Planning Document? If yes, what do you think should be addressed? Please give full and proper reasons to support the answer?</p> <p>We believe that part of the night-time and leisure economy in Upper Street has simply over-expanded relative to the Borough as a whole, in particular relating to the sale and consumption of alcohol. We appreciate that this is a prime responsibility of the licensing authorities, but we would like to see no further licenses granted in the area, and no extensions of hours for existing licenses. We also believe that there needs to be a full review of the impact of the night-time economy and its effect on the local community.</p> <p>Question 4 Do you have any further comments on the proposed Supplementary Planning Document?</p> <p>Yes. i) In our view the balance of restaurants, takeaways and bars in Upper Street is probably excessive in relation to the desirability of supporting a range of successful local shops and stable businesses.</p> <p>ii) We believe that the Council should insist that both the A boards and tables on pavements should only be set up if there is at least 2 metres clear space for pedestrians.</p>	
PC11	Consumer Finance Association	<p>CFA briefing in response to Islington LBC's Consultation on Location and Concentration of Uses SPD</p> <p>The Consumer Finance Association (CFA) is the principal trade association representing short-term (or "payday") lending businesses operating in the UK.</p> <p>We believe that short-term loans can play an important and positive role for people in some circumstances. However, these products must be delivered responsibly.</p> <p>Recent research by the Competition Commission shows that 65% of customers pay off their loans on the due date and around 23% of loans not paid on time are paid just one day afterwards. It is clear that most people use payday loans without getting into difficulty but it is of course right that there are protections in place to make sure the product is delivered as responsibly as possible.</p> <p>Our members have committed to responsible lending and, before the recent introduction of</p>	<p>Response noted. The response acknowledges the need for responsibility and that a measured approach is welcomed.</p> <p>The response very much focuses on the consumer side of the payday loans debate. In planning terms, we are also concerned with the impact on town centres and other retail areas. The purpose of this SPD is not to uniformly prevent new payday loan shops; it is to prevent payday loan shops locating in areas where they may cause harm and/or where they may cause/exacerbate an over-concentration. In this respect, we have considered evidence from both sides, both pro and anti-payday loan shop, when developing the SPD.</p> <p>There is no guarantee that the regulatory changes proposed by the Government will result in less pressure for physical units on the high street. In that sense, planning measures which enable more rigorous assessment of payday loan shops are desirable.</p> <p>We acknowledge that most payday loan stores offer a range of services. However, in</p>

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		<p>tougher statutory regulation, had already signed up to a set of robust, independently-monitored standards designed to protect consumers, including clearly explaining the cost of loans, carrying out robust affordability assessments, capping the number of times loans can be “rolled over”, credit checking loan applications, giving customers breathing space if they are struggling to repay and actively working with debt advice charities and referring customers to them when appropriate.</p> <p>YouGov research carried out with customers of CFA members in 2013 showed that 93% of customers felt that proper affordability checks had been completed and 92% fully understood the cost of their loan.</p> <p>Whilst we have been doing this work, the regulatory landscape has been changing. Over the past year, we have worked with the new regulator, the Financial Conduct Authority (FCA) as it developed the regulatory standards for the industry. In many cases, our Code of Practice has paved the way for the new rules that all lenders will now have to follow. As a result, we anticipate a reduction in the amounts offered and the volume of loans approved.</p> <p>The FCA took responsibility for consumer credit on 1st April. Every payday lender operating in Islington will now have to meet a robust set of regulatory standards meaning that customers are better protected from the risk of spiraling debt than ever before.</p> <p>We welcome the fact that the Council recognizes the positive role that short term lending can play and, as referred to above, we share the Council’s concerns about the product being either used or delivered irresponsibly. We welcome the measured way in which the Council appears to be addressing these issues.</p> <p>Whilst any responsible local authority rightly wants to protect its residents, it is important to put the issues in context. Payday lending accounts for around 2% of overall consumer debt. That does not imply that we believe it requires no further attention, but it is only a very small part of the wider range of personal debt issues faced by Islington residents.</p> <p>It is also important to note that most stores offer a range of services, including currency exchange, money transfers, cheque cashing, pawn broking, jewelry buying, secondhand sales and rent-to-buy. Very few could survive simply offering a payday loan product.</p> <p>Our members employ thousands of people at their head office sites and in stores across hundreds of towns and cities in the UK. This alone makes a significant contribution to local economies through salaries, rent, rates and of course money being spent in other local businesses.</p> <p>We are also concerned that regulating supply will not regulate demand and will force many people who currently use licensed lenders into the arms of loan sharks who pose the most risk to consumers. Removing payday loan stores from the high street will not remove the need for short term credit.</p> <p>We recognise that for some people, a payday loan is not the most appropriate option and we fully support consumers’ access to the widest possible range of products. For example, some of our members are actively working with their local credit unions to share expertise and the CFA has produced a consumer guide, urging potential payday loan customers to “pause and think” before borrowing.</p> <p>However, for many people, payday loans provide an important part of their financial toolkit and, for many customers, their local high street lender provides a convenient way to access</p>	<p>most circumstances, even with associated services, payday loan stores will fall within the non-retail use class; therefore additional guidance to make enable easier identification of impacts at application stage.</p> <p>Although employment of thousands of people in the UK could make a significant contribution to local economies, there is no nuance to this argument, with a particular lack of analysis at an Islington borough level. Aside from this, contribution to local economies is often not simply measurable through salaries, rents, etc, as there is not necessarily a direct correlation between these issues.</p> <p>Islington Council has been proactively addressing the issue of payday lending in the borough, for example, by forming the Islington Debt Coalition, a council-led partnership with bodies such as local credit unions. The IDC has multiple strands of work aimed at tackling the issue of debt in the borough, including a payday lending working group.</p> <p>The SPD will complement the council’s ongoing work to tackle debt in the borough, by providing guidance to help ensure that payday lenders do not become over-concentrated or locate in areas where they could cause adverse impacts.</p>



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		<p>short-term credit. These are important matters affecting thousands of people who currently benefit from a credit facility that helps them to manage on tight budgets.</p> <p>We would welcome the opportunity to meet with the Council to discuss these issues further and would be happy to facilitate a visit to CFA members' stores in the Borough.</p>	
PC12	Transport for London	<p>Thank you for consulting TfL Borough Planning on the Location and Concentration of Uses Discussion Paper.</p> <p>I understand the purpose of the consultation is to inform a Supplementary Planning Document which will provide further guidance on your adopted Development Management Policy DM4.3.</p> <p>Policy DM4.3 states</p> <p>A. Proposals for cafes, restaurants, drinking establishments, off licences, hot food takeaways, lap dancing clubs, nightclubs, casinos, betting shops, amusement centres and other similar uses will be resisted where they:</p> <p>i) Would result in negative cumulative impacts due to an unacceptable concentration of such uses in one area; or</p> <p>ii) Would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.</p> <p>Although the nature of land uses covered are unlikely to be significant in terms of public transport patronage, they can have an impact on the public highway, particularly if concentrated in small areas. For example, hot food takeaways can have associated delivery mopeds/vehicles that can obstruct the highway if there is not a bespoke area for such parking. Food and drink establishments often have tables and chairs on the footway (which of course requires a license, but is not always sought) and evening entertainment related uses often have a high demand for taxi/private hire, which may require management to prevent obstruction of the highway.</p> <p>As TfL is the highway authority for key roads in the borough, such as Upper Street and Holloway Road, we would support further guidance on this policy. As such, I would recommend that local highway impacts and taxi/private hire requirements are specifically included when considering 'negative cumulative impacts' (DM4.3 part i) and detrimental affect on function (DM4.3 part ii) and that this should be explored and explained further in the supporting text of the SPD.</p> <p>I hope you find these comments useful. If you require any further information or have any questions please do not hesitate to contact me.</p>	<p>Comments noted. Suggestion to include specific transport assessment within overall consideration of food and drink establishments has been addressed in SPD.</p>
PC13	Individual	<p>I believe there should be a levy on businesses which are legal but have a detrimental effect on their neighbourhoods. The council already does this for the costs of additional cleansing and policing for pubs and clubs.</p> <p>For example the businesses should have to contribute towards measures to address the health disadvantages, unpleasant odours, rubbish, and damage to sewer systems that are associated with take away food outlets. These businesses are able to thrive because they do not have to meet the social costs of their business and they are effectively subsidised by residents paying their rates.</p> <p>Bookies and high cost lenders bring despair and misery to their clients and blight neighbourhoods. The down grading of localities when these businesses move in leaves a burden the whole Borough of Islington will have to bear to eventually correct and reverse. The physical and mental harm unwittingly inflicted on residents is a major cost to the</p>	<p>Response noted. The levy referred to in the response is presumed to be the 'late night levy'. This has a very specific focus and was introduced by specific primary legislation. It allows local licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It would not be possible to extend the levy to businesses which are deemed to have a detrimental effect on their neighbourhood.</p> <p>The council will use all powers available to restrict the development of uses which are harmful because of their location and/or over-concentration, including development of the SPD. The issues at hand are complex and not as simple as application of a damage multiplier referred to in the consultation response, given that certain uses can have different impacts in different areas and at different concentrations. There are no existing powers which would allow the council to implement a blanket ban on these uses..</p>

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		<p>borough.</p> <p>My feeling is that the harm done to a neighbourhood when a second or additional similar business moves in is not additive but multiplies the harm and the damage of three is many times the damage of two. The council should apply all regulations and restrictions on these harmful businesses with zeal and vigour, as well as ensuring the damage is not exacerbated by adding more of the same.</p>	



Appendix 2: Preliminary Consultation – questionnaire responses

Consultee ID	Name of organisation (if applicable)	Q1: Do you agree with the proposed main objective of the Supplementary Planning Document?	Q2: Do you agree with Islington Council's intention to produce specific guidance in relation to the location and over-concentration of payday loan shops, betting shops and hot food takeaways?	Q3: Are there any other uses which you think Islington Council should specifically address in the proposed Supplementary Planning Document?	Q4: Do you have any further comments on the proposed Supplementary Planning Document?	Islington Council response
PC14	Individual	Yes. I would go further and say that the degenerative effects of certain uses should be controlled more carefully. For example sex establishments, bookies and payday loan shops should not be permitted near or on main walking routes to primary or secondary schools in the borough. Millions are spent in cash and in kind to regenerate parts of Islington only to see the good work undone and degenerated by the introduction of legal but exploitative businesses in poorly defended neighbourhoods.	Yes. It is clear that a preponderance of sex establishments, bookies and payday loan shops drags down a neighbourhood. It is not good for any community to feel that exploitation and abuse is legitimate within its boundaries. Some parts of Islington have started to take on the appearance of Skid Row. Residents will be left to pick up the cost of regeneration and cleaning up the neighbourhoods when these businesses move out.	Yes. I feel that too many grocers have been granted alcohol off licences. They become a honey pot for underage drinkers and other forms of trouble. Stricter enforcement of existing rules and checks for counterfeit alcohol and tobacco needed.	I would like to see some analysis of the likely cost to the community of a legal but exploitative business opening in the high street. I would bring in all costs, direct and indirect: losses in property value and rentals, loss in rates, increase in policing costs, health and mental welfare costs, street cleaning costs etc. It would be useful to know if most of the damage is done by the first pornographer or legal loan shark or if it is a cumulative effect or it causes exponential damage, with each additional location causing unrecoverable damage to an area.	Response noted. Whilst we understand that some residents would wish to see a complete ban on some of these uses, the SPD proposals are considered an appropriate set of measures to tackle the uses in question within the current planning regime.  Islington's licensing policy is the relevant consideration for any establishment seeking an off-licence. Any proposals to strengthen requirements and monitoring fall within the remit of the council's licensing team.  An analysis of the costs of certain uses would be very subjective and would be based on numerous assumptions. Such an analysis would also be unlikely to be of much benefit in terms of planning guidance, especially considering the cost and likely onerous resource requirements of such work.
PC15	London Borough of Hackney	Yes. Identifying those areas where certain uses create concern will help to prevent over-concentration of those uses in those areas, thus minimising their detrimental impact on local amenity as well as on the character and function of the areas. Further, identifying the areas where those uses create concern would provide a guide to applicants and assist the Council when determining planning applications as to whether a development is acceptable in the location as well as to whether it is likely to have a cumulative impact in the area.	Yes. In regards to hot-food take-aways, characteristics include serving addictive, unhealthy food which impact on the health of residents, especially children; smell, fume and extraction issues impacting on neighbouring occupiers; and late opening hours which could cause noise and anti-social behaviour impacts. Proposed Policies DM3 (Promoting Health and Well-Being) and DM12 (Hot-Food Take-Aways and Schools) of Hackney's Development Management Local Plan (Publication Version, 2013) seek to restrict proposals for new hot food take-aways that sell food considered to be unhealthy that are within 400m of secondary schools excluding locations in the Borough's shopping centres. In regards to betting shops, an over concentration of them can lead to problem gambling, as customers would be able to easily travel in	Yes. Night-time economy uses such as A3 (restaurants), A4 (bars and pubs), sui generis (e.g. nightclubs, lap dancing clubs or amusement centres/casinos) and D2 (music, dance and concert halls), where their over-concentration can lead to negative noise, nuisance and anti-social behaviour impacts. In the case of South Shoreditch, which is a Special Policy Area, the Hackney Night-Time Economy Evidence Based Study (2005), and the Shoreditch Night Time Economy (Evidence Base Review) 2007 both indicated that the growth in Shoreditch's night-time economy was having a negative impact on the overall resident and visitor experience, for example, in terms of rising crime levels, environmental degradation and noise pollution. A Special Policy Area for Dalston has also recently been implemented for similar reasons.	No answer given	The points in the response are noted and have been considered when drafting the SPD.  With regard to cross-boundary issues with Hackney, specific requirements for cross-boundary dialogue form a part of the assessment criteria in the SPD.

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			between shops within the same day and impacting on the well-being of residents. Although they may create a few jobs, the money they suck out of the High Street is hardly plied back into the local economy to help local residents. It mostly goes towards the betting companies. It is questionable as to whether they contribute to increasing footfall in the high street. However due to permitted development rights allowing a change of use to uses such as A1 (e.g. payday loan shops) and A2 (betting shops) it is difficult to control these changes of use.			
PC16	Individual	Yes. On Exmouth Market, EC1 the launderette/dry cleaners was closed and replaced with a betting shop, some 100 yards from another betting shop...( I think Debenhams Property lease many of the properties on this street.) The bakery, the shoe repairer and a jewellery/watch and repair shop were also purchased and the corner building converted into luxury apartments complete with another elevation. The buildings may be 'eco' but empty they still are and still up for sale.	Yes. See previous answer concerning betting shops and the fact that they replace businesses that are of use to the local community.	Yes. Investment properties (although I understand this is the subject of another consultation which I will be responding to). The sale of the Royal Mail sorting office site on Rosebery Avenue: now that the site has been sold below market value, Islington Council should press for 50% of the development to be used for social housing. Local people should also enforce their 'right to light' - the proposed high-rise blocks with be a blight on the surrounding area of low-rise buildings, many of them dating from the 19th century.	Bunhill and Clerkenwell has taken on 80% of new development in the London Plan. Local residents have taken issue with the growth of the 'night-time' economy and the businesses this attracts with ever later closing hours.	Response noted. One of the main reasons behind developing guidance on location and concentration of uses is to protect small and independent shops and essential services which are integral to the character and function of the area. Measures to maintain and promote these uses are included in adopted planning policy.
PC17	Individual	Yes.	Yes. The first two in particular are well provided for already in the borough.	No	No answer given	Response noted.

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PC18	Individual	Yes	Yes. Preventing the proliferation of payday loan shops is not enough but a step in the right direction. Payday loan shops are making outrageous profits out of people's misery and should probably be banned outright. At the very least there should be a cap on how much interest they can charge, but this is out of the remit of the SPD. In the meantime promoting credit unions is the right alternative and should be done further. There seems to be a high proportion of payday loan shops and pawnbrokers around the Nag's Head area, on and around Seven Sisters Road. This is a concern as poor sections of the population are driven there by places like the outdoor market, which is really cheap and useful.	Yes. The proliferation of supermarket stores on the high streets is a concern too (Tesco / Sainsbury's / Waitrose etc). They drive away local food markets and businesses. They are unethical partners in the food distribution chain and working conditions for staff in their store is very poor. Their impact on the demographics of an area, how culturally mixed these can remain or not, should be considered too. In some areas of Islington, the proliferation of bakeries (Euphorium / Paul etc) and cafes (Starbucks / Costa etc) is also of concern. Along with chain supermarkets, they play a part in the gentrification of the borough and the displacement of working class communities. They also deprive some areas of what used to give them a singular character. Different parts of the borough are becoming standardized, losing character at the expense of private corporations dictating the feel and look of our high streets. These coffee chains, along with other fast food shops which are proliferating in some areas (Pret a Manger etc) also have a very poor record on worker's conditions and are know for union-busting practices. Such uses are of concern too and the proliferation of such shops and their impact on local independent businesses, should also be assessed by the council.	No answer given	<p>Response noted. The respondent recognises that planning powers are limited with regard to restricting payday loan shops.</p> <p>The council promotes credit unions as a more sustainable source of lending and provides support and funding to credit unions in the borough. Reference to this is included in the SPD.</p> <p>The SPD maps the location of payday loans against the most deprived areas in the borough.</p> <p>Independent shops are an important part of the character of the borough, and the council has put in place specific policy to maintain and enhance small and independent shops. However, other larger stores do have a role in providing important services for Islington's residents and businesses. The issue of gentrification can be divisive but it is a macro-societal issue and not something which we can address in the SPD. The claim of poor working practices is also beyond the scope of the SPD</p> <p>Issue of coffee shops and cafes is discussed in SPD. The SPD has general assessment criteria which would apply if a specific over-concentration is not evident.</p>
PC19	Individual	Yes	No	No	No answer given	Response noted.
PC20	Individual	Yes	Yes	No	No answer given	Response noted.

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PC21	25-27 Farringdon Road Residents Association	Yes. The expansion of Farringdon station is a great opportunity for the area, but carries significant risks that it may attract the kind of businesses that bring nuisance to the area. There is a one-off opportunity to set the tone for the area and get this right.	Yes. Hot food takeaways must be refused in areas where there are no suitable public spaces, such as parks, in which the food can be consumed. Eating on the street causes nuisance and litter, attracts vermin, and must be deterred.	Yes. Lap dancing bars are mentioned within Policy DM4.3 but not given sufficient focus in this document. There is already an over-concentration on the Islington-Camden boundary, bringing illicit touts and unlicensed taxi drivers to the area offering to transport clients to nearby brothels, and any further expansion must be opposed.	No	<p>Response noted. There are numerous adopted planning policies which apply to the Farringdon station area, particularly in the Finsbury Local Plan.</p> <p>Refusing hot-food takeaways based on lack of available space to consume food would not be possible. The SPD has some discussion of refuse arrangements.</p> <p>Research into the amount and concentration of lap dancing clubs suggests that specific guidance is not necessary; the SPD includes general assessment criteria which can be applied where necessary.</p>
PC22	Individual	Yes	No answer given	No answer given	No answer given	Response noted.
PC23	Individual	Yes and No. I have selected yes and no as the question is too simple. in DM 4.3A I do not agree with lumping cafes and restaurants in with the other categories. These should be separately considered. For B, again, there is more to it than that. Limitations of off licences, hot food takeaways, betting shops, amusement centres should be considered in light of their concentration in low-income areas. Nothing appears to be done to counteract their actual predatory location practices.	Yes. As before, these businesses exhibit predatory behaviour in the the vicinity of low-income areas	Yes. The dietary value of hot takeaway outlets should be assessed and improvement encouraged	No answer given	<p>Response noted. Policy DM4.3 includes potential consideration of a number of uses, although the SPD only includes specific guidance on betting shops, payday loan shops and hot food takeaways. There is no suggestion in the discussion paper that cafés and restaurants will be assessed in the same way as hot food takeaways; these uses have distinct differences, which are explained in the SPD.</p> <p>As part of the mapping of betting shops and payday loan shops, we have looked at their concentration in more deprived areas.</p> <p>Issues such as the dietary value of food sold by hot food takeaways fall outside the planning remit; other parts of the council have implemented measures to tackle this, including the Healthy Catering Commitment, which is discussed in the SPD.</p>
PC24		Yes. This seems a primary purpose of planning.	Yes. Payday loan type companies are not conducive to public good. Clusters of premises for these companies and betting shops should be restricted by planning policy.	Yes. We do not really need any "fruit machine" premises in the borough. They exist to rob the poor and the less strong willed.	Broadly support the objectives of this SPD.	<p>Support noted.</p> <p>Fruit machine premises such as amusement centres are specifically referenced in policy DM4.3 and therefore the council recognises the potential for harm due to their location and/or over-concentration. We are not currently aware of any areas which could be considered over-concentrated but this might change over time. The SPD has general guidance and criteria on over-concentration which could be applied to amusement centres.</p>



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PC25	Individual	Yes	Yes	No answer given	No answer given	Response noted.
PC26	Individual	Yes. We have lived just off Caledonian Road for 23 years. Frankly, it is a mess and always has been. We don't need sex shops, fast food rubbish, news agents, betting shops. We need high standard services and high standard shops where the local community actually would feel like visiting and supporting. Personally, we have nothing to do with anything on Caledonian Road. The standards are too low, the place is dirty and a mess. Sorry, but those are the facts, and there are many others that feel the same way as we do. There is a lot of revenue going to the West End, etc. because we won't use the disheveled shops in our area.	Yes. I will repeat what I wrote on the previous page. It says it all. We have lived just off Caledonian Road for 23 years. Frankly, it is a mess and always has been. We don't need sex shops, fast food rubbish, news agents, betting shops. We need high standard services and high standard shops where the local community actually would feel like visiting and supporting. Personally, we have nothing to do with anything on Caledonian Road. The standards are too low, the place is dirty and a mess. Sorry, but those are the facts, and there are many others that feel the same way as we do. There is a lot of revenue going to the West End, etc. because we won't use the disheveled shops in our area.	Yes. We require upscale, mainstream retail, restaurant, food shops--not little rubbish news agent type shops. We are fed up with these in Caledonian Road. Also, fed up with the vagrants who hang around outside betting shops and fast food places. The entire Caledonian Road needs to be cleaned up and much, much, higher standards need to be implemented. The Council, which owns a lot of the shop space, gives it to sex shops, betting and in our opinion complete rubbish vendors who slop together coffee, newspapers, rubbish food and betting. There needs to be some discipline on this street. It is one of the worst looking streets in London, and dangerous as well! Clean it up and demand a higher standard of care. Then, we will engage with local community, but not before.	I hope you listen to those of us who work hard, long hours, pay huge tax to live in this Borough, and care about the way the place looks. Too much attention has been paid for too long to the freebies who complain, control and look for handouts. Switch your thinking and include the productive people living in this Borough.	Response noted.  This guidance will apply to future applications for uses which could cause harm by virtue of their location and/or over-concentration. The council has also recently adopted the Cally Plan, an SPD for part of the Caledonian Road which sets out a vision to improve the area.  Requiring upscale, mainstream retail restaurants and food shops is beyond the scope of the SPD.  There are numerous planning policies and other council departments which look to improve the public realm across the borough.  All responses to the pre-consultation exercise have been addressed, and taken on board dependent on the relevance of the points raised.
PC27	Councillor	Yes	Yes. fuelling obesity and financial hardship	Yes. any fixed odds betting terminals	No	Response noted. Planning cannot control the number of FOBTs allowed in any single betting shop, as this is controlled through different legislation, The Government have announced recent additional controls on FOBTs, which, alongside guidance to prevent over-concentration of actual betting shops, may lead to a reduction in the number of FOBTs.
PC28	Individual	Yes	Yes. Payday Loan shops should have very limited street presence as they prey on the vulnerable and make it too easy to get into bad debt. Betting shops again prey on the vulnerable and should be off the street and certainly away from schools and high streets	No	No	Response noted. The potential harm identified is part of the reason for the development of this SPD. It will not be possible to propose a maximum number of betting shops or payday loan shops in order to limit their high street presence. The SPD will enable easier and fuller assessment of proposals for new betting shops and payday loan shops to ensure that they are not located in areas where they may cause harm, and are not over-concentrated.



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PC29	Individual	Yes	No answer given	No answer given	No answer given	Response noted.
PC30	Individual	Yes. The concentration of certain types of retail represents a loss of amenity in that a range of different types of retail is required in any shopping area.	Yes. Betting shops drain money from poorer residents leaving them less to spend in other types of shops. This weakens the amenity value of a shopping street. Hot food takeaways lead to mess and litter on the streets. Foxes and other vermin increase in number due to the ready food supply. Most hot food takeaways are selling a very unhealthy energy dense food high in fat, sugar and salt. This is a potential public health problem.	No	No	Response noted. The potential harm identified is part of the reason for the development of this SPD. With regard to litter/refuse arrangements, this is discussed in the SPD.
PC31	Individual	Yes	No answer given	No answer given	No answer given	Response noted
PC32	Individual	Yes.	Yes. Too many payday loan shops encourage borrowing. Betting shops attract people who can often also be street drinkers. Food shops cause litter, noise and vermin	Yes. Shops that provide alternatives to existing options in the area	No	Response noted. The potential harm identified is part of the reason for the development of this SPD. With regard to litter/refuse arrangements, this is discussed in the SPD.  The scope of the SPD does not include a requirement for suitable alternative uses. The council does promote organisations such as credit unions which can provide an alternative function.
PC33	Individual	Yes	Yes. Major clusters of these places create ghetto-like areas where services and choice are limited and crime (or the perception of crime) is higher. Using planning policy to encourage balanced, environmentally sustainable business development is a very good idea.	Yes. There should be a stronger line on encouraging local services/businesses and for promotion of sustainable design, cycling, and walking. This also means consideration of how far people need to travel to access basic services.	No	Response noted. Issue of crime is discussed in SPD.  Sustainable design, cycling and walking are covered by existing adopted planning policies.  For reference, the council considers that 300m walking distance is the maximum distance within which everyday essential services should be accessible.
PC34	Individual	Yes. Definately. the mix towards betting shops and unhealthy fast food is not good	Yes. We need a good mix of shops and services to maintain the community spirit, and cheap takeaways encourage late night drunkenness. and loitering	Yes. Services such as a post office, and community facilities for help with children and the elderly. These requirements are not met by takeaways and betting shops. We are also seeing a proliferation of £1 shops which come and go due to competition. I'd like to see more independant shops or investment	No answer given	Response noted. One of the main reasons behind developing guidance on location and concentration of uses is to protect small and independent shops and essential services which are integral to the character and function of the area. Measures to maintain and promote these uses are included in adopted planning policy.  Pound stores fall within the A1 use class, which

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				from small chain stores to provide a good mix of local facilities		generally covers most retail uses, including post offices. A1 uses are the dominant use in town centres and retail areas. The SPD includes criteria which could be applied to A1 uses, but it should be acknowledged that it may be very difficult to limit such uses in practice.
PC35	Individual	Yes	Yes	Yes. bars/clubs with late night drinking licenses	No answer given	Response noted. The grant of late night drinking licenses is the responsibility of the council's licensing department. However the by-products of licensed premises, e.g. ASB, noise, disturbance, can be a planning consideration. The SPD has some general criteria to aid assessment of applications which could cause/exacerbate these impacts.
PC36		Yes. The Nags Head seems to have become a mass of charity shops, pawn brokers, gambling arcades, pound stores and fast food outlets - help	Yes	Yes. Gambling and amusement arcades	No answer given	Response noted. Charity shops, pound stores and pawnbrokers all fall within the A1 use class, which generally covers most retail uses. A1 uses are the dominant use in town centres and retail areas. The SPD includes criteria which could be applied to A1 uses, but it should be acknowledged that it may be very difficult to limit such uses in practice.  Amusement arcades are specifically referenced in policy DM4.3 and therefore the council recognises the potential for harm due to their location and/or over-concentration We are not currently aware of any areas which could be considered over-concentrated but this might change over time. The SPD has general guidance and criteria on over-concentration which could be applied to amusement centres.
PC37	Individual	No. Such regulation is not the task of Councils: these businesses, while morally questionable, provide employment and income to the town hall.	No. Again, these businesses provide employment. Moral stances are have no place in planning regulation. I doubt replacement businesses can easily be found, and so jobs will go if these businesses are shut down.	Yes. Job creation by the relief of rent and rate overheads. Jobs in the Borough are essential, especially those that provide unskilled work. Credit unions should be supported to out compete loan shops.	The climate of moral disapproval is regrettable.	Response noted. The discussion paper is set out in a balanced way, it does not have a particular bias and it is substantiated by independent evidence. We agree that moral arguments should not steer planning policy, although undoubtedly a prevailing moral climate can set the framework for discussion and action by local and national government. Betting shops are a prime example of this.  The council does not dispute that betting shops, payday loan shops, etc provide employment and contribute to the local economy. The SPD is not proposing measures which would threaten existing betting shops uses or jobs; this would fall outside the remit of planning policy. The aim of the SPD is to allow for thorough assessment of applications for

Location and concentration of uses SPD – Regulation 12(a) Consultation Statement (April 2016)

Consultee ID	Name of organisation (if applicable)	Q1: Do you agree with the proposed main objective of the Supplementary Planning Document?	Q2: Do you agree with Islington Council's intention to produce specific guidance in relation to the location and over-concentration of payday loan shops, betting shops and hot food takeaways?	Q:3 Are there any other uses which you think Islington Council should specifically address in the proposed Supplementary Planning Document	Q4: Do you have any further comments on the proposed Supplementary Planning Document?	Islington Council response
						<p>new betting shops, payday loan shops, etc, to ensure that these new shops won't have an adverse impact due to their location and/or over-concentration.</p> <p>Rent and rate relief fall outside of the planning remit. The council is acutely aware of the need for affordable retail and office space, which is why we have adopted a policy which prioritises affordable space as part of new development.</p> <p>The council already provides support and funding for credit unions.</p>
PC38	Individual	Yes	Yes	No answer given	No answer given	Response noted.
PC39	Individual	Yes	Yes	No answer given	No answer given	Response noted.
PC40	Individual	Yes	Yes. In regard to take-aways, there seems to be a need for the guidance to address the physical impact that more often than not goes along with the use i.e. large and unattractive extraction flues, inappropriate shopfronts in poor quality materials and large, obtrusive and internally illuminated signage etc. This is in addition to the fact that they generate smells from cooking and litter in the street from customers, as well as often being open late and catering to drunk customers who then congregate, create noise and anti-social behaviour. Such uses seem incompatible with residential areas and need to be sensitively designed in areas with historic buildings. In terms of payday loan shops, I would categorise them with pawn shops in general in terms of their visual impact and their encouragement of ineffective and uneconomical ways of managing personal finance, targeted inevitably at vulnerable socio-economic groups. Payday	Yes. How about addressing strip clubs and late night music/drinking venues. Also, id there anything that could be included in regard to trying to limit supermarkets taking over from independent shops? I realsie sadly that these are the same use class, but is there anything regarding unit size and converting premises that could be used to address this problem?	No answer given	<p>Response noted. External alterations associated with hot food takeaways are covered by specific adopted planning policies in the council's Development Management Policies document. However, the SPD does have some discussion of this. Impacts arising from odours and litter are also discussed in the SPD.</p> <p>Some payday loan shops are pawnbrokers who offer payday loans as an ancillary service. These are within the A1 use class which makes it difficult to restrict, as A1 is the predominant and generally most sought after use class to maintain and promote in retail areas.</p> <p>The council agrees with the respondent that blanket restrictions on certain uses are not desirable, and that the target of action should be to prevent proliferation and congregation of these uses. This is the main objective of the SPD.</p> <p>The SPD maps payday loan shop and betting shop locations against IMD 2010 data to establish if there is a link between deprived areas and a higher concentration of these uses.</p> <p>Research into the amount and concentration of lap dancing clubs suggests that specific guidance is not necessary; the SPD includes general assessment</p>

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			<p>loan shops, betting shops and takeaways may provide a useful service in isolation, but their proliferation and congregation reduces the wider ranges of useful services and shops which serve a functioning community. They are a marker of deprivation.</p>			<p>criteria which can be applied where necessary.</p> <p>Late night music/drinking venues fall largely under the remit of the council's licensing department; however, the SPD has general criteria which could be applied to applications for such uses, where appropriate.</p> <p>The respondent acknowledges the difficulty of retaining small and independent shops. The council has put in place strong policies to maintain and promote small and independent shops in our adopted Local Plan, including a policy to resist the amalgamation of smaller shop units into larger units.</p>
PC41	Individual	No	No	No	<p>Islington council should keep their nose out of people's business and stop pretending to care.</p>	<p>Response noted. Without further elaboration on what aspect(s) of the SPD the respondent finds intrusive, it will not be possible to assuage the concern raised.</p> <p>The SPD is proposed in order to minimise harm to the amenity of residents and businesses, and is linked to an existing policy with the same remit. The very intention to produce the SPD is in itself a demonstration that the council views this protection of amenity as important.</p>
PC42	Individual	Yes	<p>Yes. King's Cross, specifically on Caledonian Road, as it nears Pentonville Road the area is nearing the tipping point to over-concentration. Guidance should be directed to the serving or dispensing alcohol - during hours beyond 11 PM - take away the booze, you take away the problem!!! Betting is different so here you must focus on number of establishments in area.... License fees should be increased to make it less profitable to be in the business.</p>	Yes. See prior comments	<p>The real issue is what are the limits that will be proposed... who will determine if an area has too much of any one type of business.... This has always been the problem. The population will always say no, while the council wants the revenue from the businesses!!!</p>	<p>Response noted. Issues around the serving and dispensing of alcohol are largely a licensing issue. However the by-products of licensed premises, e.g. ASB, noise, disturbance, can be a planning consideration. The SPD has some general criteria to aid assessment of applications which could cause/exacerbate these impacts.</p> <p>The SPD maps existing betting shops in the borough to help identify areas of over-concentration. Guidance will be given on how to assess over-concentration, but it is not possible to set a specific threshold of number of units.</p> <p>Planning is distinct from areas of the council, such as business rates, which receive revenue from businesses. This would not be a consideration when assessing a planning application although other linked issues such as impact on the local economy, effect on local businesses, etc, may be. These would be balanced against any adverse impacts, e.g. on the amenity of residents and businesses,</p>



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						when making a decision on whether to grant planning permission. The council does not want to, and indeed does not have the power to, implement a blanket ban or default 'no' for every application; the intention of the SPD is to make it easier for harmful impacts associated with location and concentration of certain uses to be identified.
PC43	Individual	Yes	Yes	No answer given	No answer given	Response noted.
PC44	Individual	Yes	No. this is not a one time condition of concern but a constant issue and requires attention the whole time rather than as a reflex knee jerk reaction to specific complaints or instances of concern not matter how justified they may be, it seems probable that some action could be taken if existing situations get chaotic, but the norm may be one in which applications are plentiful and the way to deal with that is to have an overall philosophy which is more coherent than that which exists at present overall.	Yes. quality of life generally integrated with global and regional issues rather than the rather limited attitudes extant.	there should always be supplements for guidance rather than control and control must have an understandable philosophical basis that people can vote on and thus shared democratically	Response noted. The SPD is not being developed as a result of a knee-jerk reaction. The council have already developed and adopted policies to tackle potentially harmful uses, as part of the long-term strategic aims set out in Islington's Core Strategy. The SPD provides useful additional guidance to aid implementation of these policies.  Improving quality of life for residents is one of the core themes underpinning Islington's adopted planning policies.
PC45	Individual	Yes	Yes	Yes. DO much more to convert disused properties and build new "truly affordable housing": 1) More can be done to identify and promote the development of social housing in the borough and to curb the trend of building luxury homes and "investors" pricing out Londoners. 2) LBI needs to change the rules so that "private developers" are forced to build more "affordable housing" (in the traditional sense) IN THEIR DEVELOPMENTS mixing council tenants and private owners/tenants next door to each other. 3) LBI needs to look into protecting their new build social housing developments from the right to buy. 4) LBI needs to heavily "tax" properties left empty after 3/4 months.	No answer given	Response noted. These issues are outside the scope of the proposed SPD. For information, the council is engaged in delivering new social housing through various means, including the development of new council housing and new social housing in partnership with housing associations.  Affordable housing is a key priority for the council and the council seeks to maximise the provision of affordable housing in every scheme.  Right to buy is a nationally set scheme. Exceptions to right to buy are limited and local authorities currently have no scope for discretion in terms of its application.  The council is preparing a supplementary planning document to tackle properties which are deliberately left empty - so-called 'buy-to-leave'.



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PC46	Individual	Yes	Yes	Yes. MINI CAB OFFICES	No answer given.	Response noted. It is not intended to provide specific guidance on mini-cab operators, but general assessment criteria is provided which will ensure that certain common features of mini-cab operators are fully considered, for example, impacts on the local highway from mini-cabs waiting outside offices.
PC47	Community/voluntary group	Yes	Yes	No	The education mapping should be extended to FE colleges and possibly universities I think you will find it difficult and contentious with hot fast food premises. Does a market stall selling fancy £4 meat pies constitute fast food. A kebab shop selling meat with lots of salad will argue it is healthier. It's a fine line towards gentrification.	Response noted. We acknowledge the difficulty in determining whether one hot food takeaway is more harmful than another. Planning legislation limits what policy can focus on; a policy which only allowed hot food takeaways which sold food of a certain nutritional value is unlikely to be appropriate within current planning legislation. Therefore a broad approach is required, i.e. one where we can limit hot food takeaways where they could have an individual or cumulative impact on character function, etc; where they are over-concentrated, or where they are in close proximity to sensitive uses. With the latter, primary and secondary schools were chosen as children are considered to be likely to purchase fast food without full consideration of the health impacts. Students in further or higher education are older and therefore are much more likely to be conscious of these health impacts.
PC48	Individual	Yes	Yes. these shops encourages the habits of junk food and overall laziness. The council needs to promote exactly the opposite, quality food and culture.	No answer given	No answer given	Response noted. Specific guidance on hot food takeaways is intended to help develop an environment which is conducive to healthy eating and the prevention of obesity. Issues such as the quality of food fall outside the planning remit; other parts of the council have implemented measures to tackle this, including the Healthy Catering Commitment which is discussed in the SPD.
PC49	Individual	Yes	No answer given	No answer given	No answer given	Response noted.
PC50	Individual	No answer given	Yes	Yes. Betting shops	No answer given	Response noted.
PC51	Individual	Yes	Yes	No	No answer given	Response noted.

### Appendix 3: Draft SPD consultation responses

Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
SPD1	Health and Safety Executive	<p>Thank you for your request to provide a representation on the above consultation documents. When consulted on land-use planning matters, the HSE where possible will make representations to ensure that compatible development within the consultation zones of major hazard installations and major accident hazard pipelines (MAHPs) is achieved.</p> <p>We have concluded that we have no representation to make at this stage of your local planning process. This is because there is insufficient information in the consultation document on the location and use class of sites that could be developed. In the absence of this information, the HSE is unable to give advice regarding the compatibility of future developments within the consultation zones of major hazard installations and MAHPs located in the area of your local plan.</p> <p>Representation also included general advice about Local Plan preparation and future consultation with HSE.</p>	Noted. HSE are a statutory consultee and will continue to be consulted on future policy documents.
SPD2	Highways England	<p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN).</p> <p>Having examined the above consultation document, we do not offer any comment to this proposal.</p>	Noted.
SPD3	Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England does not consider that these Supplementary Planning Documents pose any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on these consultations.</p> <p>The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.</p> <p>If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.</p>	Noted.
SPD4	Office of Rail and Road	<p>Thank you for your e-mail dated 10.7.15 in regard to the following consultations:-</p> <ul style="list-style-type: none"> <li>• Location and Concentration of Uses Draft SPD</li> <li>• Basement Development Draft SPD</li> <li>• Development Viability Draft SPD</li> </ul>	Noted.

Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
		<p>I can confirm that the ORR has no comment to make on the three Supplementary Planning Documents listed above.</p> <p>We kindly request that you amend your planning consultation database to exclude the Office of Rail and Road from planning correspondence which does not affect the current or (future) operation of the mainline network in Great Britain.</p> <p>I have attached a copy of our localism guidance for reference, which can be found at: <a href="http://www.rail-reg.gov.uk/upload/pdf/localism-guidance.pdf">http://www.rail-reg.gov.uk/upload/pdf/localism-guidance.pdf</a></p>	
SPD5	London Healthier High Streets	<p>London Healthier High Streets is a public health network for London boroughs working with town planning, licensing, trading standards &amp; environmental health to promote healthier town centres &amp; high streets.</p> <p>The London Healthier High Streets considered the consultation draft (July 2015) at its meeting 19th August 2015. The draft was also circulated to its members.</p> <p>Whilst recognising the importance of choice and the contribution to local economies, the view of the group is that the over concentration of specific uses, in particular hot food takeaways, betting shops and payday loans, on high streets and in town centres can impact negatively on health and wellbeing. The over concentration of:</p> <ul style="list-style-type: none"> <li>• Hot food takeaways in any geographical location will contribute towards an environment that normalises unhealthier eating choices</li> <li>• Betting shops especially in areas where more vulnerable people live or receive services can have adverse impacts. Vulnerable people extend beyond problem gamblers and include people with addictions, poorer mental health and people on lower income or who find it difficult to manage their debt</li> <li>• Pay day loan shops offering relatively easy very high interest credit for people who may not be able to manage their payments can have a negative impact on their health and wellbeing.</li> </ul> <p>We strongly agree that:</p> <ul style="list-style-type: none"> <li>• The cumulative impact of use classes must be considered</li> <li>• The completion of a self assessment 'Planning for Health' form that is submitted alongside all planning applications for hot food takeaways, betting shops and payday loans, will support the Council to promote or mitigate relevant impacts.</li> </ul> <p>We specifically welcome the proposals that:</p> <ul style="list-style-type: none"> <li>• Prevent further A5 units within a 200m radius of primary and secondary schools</li> <li>• Require A5 uses achieve Healthy Catering standards</li> <li>• Require A5 applications be accompanied by a management and operating strategy</li> <li>• Require betting shops sign up to best practice schemes such as Safe Bet or Bet Watch</li> <li>• Require betting shop applications be accompanied by a betting shop management and operating strategy</li> <li>• Require pay day loan shops sign up to good practice schemes</li> </ul> <p>Islington Council's approach is welcomed. We believe that the advice offered in the SPD will help assess whether an application would result in negative cumulative impacts arising from an over concentration of such uses and/or the potential location of such establishments</p>	Support noted.

## Location and concentration of uses SPD – Regulation 12(a) Consultation Statement (April 2016)

Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
		might impact on the health and wellbeing of 'at risk' populations.	
SPD6	Greater London Authority	<p>The draft document provides thorough guidance on planning for the land uses which the Council has identified as raising potential planning concerns. The SPD is in accordance with London Plan Policy 4.8 B(g) which requires Local Plans to 'take a proactive approach to planning for retailing and related facilities and services and manage clusters of uses having regard to their positive and negative impacts on the objectives of the London Plan including a centre's...vii. role in promoting health and well-being'.</p> <p>The recognition in the SPD that other non-A5 land uses, such as coffee shops, can also sell unhealthy food is welcomed.</p>	Support noted, particularly that the SPD is considered to be a proactive approach in line with London Plan policy.
SPD7	Metropolitan Police	General comments provided in relation to Secured by Design principles, but with particular reference to other SPDs which were being consulted on concurrently with the Location and Concentration of Uses SPD.	Response noted. Although the comments relate to other SPDs, Secured by Design principles could be applicable in the case of the Location and Concentration of Uses SPD. The SPD notes that the police should be consulted on certain applications and also at an early stage when developing management and operating strategies; this engagement gives an opportunity for Secured by Design principles to be raised and incorporated in schemes where relevant.
SPD8	Consumer Finance Association	<p><b>Introduction</b></p> <p>1. The Consumer Finance Association (CFA) is the principal trade association representing short-term (or 'payday') lending businesses operating in the UK. The CFA is pleased to have the opportunity to respond to Islington Borough Council's Consultation on Location and Concentration of Uses Supplementary Planning Document.</p> <p><b>Summary</b></p> <p>2. Islington Council is entitled to take any action it deems necessary, and indeed we would support any initiatives to drive out irresponsible lenders. However, we are concerned that, without taking account of changes in the market and with no apparent evidence of the proliferation of lenders, this action could exclude people in Islington from access to responsible credit providers.</p> <p>3. The Council must first substantiate its view that short-term lending significantly exacerbates levels of debt and deprivation, as well as that short-term loans are by definition detrimental to the majority of borrowers. Failure to do so will contribute to financial exclusion and create more potential harm than it seeks to address.</p> <p>4. We are very concerned that the Council is proposing to provide guidance to planning officials that is based on out-of-date and inaccurate information about the short-term loan market and the customers who use short-term loans. This calls into question the value and effectiveness of the Islington Payday Lenders Working Group.</p> <p>5. It is well documented that since April 2015 short-term lenders have been regulated by the Financial Conduct Authority (FCA) and on 2nd January this year the FCA imposed a cap on the total cost of short-term loans. Legitimate short-term lenders have submitted applications for authorisation to the FCA and have been subject to detailed scrutiny and enforcement. The FCA has required fundamental changes to the lenders' business models.</p> <p>6. The Council should also note that as a result of market diversification, traditional payday loans are a fast declining part of the overall short-term lending market as innovation is moving towards a range of different short-term loan products, including instalment loans with repayments over longer periods of time according to a consumer's circumstances.</p>	<p>Response noted.</p> <p>Re: the summary points in paragraphs 2-10 of the CFA response, these are responded to below in response to more detailed comments.</p> <p>The SPD does not put in place an outright ban on new PDL shops in the borough.</p> <p>The SPD acknowledges the changes to the payday lending industry but it is still too early to assess the full effect of the changes; therefore we consider there is a role for planning to mitigate any further adverse impacts where new PDL shops come forward.</p> <p>The SPD requirements are applicable to stores which provide different loan products; different loan products would not change the use class of a PDL shop.</p> <p>A reduction in PDL shops may still mean that there is a resulting over-concentration. The SPD is concerned with the level of over-concentration at a particular time.</p> <p>The SPD acknowledges the changes to the payday lending industry but it is still too early to assess the full effect of the changes; we dispute the claim that the evidence is irrefutable. The number of payday loan shops could rise in future, meaning that a range of potential adverse impacts could arise. We consider there is a role for planning to give long-term control over assessment of payday loan shops in order to prevent/mitigate any further adverse impacts.</p> <p>The council have numerous initiatives which offer debt advice and support and help to lessen demand for PDL, e.g. by directing towards alternative lending sources; providing training on managing personal finances. The SPD complements these initiatives. The council set up the Islington Debt Coalition to discuss and tackle numerous issues around debt, including payday loans. The Payday Lenders Working Group, which sits under the Debt Coalition, has a specific focus on PDL.</p> <p>The claim cited in paragraph 18 of the response – that the consultation statement claims that a proliferation of short-term lenders could impact the health and sustainability of some areas - does not actually appear in the consultation statement, but the council do consider that proliferation of PDL shops could cause such adverse impacts based on evidence.</p>



Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
		<p>7. The failure of the draft guidance to take account of changes in the market raises the question of whether the Council is using the term 'payday loan' as shorthand for different kinds of high cost credit, such as logbook lenders and rent-to-own stores. The Council needs to be clear about the perceived issues it is attempting to address with the draft guidance.</p> <p>8. The Council asserts that, while it is 'concerned with the impact on town centres and other retail areas', its intention is 'not to uniformly prevent new payday loan shops; it is to prevent payday loan shops locating in areas where they may cause harm and/or where they may cause/exacerbate an overconcentration.'</p> <p>9. However, with little in the way of recent evidence, the Council appears to be determined to follow a path that will impose additional requirements on lenders or keep high street lenders away from specific high streets altogether, depriving local people of a wide range of services and choices in the process.</p> <p>10. Such market intervention is outside the remit of the Council and will be of concern to the Government and regulators, particularly where there is a lack of recent evidence that this has a significant impact on reducing levels of debt or deprivation.</p> <p><b>Detailed comments</b></p> <p>11. Since April 2014 short-term lenders have been subject to stringent regulation by the FCA and are currently under detailed scrutiny by the regulator as part of the authorisation process that will be applied to the whole consumer credit market. Despite new regulation, the Council is considering imposing additional requirements on lenders or banning legitimate lenders from certain high streets. The CFA does not believe there is any basis for further intervention to restrict high street lending. As the Islington Payday Lenders Working Group should affirm to the Council, short-term lenders are highly regulated and legitimate businesses that are part of the overall provision of financial services in the UK. In any event, before considering any additional requirements on lenders, the Council should satisfy itself that it has a complete understanding of the FCA rules and guidance. This response should assist in understanding of the nature and impact of changes to the high cost short-term lending market.</p> <p>12. Traditional payday loans are becoming rare. Nationally the short-term lending market is moving towards a range of different short-term loan products, including instalment loans with repayments over a period of time to suit a consumer's circumstances. These changes in the market will be reflected in Islington Borough, so the Council's policies and guidance need to take account of this.</p> <p>13. The Council asserts that the risk of over-concentration remains (page 5 of the Consultation Statement) but there does not appear to be any basis for this assertion. In fact since April 2014 there has been a reduction in the number of high street lending outlets across the UK. CFA analysis in April 2015 showed a 58% decline in the number of stores offering short-term loans on the high street since 2013. The consultation does not present any evidence that Islington is an exception to this.</p> <p>14. Data collected from CFA members shows that in March 2014 lending was down 54% on the previous year. A year later, lending had dropped by 68% compared with the peak of the market in 2013. The FCA predicts that only three online, and potentially one high street, lender will be left offering a single payment loan within the price cap. This will have an impact on the number of high street lenders who want to locate in Islington Borough.</p> <p>15. The consultation states (paragraph 8.3) that there is 'no guarantee the regulatory</p>	<p>There is no evidence to support the claim that some areas could suffer if they lose access to other services provided by PDL shops.</p> <p>CAB advice trends show that responses to payday loan issues have increased from Q1 to Q2 2015/16. This suggests that issues with the payday loan industry have not been resolved, nor have concerns been fully eradicated. As outlined above, planning has a legitimate role in assessing payday loan shop applications.</p> <p>Paragraph 8.11 refers to seven lenders, not four as the respondent suggests. The websites of these seven main lenders indicate that they all still offer payday loans of some variety.</p> <p>The BIJ information is considered an appropriate baseline for analysis. This is supplemented by our more detailed local survey information.</p> <p>The SPD does highlight that the number of PDL shops in Islington is not high in absolute terms, but relative to other local authorities we have one of the highest number of PDL shops per hectare. While this high per hectare rate may partly be a feature of the borough's relatively small size, it is nevertheless a factor - given that Islington has the highest population density of all UK local authorities, as noted by the respondent - in the opportunity for individuals to have access to PDL shops. A per hectare comparison gives an idea of relative spatial spread, which links much more with the issue of over-concentration.</p> <p>The SPD does not state that Nag's Head has an over-concentration of PDL shops; it identifies Nag's Head as an area of concern because it is an area with a defined cluster of PDL shops, hence over-concentration may be more likely here if further PDL shops were to open. The SPD sets no outright threshold for over-concentration; this is assessed on a case-by-case basis. However, we acknowledge that the paragraphs in the draft SPD might not be entirely clear for all readers; this is a matter that has been raised by several respondents. For the avoidance of doubt, the SPD has been amended to clarify this.</p> <p>The SPD states that where there are other relevant similar uses within a 500m radius of a site, these should form part of any assessment of over-concentration; this is a case-specific issue. The example of betting shops and payday loan shops is given, due to the fact that these uses can have similar impacts.</p> <p>Paragraph 8.23 does not stereotype all PDL customers; it merely indicates that payday loans are likely to be taken out by people on low incomes or the unemployed. The Competition and Markets Authority Payday lending market investigation final report (February 2015) shows that almost one third of unemployed people use high street payday lenders; and that median net income of high street payday loan customers is significantly less than the national median net income.</p> <p>We don't dispute that company directors, managers, etc. take out payday loans; but there is evidence that the majority of loans are taken out by those on low incomes or the unemployed. The figures from the Credit 2.0 report are themselves sourced from a CFA response to Financial Conduct Authority (FCA) proposals for high cost short term loan price caps. This is not considered to be fully robust data. Also, it is not clear what proportion of the overall number of payday loans are taken out by company directors, managers, etc.; this would be the most powerful statistic in this argument, but it is curiously absent.</p>



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		<p>changes proposed by the Government will result in less pressure for physical units on the high street'. The Council should be aware that regulatory changes have been implemented by the FCA, rather than the Government, and as discussed above these changes have resulted in reduced demand from lenders for physical units on the high street. The evidence is now irrefutable.</p> <p>16. Contrary to the Council's view, the high street has been impacted nationally by these changes with retail chains like Albemarle and Bond, Cheque Centre, Cash Store, Cash &amp; Cheque Express exiting the lending market and The Money Shop closing down half of its stores.</p> <p>17. The Council should be as concerned by the high demand for credit as it is by the supply. The regulatory changes have had little impact on consumer demand for short-term loans. Regulating supply does not necessarily result in a reduction in demand. There is a risk that reducing supply could force many people who currently use licensed lenders into the arms of unlicensed lenders who pose the most risk to consumers. Chris Pond, vice-chairman of the Financial Inclusion Commission, recently said in reference to the impact of the new regulatory regime that: 'While the supply of that lending has disappeared the demand doesn't. The demand keeps on growing. And it's in that respect that the illegal loan sharks are getting into a feeding frenzy'.</p> <p>18. The Consultation Statement claims that a proliferation of short-term lenders could impact the continued health and sustainability of some areas. The evidence for this is unclear. As the Council acknowledges, high street outlets often provide a range of services for consumers, including foreign exchange and money transfer. Arguably the health and sustainability of some areas could suffer if consumers lose access to these services. Debt charities are reporting a steep decline in clients with payday related problems. Citizens Advice for example reported a 53% drop in the number of payday loan problems it helped with between April and June this year. Similarly, National Debtline reported that the percentage of enquiries it receives concerning payday loans has fallen from 12% to 6%.</p> <p>19. Islington Council's stated concern about the proliferation of short-term lenders on the high street is based on out-of-date information. Three of the four lenders referred to in paragraph 8.11 are no longer providing short-term loans. Others have undertaken a programme of store closures. Similarly the Council is also misguided in relying on work by the Bureau of Investigative Journalism from early 2014, completed before the new regulatory regime had been established. As such this work does not take account of recent changes in the market, particularly the reduction in the number of high street outlets.</p> <p>20. The Council has adopted curious measures to support claims of supposed proliferation of lenders. Paragraph 8.14 refers to the number of short-term loan outlets per hectare. This is hardly a relevant measure for the most densely populated borough in the UK. There are 118.3 people per hectare in the Borough of Islington. The map provided with the consultation shows just eight lenders operating in 2014. By any measure this cannot be termed clustering of payday lenders.</p> <p>21. Paragraph 8.19 concludes that the map shows no sign of other existing high concentrations, apart from the Nag's Head Town Centre. We would argue that two stores in this area does not constitute 'a potential over-concentration of payday loan shops'. We would strongly object to any planning guidance that takes this threshold as justification for planning restrictions.</p> <p>22. The location of betting shops is cited as a specific consideration regarding the location of</p>	<p>The changes to the PDL market were driven in part because the proper checks were routinely not being carried out by PDL lenders. Although we acknowledge that there do seem to have been some improvements, the exact impact is unclear. CAB advice trends referred to above show that PDL advice instances have increased following a period of decline, which suggests that the issues with the payday loan industry have not been resolved nor have concerns been fully eradicated. As outlined above, planning has a legitimate role in assessing payday loan shop applications. Paragraph 8.23 is therefore considered appropriate and planning has a legitimate role in assessing payday loan shop applications.</p> <p>The respondent has mistaken the role of the PDL working group. As noted in the SPD, this group is an informal subset of the Islington Debt Coalition and brings together various disciplines to discuss the issue of payday lending in the borough. The group has been a useful sounding board in the development of the SPD but they have no direct role in its drafting. Regardless of this, the SPD is factually accurate re: the PDL industry. The respondent's claims are based on a biased viewpoint that the PDL industry has been permanently changed; this is not supported by evidence.</p> <p>The council is aware of the FCA rules which came into force on 1 July 2014; we note that the SPD requirement detailed in paragraph 8.30/guidance point PDL 3 goes further than this as it specifies advertisement of other, more sustainable forms of lending. The condition also has specific details about the display of information.</p> <p>Re: paragraph 25, the respondent has mistaken the role of the PDL working group and the criticism is therefore not valid.</p> <p>Signposting to credit unions is not a guarantee that customers will use such services, but it could encourage use of the credit union; this is recognised in the SPD. The SPD does not claim the credit unions can fully replace the short term lending industry, but there will be people on the verge of taking out a payday loan who could lend at lower cost through the credit union; hence the SPD requirements will allow people to fully consider their lending options.</p> <p>Re: paragraph 27, the respondent has mistaken the role of the PDL working group and the criticism is therefore not valid.</p> <p>We disagree that paragraph 8.37/guidance point PDL4 is excessive. It merely guarantees that a good practice requirement is adhered to, through the planning process. This ensures that planning impacts will be mitigated.</p> <p>Re: the suggestion of using valid Interim Permission/full authorisation as a proxy assessment, this relates to a separate regulatory regime, and would be akin to conditioning a requirement that licensing permission is achieved. This is not considered appropriate.</p> <p>PDL1 – the potential for positive impacts is acknowledged and SPD has been amended to reflect this.</p> <p>PDL2 – this is a self-assessment and allows for positive impacts to be put forward as well as negative impacts.</p> <p>PDL3 – see response to paragraph 25 above.</p>

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		<p>short-term loan shops (paragraph 8.20). This is pure supposition and is not the experience of loan store operators. If there is a concern that consumers may try to borrow money to fund gambling, this must be evidenced and similar considerations should surely also apply to the location of banks and ATMs in relation to betting shops.</p> <p>23. The CFA takes particular issue with Paragraph 8.23 of the draft guidance, which is an unsubstantiated and inaccurate description of short-term loan customers. It stereotypes customers as low income or unemployed. In fact, loans are only available to borrowers in employment with a bank account who pass the affordability assessment that lenders have applied to all loan applications since new regulations were implemented in 2014. CFA members' customers are from all walks of life and represent a wide variety of different occupations. A recent report by the CFA, Credit 2.0: a commentary on borrowing and spending in the 21st century used extracts from lender data to illustrate this. This data, taken from the period March to May 2014, showed that 52 company directors took out short-term loans. In addition, 577 customers were managers, 14 were police officers, 12 were legal secretaries, 11 were web developers, 12 were quantity surveyors and 144 were teachers.</p> <p>24. Changes in the market and tighter affordability checks being applied by lenders mean that those on very low incomes, or reliant on benefits, are ineligible for a short-term loan. Responsible lenders clearly explain the total cost of borrowing in pounds and pence, use credit reference agencies to check customers' details and will not lend if they think it will make a customer's financial situation worse. It is disappointing and worrying that this basic information was not known to the Council before drafting its statement, particularly given that it has appointed the Islington Payday Lenders Working Group that could be reasonably expected to have some knowledge of the FCA regulations.</p> <p>25. Paragraph 8.30 proposes that high street short-term lenders should be required to provide information to customers about credit unions and free debt advice. Lenders already provide information about the availability of free debt advice and under FCA rules must signpost potential borrowers to the Money Advice Service. Again it is of concern that this was not communicated by the Islington Payday Lenders Working Group before the statement was drafted, which would have avoided recommendations that are already enacted.</p> <p>26. Providing information to customers about credit unions risks raising expectations that cannot be met. Most customers who are denied a short-term loan on the high street will not be eligible for a credit union loan. This is either because they do not meet the required common bond or because the credit union is unwilling to lend to them because they do not have any savings with the credit union or meet the criteria for a loan. Furthermore, not all credit unions provide the type of loans that customers require, that is small sum loans over a relatively short period of time. The guidance should therefore advise that consumers are only directed to a credit union where one exists that can meet their needs.</p> <p>27. Paragraph 8.37 is another example of failure by the Islington Payday Lenders Working Group to provide basic information to inform the Council's decisions. The Good Practice Customer Charter was a voluntary industry initiative that preceded statutory regulation under the FCA. The regulations enshrine the charter commitments in law. It is therefore excessive to require a further 'absolute guarantee' over and above a legal requirement. The CFA advises that the Council should be more concerned with whether a lender has valid Interim Permission from the FCA and, at the conclusion of its scrutiny, whether the lender has achieved full authorisation from the FCA to offer a credit product.</p> <p><u>Planning applications</u></p> <ul style="list-style-type: none"> <li>• PDL 1 – to be comprehensive this should include positive as well as negative impacts.</li> </ul>	<p>PDL4 – see response to paragraph 27 above.</p> <p>PDL5 – the SPD merely guarantees the display of fees, etc. through the planning process. This ensures that planning impacts will be mitigated. The SPD specifies size of display, siting, etc.</p> <p>We acknowledge that the PDL market is changing but it is still too early to assess the full effect of the changes. We consider there is a role for planning to mitigate any further adverse impacts where new PDL shops come forward. Leaving aside the impacts associated with the FCA changes, impact on vitality and viability will always need to be fully assessed, which further supports a role for planning.</p>

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		<ul style="list-style-type: none"> <li>• PDL 2 – an assessment of the impact on health is subjective and outcomes will differ by consumer. The health of some consumers could benefit from being able to obtain a short-term loan, for example by enabling them to meet a short-term financial need, such as meeting the cost of visiting relatives in hospital.</li> <li>• PDL3 – as discussed above (paragraph 25) lenders already provide information about free debt advice and it may be misleading to provide consumers with information about a credit union that they cannot join.</li> <li>• PDL 4 – as discussed above (paragraph 27), good practice guides have been largely superseded by FCA regulation. This requirement should refer to a lender having valid FCA Interim Permission or, in future, being fully authorised by the FCA. Planning officers should be advised to check the FCA register to ensure a firm is legitimate.</li> <li>• PDL 5 – lenders already provide information about interest and charges, as such this requirement is superfluous.</li> </ul> <p><b>Conclusion</b></p> <p>28. The CFA supports any initiatives that drive out irresponsible lenders and we work closely with the Government and regulator to this end. However, we are concerned that, without taking account of changes in the market and with no apparent evidence that proliferation of lenders is actually an issue, the proposed action could prevent people in Islington having access to a legal and regulated service. The Council needs to ensure that any guidance provided to planning officers is based on an accurate view of how lenders are regulated, how payday lender is defined, the views of customers and an evidence-based definition of proliferation. Short-term lenders are a highly regulated part of the overall financial services landscape and provide options to consumers that are unlikely to be available from other legitimate consumer credit providers. Making decisions based on historical information and poorly-informed opinion risks depriving customers of choice and worsening their financial situation.</p> <p>29. In light of the potential repercussions of the proposed guidance on the short-term lending market, we are copying this response to HM Treasury and the Financial Conduct Authority.</p> <p>30. We would welcome the opportunity to meet the Council to discuss these issues further and would be happy to facilitate a visit to CFA members' stores in the Borough.</p>	
SPD9	William Hill	<p>William Hill is one of the UK's largest betting operators with an estate of over 2300 shops.</p> <p>We currently trade 34 shops within the Borough of Islington. We have re-sited 2 shops, but in 2007 we traded 41 LBO's which is a net reduction of 7 (17% reduction)</p> <p>We are a business which values being in the regulated sector and we devote significant resources to regulatory compliance.</p> <p>A policy, particularly one which seeks to place restrictions on the development of a particular industry, has to be strongly evidenced.</p> <p>We are concerned that the current draft which seeks to place unjustifiable and disproportionate restrictions on betting shop development is founded on a poor and inaccurate evidence base</p> <p>Furthermore this document seeks to conflate the issues of licensing and planning and we see it as a contrived way to undermine Gambling Act legislation and to place unnecessary and burdensome restrictions on an already well regulated and socially responsible industry.</p>	<p>Response noted.</p> <p>The reduction of betting shops over time is noted but there is still a high overall amount of betting shops relative to other areas.</p> <p>The guidance is strongly evidenced, as detailed in the SPD.</p> <p>The SPD sets out no onerous requirements; it is largely aiming to ensure that adequate information is submitted alongside betting shop applications. The requirements are inherently flexible.</p> <p>There is no conflation of the separate licensing and planning regimes. None of the guidance in the SPD can be considered as pre-determination of a licensing application.</p> <p>The SPD sets out a firm evidence base to support the guidance. It is consistent with national and London-wide planning policy, as well as relevant regulations. The GLA noted in their response to the draft SPD that it provides thorough guidance which is in accordance with the London Plan.</p>



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		<p>We accept that planning considerations do not have the same "limitations" as those placed on the Authority by the Gambling Act 2005, but a restrictive planning policy has to be supported by a firm evidence base. To all intents and purposes this document does not contain that evidence base and is to a large extent founded on opinion and weak anecdotal evidence. That makes the policy susceptible to sustainable legal challenge.</p> <p>We set out below (with paragraph references) our detailed comments:</p> <p>Para 7.10- There is no supporting evidence referenced which leads to the conclusion that betting premises constitute a sensitive use. There are few public complaints about betting shops and we do not believe the Authority has had cause to review or revoke a betting shop licence. This paragraph also uses the term "FOBT". There is no such legal phenomenon as an "FOBT" and little or no attempt to explain why, what we presume to be gaming machine use, constitutes a "double whammy". This is a pejorative and meaningless term with little attempt being made to explain it in any sort of evidential or logical detail.</p> <p>7.11 We simply do not accept that gaming machine use drives national development policy and resent the implication that operators are in anyway circumventing Licensing legislation. There are three key commercial drivers of betting shop development; population density, footfall and affordable rents. Again the language is pejorative and we note the weakness of the referenced material in terms of evidential worth.</p> <p>7.12 There is little or no attempt to expand on the reference to "common perceived adverse impacts". There is no cogent evidence that betting shop use "exacerbate mental health problems" or anti social behaviour. Betting shops are generally heavily regulated, well run and suffer far less crime and disorder than other retail and other uses such as convenience stores and alcohol licensed premises. Misconceived perception is not just cause for introducing unjustified restrictions.</p> <p>A proper examination of police, Gambling Commission and the Authorities own statistics will demonstrate that perception differs significantly from reality and that there is an extremely poor evidence base to support the negative assertions made in paragraph 7.12</p> <p>We would remind the Authority that problem gambling levels in the UK are low by international standards and probably falling. The Authority itself concedes that betting shop numbers in Islington are not extraordinarily high and cater for a very dense population. The case for betting shops presenting a public health issue is simply not made out.</p> <p>Use of an isolated planning reference does not make the case for generalised development restrictions. We can point to a large number of cases where betting shop use has been found to promote the vibrancy and vitality of the high street:</p> <p><i>"Independent surveys supported by your own surveys, show convincingly that betting offices attract a considerable number of customers, indeed more than many retail uses"</i> (Hayes)</p> <p><i>"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"</i> (Hayes)</p> <p><i>"Any A1 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"</i> (Witton)</p>	<p>This SPD supplements adopted policy which has gone through various statutory phases including various rounds of consultation; and examination by an independent planning inspector. The policy was found to be legally compliant and sound. The content of the SPD is within the remit of planning and meets the tests set out in the NPPF. The respondents claim that the document is susceptible to legal challenge is based on a misunderstanding of the SPD implications.</p> <p>Betting shops themselves are not the sensitive use; they can affect sensitive uses where located in close proximity. This is clearly set out in section 5 of the SPD; paragraph 7.10 has been amended to include cross-reference.</p> <p>We note that paragraph 7.10 does not claim that betting shops lead to such impacts uniformly. This paragraph is merely highlighting potential adverse impacts which may arise.</p> <p>The term 'double whammy' is intended to mean two-fold impacts and is not considered a pejorative term. However, it is a very minor issue so we have amended to a different term to ease respondent concerns.</p> <p>FOBT is a commonly used acronym. The SPD cites evidence which demonstrates the link between FOBTs and potential adverse impacts. The SPD does not aim to restrict FOBT, as this is beyond its remit.</p> <p>FOBTs have been noted as a key driver behind new betting shops; a reference to corroborate this has been added to the SPD. However, we acknowledge there are other factors which drive development of new betting shops. We disagree that the language is pejorative.</p> <p>Examples of impacts are given in paragraph 7.12. Appendix 3 of the SPD also notes various pieces of evidence.</p> <p>The SPD does not state that betting shops will always cause adverse impacts; it merely highlights that such impacts are possible, and sets out some requirements, mainly provision of information, to ensure that impacts have been identified and properly mitigated or prevented. A small amendment has been made to clarify this.</p> <p>The SPD highlights that the number of betting shops in Islington is not high in absolute terms, but relative to other local authorities, we have one of the highest number of betting shops per hectare. While this high per hectare rate may partly be a feature of the borough's relatively small size, it is nevertheless a factor - given that Islington has the highest population density of all UK local authorities - in the opportunity for individuals to have access to betting shops. A per hectare comparison gives an idea of relative spatial spread, which links much more with the issue of over-concentration.</p> <p>The SPD cites evidence detailing potential impacts of betting shops.</p> <p>The cited appeal in Deptford is proof that perceived impacts from ASB, crime and disorder, etc. can be considered material in the assessment of planning applications, where there is evidence. The SPD does not claim that the Deptford case alone justifies to a generalised restriction on new betting shops.</p> <p>There is a wealth of appeals which counter those provided by the respondent; reference to further appeals has been added to the SPD. We note that the appeals referred to by the respondent are not provided, nor are any reference numbers given; therefore the</p>



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		<p><i>“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”</i> (Llangefni)</p> <p><i>“...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”</i> (Hitchen)</p> <p>The issue of whether or not a betting shop is preferable to an empty premises has also been addressed:</p> <p><i>“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”</i> (Bristol)</p> <p>In the case quoted in the draft, there were particular unique circumstances pertaining to Deptford High street and the findings cannot logically be extrapolated to a general finding which supports a restrictive policy.</p> <p>7.15 Recent changes to the UCO which put betting shops in a sui generis use class allow the Authority to consider each case on its merits. It is certainly not a basis for reaching general adverse conclusions about betting shop premises in a general policy.</p> <p>7.16 (Appendix 3) The Association of British Bookmakers has already raised concerns with the Royal Society of Public Health over its poorly evidenced conclusions and the dubious ranking system in relation to health; especially as it relates to betting shops. The report naively made a number of recommendations for improvement that were already in place within betting shops. Whilst debt may be associated with the more narrow issue of problem gambling, betting shop use amongst the customer base generally cannot be shown to increase level of indebtedness with most customers pursuing a legitimate leisure activity within their means. Generally the attempt by the Authority to make betting shops a wider public health issue (beyond the limited levels of problem gambling) is poorly evidenced and not underpinned by a credible empirical research base. Generally the evidence based used is self serving and not objective.</p> <p>7.19 The Campaign for Fairer Gambling which is a campaign group funded almost solely by a casino industry tycoon is not an organisation that can be relied upon to produce credible research and we are surprised by a reference to such a group in the establishment of what purports to be an objective research base.</p> <p>7.21 The very reason for betting shops being in densely populated areas is to accommodate demand for gambling that is regulated (as opposed to illegal supply). It is latent demand which drives betting shop location and because of the nature of inner city areas betting shops are bound to be near deprived areas. However deprivation is not a reason to restrict betting shop use because even in these areas, demand should be met by regulated supply. Failure to meet demand leads to an increase in illegal gambling and it is naive to think that chocking regulated supply leads to less demand. A restrictive approach, such as advocated in this document, serves to undermine the principles of good gambling regulation that have existed since betting shops were legalised in 1961.</p> <p>7.20 There has been no significant rise in betting shops in Islington since the inception of the Gambling Act 2005. There may be some localised Clustering, but market competition was a clear objective of removing the demand test from previous betting shop legislation.</p>	<p>accuracy of the summaries provided is unknown. We have managed to track down other documents via Google searches which repeat these appeal summaries and give further information such as the appeal decision dates. The appeals range between 10 and 20 years old, so we question whether they can reliably be used in a modern planning context, e.g. recent changes to the UCO.</p> <p>The main issue raised in the appeals – that betting shops can benefit vitality and viability – is not a general rule. There are numerous appeal decisions where betting shops have been deemed to have a likely negative impact on vitality and viability. There is also evidence from previous appeals that new betting shops in centres where there are already one or more betting shops have a negligible impact on footfall, i.e. they create no/minimal additional footfall because the customers for the new store are likely to be those people who already frequent existing stores.</p> <p>Of the areas in the appeals cited, almost all seem to suffer from high vacancy rates and/or poor environmental quality; these issues act as the trigger for betting shops to have positive impacts in these cases, by bringing vacant units back into use.</p> <p>It is important to note that appeal decisions consider the specific circumstances of a case, although decisions are often useful in identifying what issues can and can't be considered material in principle.</p> <p>All of the appeals cited by the respondent turn on case-specific issues; hence they can't be applied as a general rule. These decisions do highlight that issues such as ASB are valid material considerations where there is evidence of harm. It is up to applicants at application stage to detail any positive impacts associated with their proposal. The SPD seeks submission of a 'Planning for Health' self-assessment, which also allows for consideration of positive impacts.</p> <p>The cited Bristol appeal could not be found and summary could therefore not be verified for accuracy.</p> <p>Where there is evidence of entrenched vacancy in a retail area, it is possible that a betting shop could have positive benefits which can then be weighed against negative impacts in any planning determination. However, demonstrating whether an area has such vacancy issues is a case-specific issue. We note that Islington's designated retail areas do not have any significant vacancy issues, having been reviewed and adopted very recently.</p> <p>We acknowledge that appeals turn on case-specific evidence, but the Deptford appeal is proof that perceived impacts from ASB, crime and disorder, etc. can be considered material in the assessment of planning applications, where there is evidence.</p> <p>The use class reclassification is recognition from the Government that betting shops have unique impacts which need specific assessment.</p> <p>The RSPH document is considered robust evidence; also, it is just one of a number of evidence base documents, several of which do factor in the benefits of betting shops.</p> <p>The approach set out in the SPD has involved consideration of the potential benefits of betting shops; however, the evidence base as a whole leans more towards suggestion that betting shops cause adverse impacts.</p>

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		<p>7.29 The concepts of “over concentration” articulated by the Authority is designed to circumvent the market liberalisation granted by the Gambling Act 2005 and there is a clear conflict of laws here which may only be resolved by judicial consideration. If the authority continue with this restrictive policy, William Hill are considering using the circumstances in Islington as a test case for judicial declaration on such general restrictive planning policies.</p> <p>We would therefore request that the Authority carries out a full legal and evidential review of this proposed policy before finalising this policy.</p> <p>7.31 Betting operators and the industry in general has a clear regulatory and self regulatory frame work for encouraging responsible gambling. The low levels of problem gambling amongst a cohort who only represent a small minority of the general public does not support the negative conclusions used to justify this policy.</p> <p>7.34 A quantum leap has been made to determine that there is a “medium risk” of adverse impacts relating to the factors listed. There is clear planning evidence that betting shops add to the vibrancy and vitality of the high street (see above), no clear evidence (on the basis of vacancy rates and the overall percentage of retail frontage occupied) that betting shops have an adverse effect on amenity, and tenuous links with the public health and well being agenda. There are many community betting shops which add to the quality of people’s lives rather than detract from them. The conclusions in this paragraph will not sustain under evidential scrutiny. We note that no industry sources have been used as part of the evidence base. Nor are there references to the inadequate research base on this issue. We believe that this policy has been constructed to undermine the “aim to permit” principles of the Gambling Act 2005. The policy articulated is in our view an illegal exclusionary policy with a presumption against grant.</p> <p>7.35 Burdening applicants with the completion of a health assessment form is disproportionate, burdensome and against better regulation principles. Much of this would duplicate licensing process (such as individual shop risk assessment against the three Licensing Objectives).</p> <p>7.39 A number of measures are already in place to help problem gamblers and promote responsible gambling. The majority of operators already have extensive training and compliance processes in this area and William Hill has Gamcare accreditation.</p> <p>7.43 There is no good reason to impose a standard condition relating to debt advice and problem gambling information. This is already dealt with under current operating and premises licensing conditions.</p> <p>7.52 It is not appropriate and possible unlawful to compel participation in a voluntary industry code through a planning condition which is more pertinent to the Licensing regime. This an over complex an burdensome approach. A clear example of over regulation.</p> <p>7.60 There is significant and possibly unlawful conflation here of the planning and Licensing regimes. There is also a significant amount of regulatory duplication in these principles. The Authority does not have the power to insist on the submission of a management and operating strategy as part of the planning process and it is clear that these proposal are in breach of S210 of the Gambling Act 2005.</p> <p>7.61 The Council should not be insisting on operators completing a “template” and better regulation principles should allow for operators to carry out their own risk assessment process against the three Licensing Objectives. The draft policy has clearly confused two regimes (planning and licensing) and provides clear evidence that the underlying motive is to</p>	<p>The evidence base is not self-serving; the responses received from the betting industry as a whole can be considered self-serving, given that they almost entirely dismiss the idea of betting shops causing any harm whatsoever. The SPD allows for potential benefits to be demonstrated on a case-by-case basis.</p> <p>Re: the information sourced from the Campaign for Fairer Gambling (CFG), the raw data is from Geofutures, hence it is considered impartial and robust.</p> <p>The only part of the CFG analysis referred to in the SPD is the FOBT player and loss statistics noted in Appendix 3. These are caveated appropriately and form only part of the evidence base for the SPD.</p> <p>The SPD mapping highlights that a significant number of betting shops are in the most deprived areas of the borough; there is evidence that deprived areas suffer from higher rates of problem gambling, hence further betting shops in these areas should be properly assessed.</p> <p>A basic supply and demand argument does not fit with the planning system in the UK. Planning looks at issues holistically and not just the demands of the market.</p> <p>The comment re: increase in illegal gambling (in response to SPD paragraph 7.21) is scaremongering. Even if the SPD were to affect supply of regulated gambling (which is not guaranteed given that the SPD is not a blanket ban); and this led to an increase in illegal gambling, this is surely a trigger to crackdown on illegal gambling rather than to abandon any measures to mitigate/prevent impacts of betting shops.</p> <p>The SPD maps existing supply. The supposed reduction in the number of betting shops in Islington since 2005 is noted, but we note that Islington still has the fourth highest number of betting shops per hectare of any local authority in Great Britain. Use of a per hectare rate is considered appropriate as noted above.</p> <p>The SPD requirements apply to new betting shop applications. Any further known reduction of betting shops, particularly those which reduce the size of any clusters mapped in the SPD, can be taken into account at application stage.</p> <p>The respondent seems to ignore the fact that planning legislation exists and suggests that only the Gambling Act should be a consideration re: betting shops. This is clearly not the case.</p> <p>The Gambling Act operates alongside planning legislation. The guidance in the SPD in no way constrains or predetermines any consideration made under the Gambling Act. Planning considerations are much wider than those detailed in the Gambling Act but that does not automatically equate to a conflict between the two regimes.</p> <p>As far as we are aware, the Gambling Act is not laissez faire given that all new licensing applications must demonstrate consistency with the three licensing objectives.</p> <p>We have considered significant amounts of evidence and various legal issues at every stage of development of the SPD (including post-consultation). This SPD supplements adopted policy which has gone through various statutory phases including various rounds of consultation; and examination by an independent planning inspector. The policy was found to be legally compliant and sound. The content of the SPD is within the remit of planning and meets the tests set out in the NPPF. The respondent’s threat of legal challenge is based on a misunderstanding of the SPD implications.</p>

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		<p>restrict betting shop development in the Borough by the pursuance of what we believe to be an unlawful restrictive policy. We intend to consult the BRDO on this issue.</p> <p>If the policy remains in its current form, then there remains little option other than to launch a legal challenge to the policy as it impacts so significantly on the commercial security of our business and the industry more widely.</p>	<p>Problem gambling is one of the issues which the guidance in the SPD attempts to tackle; it has significant health connotations which are clearly material in planning assessments. Paragraph 7.31 is supported by evidence. The planning system is concerned with the assessment of sustainability in the round, including social issues. The SPD requirements look to prevent exacerbating problem gambling, especially in deprived areas; and are not onerous.</p> <p>It is not the intention of the SPD to institute a blanket ban on certain uses. Paragraph 7.34 (and related paragraphs) is not tantamount to a ban as it allows for case-by-case flexibility. However, we acknowledge that the paragraphs in the draft SPD might not be entirely clear for all readers; this is a matter that has been raised by several respondents. For the avoidance of doubt, this paragraph (and any related paragraphs) has been amended.</p> <p>We dispute that there is clear planning evidence that betting shops add to the vibrancy and vitality of the high street. Betting shops can potentially have such benefits but this is dependent on local circumstances; there are numerous planning appeals which have found that betting shops will likely have an adverse impact on vitality and viability of retail areas. Reference to further appeals has been added to the SPD.</p> <p>We consider that the evidence base which underpins the SPD justifies the proposed guidance. Importantly, the SPD puts in place requirements which are sufficiently flexible and not onerous.</p> <p>The evidence documents cited in Appendix 3 include discussion of potential benefits of betting shops. As part of the first stage of the SPD preparation, the council engaged proactively with all major betting shop operators and the Association of British Bookmakers. It is noted that only the latter provided a response to this consultation; and it is noted that no significant evidence was provided for consideration.</p> <p>The 'aim to permit' is not a guaranteed permission; all licensing applications still need to be assessed against the licensing objectives. As noted above, this regime is separate to planning; and the SPD in no way compromises any consideration/assessment made under the Gambling Act.</p> <p>Requiring evidence through planning is a legitimate approach. The SPD puts in place requirements to ensure that sufficient information is provided to properly assess planning impacts.</p> <p>The self-assessment is a simple two page document, deliberately designed so as not to be overly onerous. We note that the self-assessment allows for consideration of positive impacts as well as negative.</p> <p>Just because licensing assessments would involve consideration of similar information, this does not mean that the SPD would duplicate licensing process. Planning has a very wide remit in terms of what is material to planning assessments; therefore consideration of similar issues through the separate regimes is inevitable.</p> <p>Comments re: paragraph 7.39 are noted. Such measures taken by individual operators could go some way to satisfying the SPD requirements. These will be conditioned to guarantee their delivery. From an LPA point of view, we want to identify and mitigate</p>



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			<p>impacts, regardless of the operator.</p> <p>Re: paragraph 7.43, the LCCP does have similar requirements, but the proposed condition is more specific about size and placement of notices. Planning conditions which mirror licensing conditions are commonplace, e.g. conditions restricting opening hours. Indeed, opening hours permitted can sometimes be different in each regime, reflecting the separate considerations of the regimes. The proposed condition will ensure that planning impacts are mitigated.</p> <p>Re: paragraph 7.52, although the schemes referred to are voluntary, they offer tangible evidence that betting shops will operate in a certain way. By conditioning new betting shops to require sign up, this will offer a guarantee. We note that there is flexibility on the schemes which need to be signed up to. The proposed condition is not considered unlawful and meets the tests set out in the NPPF.</p> <p>Re: paragraph 7.60, there is no conflation of the planning and licensing regimes. The management and operating strategy will ensure that appropriate information is provided to properly assess planning impacts. The fact that this information is provided in similar form in licensing applications does not mean that this will cause confusion; if anything, this makes guidance point BS5 even less onerous, as the information should already be readily available. Seeking a management and operating strategy is reasonable as part of an SPD linked to an adopted development plan policy.</p> <p>The intent of the SPD is not to restrict all betting shop development in Islington. It is to ensure that any new betting shops provide sufficient information to allow proper assessment of applications and a guarantee that common impacts associated with betting shops are mitigated/prevented.</p> <p>The SPD notes that there will be no template for the management and operating strategy, which gives flexibility regarding the information submitted.</p> <p>As noted above, there is no confusion/conflation/duplication of the licensing regime.</p> <p>Reference to consulting BRDO is noted.</p> <p>This SPD supplements adopted policy which has gone through various statutory phases including various rounds of consultation; and examination by an independent planning inspector. The policy was found to be legally compliant and sound. The content of the SPD is within the remit of planning and meets the tests set out in the NPPF. The respondent's threat of legal challenge is based on a misunderstanding of the SPD implications.</p>
SPD10	BCCA	<p>General comments on the Islington Council recommendations</p> <p>The BCCA is happy to provide comments on behalf of its Members, but also represent the interests of other alternative lenders that might seek to enter the market.</p> <p>It is our view that a healthy market provides choices to customers, in terms of products and suppliers.</p> <p>The overarching objective</p> <p>We recognise that Islington Council are keen to take action on an issue that has attracted political and media attention. Payday lending became the focus of debate that ranged from the fundamental benefit of credit to discussions of lending behaviours.</p>	<p>Response noted.</p> <p>Support for general principles noted.</p> <p>Sign up to good practice schemes will be guaranteed through condition but there is flexibility on which schemes should be signed up to, to be determined on a case-by-case basis.</p> <p>The proposed guidance will ensure that measures are put in place through planning regime. They are not considered onerous.</p> <p>The issues associated with payday lending are discussed in the SPD but the SPD does not put in place an outright ban on new PDL shops in the borough.</p>



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		<p>There are general principles in the Islington recommendations that responsible lenders would be happy to engage with. For example, lenders will often direct individuals to organisations where they can receive advice and help.</p> <p>Rules and regulations already exist that ensure that customers are provided with all the information they need about the costs of taking out a loan and the consequences of failure to repay. This includes FCA rules around advertising, and the standard information provided to customers established by in the EU Consumer Credit Directive.</p> <p>There is reference to good practice schemes, and as a trade association we have also promoted these schemes. The BCCA was one of the organisations that developed the good practice customer charter in conjunction with the Office of Fair Trading. We would point out that many of the requirements have been overtaken by new standards set by the Financial Conduct Authority.</p> <p>But we are concerned that the Council is attempting to use planning regulations to deliver a social policy objective of reducing the use of payday loans in Islington. The policy approach is based on a belief that payday lending has a negative impact on the sustainable economic development of the borough.</p> <p>We believe that assumption is based on a view of payday that is already outdated. We are particularly concerned that public policy is being created based on outdated or limited data. Contemporary data, collected by the Competition and Market Authority, is being used in the development of new policy.</p> <p>This reach of this particular policy intervention will always be constrained by the simple fact that 80% of high cost short term lending happens online. These recommendations are at risk of distorting the market, and that demand will move to online lenders.</p> <p>Our concerns</p> <p>We go into more detail later in this paper, but have set out below our key concerns. We believe:</p> <ol style="list-style-type: none"> <li>1. That Islington Council is responding to what the payday market may have been like before the transfer to the Financial Conduct Authority, and to historic behaviours. The sector has materially changed over recent months, and will continue to change as more firms move through the FCA authorisation process or exit the market.</li> <li>2. That there is a role for payday lenders in serving a tangible need, and that there are positive reasons why it is good to have a physical presence in Islington. These range from the economic contributions of local businesses to the ability for direct engagement.</li> <li>3. That by using the policy tools available to the Council, there may be a material distortion in the local market over time but not a reduction in use. The restriction of supply will benefit online lenders based elsewhere, to the detriment of Islington based businesses. The focus on high street lending ignores the fact that 80% of payday lending takes place online.</li> <li>4. That for those lenders that do want to operate from a high street premises, there will be a barrier to entry which will favour the established brands and prevent the development of a more competitive market.</li> <li>5. The focus on credit unions as an alternative to commercial short-term lenders is flawed.</li> </ol>	<p>The SPD acknowledges the changes to the payday lending industry but it is still too early to assess the full effect of the changes; therefore we consider there is a role for planning to mitigate any further impacts where new PDL shops come forward.</p> <p>Re: the summary issues 1-5, these are responded to in detail below.</p> <p>As outlined above, we acknowledge that the changes to the sector have had an effect but it is still too early to assess the full effect of the changes; even if the changes were fully bedded down, they may not fully alleviate potential concerns sufficiently and it is eminently possible that further payday loan shops may open in future, especially as the sector adapts to the changes.. Therefore we consider there is a role for planning to assess impacts and, where appropriate, mitigate any further identified impacts where new PDL shops come forward. Leaving aside the impacts associated with the FCA changes, impact on vitality and viability will always need to be fully assessed, which further supports a role for planning.</p> <p>We acknowledge the FCA changes, e.g. price cap, in the SPD.</p> <p>The BIJ information is considered an appropriate baseline for analysis. This is supplemented by our more detailed local survey information.</p> <p>Appendix 3 is a discussion of the broad evidence base. See above response re: the role of planning in assessing payday loan shop applications.</p> <p>The SPD in no way compromises the FCA process. It proposes straightforward changes which are not onerous for new PDL operators. The information required to address the guidance should be readily available for PDL operators.</p> <p>The Competition and Markets Authority (CMA) Payday lending market investigation final report (February 2015) shows that almost one third of unemployed people use high street payday lenders.</p> <p>Paragraph 2.20 of the CMA report (which immediately precedes the section quoted by the respondent) notes that high street borrowers typically had incomes below the UK average.</p> <p>Paragraph 2.22 of the CMA report (which follows the section quoted by the respondent) notes that the median net income of high street customers is significantly less than the national median.</p> <p>The SPD puts in place measures to promote other forms of lending. The aim of the SPD is not to completely restrict payday lending, but to ensure that impacts are mitigated. As noted above, it is still too early to assess the full effect of the changes to the market. PDL shops are not retail uses. The SPD sets out this argument and the potential impacts of new PDL shops in section 8.</p> <p>The business contribution of PDL shops could be a material consideration which may have some weight at planning application stage.</p> <p>As noted in the SPD, PDL stores are not a retail use; they are a Sui Generis use. The Government have acknowledged, through changes to the UCO, that PDL shops have distinct issues which need to be specifically considered. Over-concentration of PDL</p>

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		<p>There is no evidence to show that greater credit union participation reduces use of payday lending. Even some key credit union leaders would say that it is not helpful to see them as the alternative.</p> <p>The short-term lending market is changing</p> <p>The public controversy around payday lending has generated a huge amount of media coverage, and subsequently led to political debate and regulatory action. Most impartial observers would agree that the sector has seen radical change over the last eighteen months.</p> <p>Unfortunately the Islington Planning Policy Team is relying on evidence gathered from before the changes were introduced, and before the transfer of regulation to the Financial Conduct Authority. There has been further regulatory development through the introduction of a price cap on High Cost Short Term Credit and there will be further obligation on lenders to provide a summary of borrowing costs.</p> <p>Market has shrunk</p> <p>Islington Council refers to a report published by the Bureau for Investigative Journalism in March of 2014, but based on information gathered in the months before in 2013. At that point they estimated that about 1427 payday stores across the UK. The inference is that there will be increasing pressure.</p> <p>In the consultation document it refers to new FCA regulation, “However, there is no guarantee that the regulatory changes proposed by the Government will result in less pressure for physical units on the high street; it is this pressure which is likely to cause adverse impacts for high streets and retail areas.”(p54)</p> <p>There is no need to wait for the result. The market has changed and we have already seen a reduction in high street stores. Within the last twelve months, nearly 60% of those 1427 stores mentioned by the Bureau have closed or are closing.</p> <p>There is evidence provided by the Competition and Market Authority that March 2013 was the peak in UK payday lending, and that there was then a gradual slow which has gained momentum in recent months.</p> <p>Business behaviours have changed</p> <p>In terms of business behaviours, the planning policy team make reference (in Appendix 3) to a report by the IPPR into payday lending. This was published in April 2014, and is based on a description of the market before the FCA became regulator.</p> <ul style="list-style-type: none"> <li>• There were concerns expressed about the price of borrowing. Yet there has been the introduction of a price cap - based on the most in-depth economic modelling into UK payday lending ever carried out - that was set below the industry norm. Lenders have adapted their products to comply, and the cost of lending has been reduced for the vast majority of customers.</li> <li>• In attempting to articulate the concept of a “poverty premium”, there were also references to the use of ‘rollovers’. This was seen as increasing the total amount repaid on a payday loan. However the practice of loan renewals, or rolling over, is now covered by FCA rules. The Consumer Credit Sourcebook places a limit on this activity.</li> </ul> <p>Ultimately the price cap provides a guarantee that the costs of loans will not “run into</p>	<p>shops can adversely impact the continued health and sustainability of retail areas.</p> <p>Even where a payday loan use ‘blends’ with retail, e.g. payday loans are part of a wider retail offer, the impacts of the payday loan element should be addressed.</p> <p>The SPD does not prevent local relationships from occurring. The SPD sets out measures to mitigate negative impacts.</p> <p>The SPD is clear that the impact on sustainable economic development would only apply where there is specific evidence. Where such evidence was available, this would clearly be a valid material consideration.</p> <p>The SPD mapping shows that several PDL shops are within the most deprived areas in Islington.</p> <p>There is a high street presence of PDL operators, as shown by the SPD mapping.</p> <p>The SPD is not a blanket ban of PDL shops, as the respondent intimates in the ‘reduction in high street supply’ section of the response.</p> <p>The SPD aims to prevent/mitigate negative impacts where new payday loan shops are proposed. Where applications for payday loan shops are granted, the SPD aims to mitigate impacts.</p> <p>The SPD does not apply to existing PDL shops, so it is not clear how it will negatively impact current Islington-based lenders as suggested.</p> <p>The SPD requirements can be viewed as an additional obstacle in that they require additional consideration to the current situation; but they are not considered onerous and their net benefit will likely be positive as they will ensure that negative impacts are prevented/mitigated.</p> <p>Existing lenders would be subject to the requirements of the SPD if they apply to expand their stores or make other amendments requiring planning permission. As noted above, the SPD requirements are not considered onerous.</p> <p>As a general point, the planning system restricts uses in given areas, e.g. noise generating uses in residential areas. As such, it could always be considered a barrier to entry, but this is planning’s legitimate role.</p> <p>Signposting to credit unions is not a guarantee that customers will use such services, but it could encourage use of the credit union; this is recognised in the SPD. The SPD does not claim the credit unions can fully replace the short term lending industry, but there will be people on the verge of taking out a payday loan who could borrow at lower cost through the credit union; hence the SPD requirements will allow people to fully consider their borrowing options.</p> <p>Glasgow has more stores in absolute terms but it is a significantly larger area. As noted in the SPD, Islington has the fourth highest amount of PDL shops per hectare of all local authorities in Great Britain. This per hectare rate is over double that of Glasgow. While this high per hectare rate may partly be a feature of the borough’s relatively small size, it is nevertheless a factor - given that Islington has the highest population density of all UK local authorities - in the opportunity for individuals to have access to PDL shops. A per hectare comparison gives an idea of relative spatial spread, which links much more with</p>

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		<p>hundreds and even thousands of pounds” that is suggested by the authors of Appendix 3 of the Supplementary Planning Document.</p> <p>All of these regulatory changes have led to the tightening of lending criteria. Where historic detriment has been identified then the schemes have been established to ensure customer redress.</p> <p>Change continues</p> <p>There is also a process of change that has continued whilst this very consultation has been underway.</p> <p>At this time all of payday lenders are going through an intensive FCA authorisation process that is investigating every part of their business, from the marketing of their products all the way through to the support provided to those customers that might find themselves in debt.</p> <p>This is an in-depth analysis that considers the customer need, business model and controls.</p> <p>We would urge Islington Council to consider the changes that are still underway, and to allow the Financial Conduct Authority to be the regulator. The contribution from lenders</p> <p>The BCCA represents both online and high street lenders, so we do not promote one channel over the other. Our view has always been that a diverse market place allows for the customer to have a choice as to which channel they wish to use.</p> <p>Customer benefits</p> <p>There have now been a number of in-depth reviews of the payday product including the Competition and Markets Authority market review and the work carried out by the Financial Conduct Authority – particularly the economic work carried out to determine a price cap.</p> <p>These projects have involved the analysis of millions of individual customer transactions, following customers from their application all the way through their journey. All of these reviews have identified that there is a need for the product, one that has not been served by the traditional banks or by social lenders such as credit unions.</p> <p>The CMA demonstrated that payday customers were very similar in makeup to the UK population. In terms of education and income the payday customer population is very similar to the general population.</p> <p>We note that the policy team make reference to payday loans being more attractive to those on low income. Yet we know that 28% of customers have a household income of £36,000 and above. About 37% of customers had a net income of between £18,000 and £36,000. The CMA believes that 36% of payday customers having a net income below £18,000.</p> <p>Also they similarly refer to unemployed people (i.e. those without a payday) being attracted to payday lending. Yet the Competition and Market Authority confirmed that payday customers are more likely to be in full-time employment than the general population.</p> <p>However, the payday customer often has no other credit they can access. We know that about 39% of customers do not have any access to other forms of credit. Or they feel let down by traditional banking. We know that 33% of payday customers surveyed by TNS said</p>	<p>the issue of over-concentration.</p> <p>As noted in the SPD, Islington provide significant support and funding for credit unions. This support and funding complements the approach proposed in the SPD.</p> <p>We acknowledge the impact of the recent changes to the PDL industry but consider that additional measures to prevent/mitigate the impact of high-street PDL shops through planning are appropriate.</p> <p>CAB advice trends show that responses to payday loan issues have increased from Q1 to Q2 2015/16. This suggests that issues with the payday loan industry have not been resolved, nor have concerns been fully eradicated. As outlined above, planning has a legitimate role in assessing payday loan shop applications.</p> <p>SPD requirements are not onerous and there will be no impacts on supply; it is not a blanket ban.</p> <p>Re: preventing a competitive market, Paragraph 23 of the NPPF has a requirement to promote competitive town centres but this does not mean that policies and guidance should permit all applications without scrutiny. The SPD is considered consistent with paragraph 23 and the NPPF as a whole. The NPPF also promotes the plan-led system and notes that proposals must be assessed against the three strands of sustainability, including social impacts.</p> <p>SPD paragraph 8.18 does suggest that further PDL shops are likely to have an adverse impact. It is not the intention of the SPD to institute a blanket ban on certain uses. Paragraph 8.18 is not tantamount to a ban as it allows for case-by-case flexibility. However, we acknowledge that the paragraphs in the draft SPD might not be entirely clear for all readers; this is a matter that has been raised by several respondents. For the avoidance of doubt, this paragraph (and any related paragraphs) has been amended.</p> <p>All PDL shops in the borough have been consulted on the draft SPD; as have the head offices of the national firms with a presence in Islington; and the main industry groups.</p> <p>The SPD requirements do not block PDL shops; they allow development of new shops where there are no adverse impacts or where there are appropriate conditions to mitigate impacts</p>



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		<p>that they “try to avoid banks as much as possible”.</p> <p>Payday loans continue to be used as the alternative to late fees on utility bills or the costs of unauthorised overdrafts.</p> <p>There is probably a debate that how large that market should be, and the numbers of loans provided has dropped dramatically over the last year as new regulation tightens the market. One body representing the industry estimates that there has been about a 58% reduction.</p> <p>Economic benefits</p> <p>From a planning perspective, we would also contest the view that payday lenders have a negative impact on local economic health.</p> <ul style="list-style-type: none"> <li>• Business contribution– The most obvious point to make is that this is another business operating in Islington. A business operating in Islington will pay taxes, rents and rates. It is likely they would employ local people.</li> </ul> <p>As with other sectors, the smaller businesses would tend to rely on other local companies for more of their business services. Many of our Members continue to be small enterprises often being a single store or a small network of two to three stores within relatively small area.</p> <ul style="list-style-type: none"> <li>• Increased high street footfall –We would also say that our Members will often operate multi-product stores that attract customers to the high street. There are very few businesses that are entirely focussed on the provision of payday loans.</li> </ul> <p>Many operate stores that blend retail and financial services. They are often attractive stores carrying products such as value white goods, tablets, laptops, DVDs/CDs, games, mobile phones and other electronics. The traditional pawnbroker might operate as a jewellery retailer.</p> <p>Retail purchases can therefore range from just a few pounds to a single item costing hundreds, but more importantly be across various product types. This makes these stores a destination for a range of customers.</p> <p>The footfall for these retail services can be significant and have a positive impact on neighbouring shops.</p> <p>Local relationships</p> <p>We also believe that there are benefits that arise from having ‘local’ relationships, for both the customer and those that are keen to scrutinise payday lenders.</p> <ul style="list-style-type: none"> <li>• Transparent relationship with the customer - Whilst many online lenders will operate through a network of brokers or lead generators, with 40% of online customers introduced in this way, the high street lender will tend to have a direct relationship with the customer.</li> </ul> <p>This is very transparent situation. The potential customer has the option to discuss their situation face-to-face. The customer knows where they can go if they have any concerns or problems.</p> <ul style="list-style-type: none"> <li>• Local partnerships - There is also the opportunity to engage in local partnership activity and this is something that most responsible lenders will seriously consider.</li> </ul>	



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		<p>For example firms may voluntarily display debt advice, or related information, that link directly to local initiatives. Some lenders have been willing to carry leaflets and information in store.</p> <p>Distortion of the market by reducing high street supply</p> <p>Whilst the Council is keen to act on this issue, it has to rely on the tools they have through planning legislation.</p> <p>They recognise that this is not traditional planning considerations, but that they are considering “the impact on the sustainable economic development of the borough”.</p> <p>However, planning policy can only truly impact on those lenders with a high street presence which means they are engaging with a relatively small portion of the payday market.</p> <p>There is a reference to over-concentration of payday loan shops, and this is in turn mapped to areas of multiple deprivations. But it is a fact that most payday lending happens online.</p> <p>The Competition and Market Authority established the most extensive report into the market and established that 80% of payday lending is carried out online. There is no reason to believe that Islington is any different in that the majority of lending within the area will be carried out online.</p> <p>So the planning team are attempting policy interventions that will distort the market but not deliver the changes they seek.</p> <p>Reduction in high street supply</p> <p>The consequence of any further regulation of high street lenders is that supply may be squeezed, and that the demand will flow to online suppliers.</p> <p>There will be some individuals that will only use high street and others that only use online, but research shows that there is a great degree of fluidity. In the CMA’s investigation into Local Competition (Local Competition Working Paper) they tried to assess this in more detail. They found that those involved in borrowing from high street stores are normally aware of the online brands.</p> <p>In the CMA review, only 11% were unaware aware of online lenders. So awareness is high, and in terms of behaviour about half of all high street customers had also used online lenders in the past.</p> <p>The Competition and Markets Authority were able to determine that there was considerable cross-over between the various customers. So it is likely that for those that those seeking a payday loan will turn to their smart phone or tablet.</p> <p>Placing more restrictions on payday lenders on the high street may have some impact, but we suggest that the market will adjust. Some customers will move to online lenders, negatively impacting on Islington-based lenders.</p> <p>Creating a barrier to entry</p> <p>One of the areas investigated by the Competition and Markets Authority was how competition could be improved. They suggested that increased competition would have a</p>	

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		<p>positive impact on the market, with the potential to see improved pricing and innovation of service.</p> <p>The introduction of increased obstacles for new stores seeking to establish themselves in Islington works in favour of existing lenders. It protects them from competition by creating a barrier to entry.</p> <p>Are credit unions the answer?</p> <p>One of the themes throughout the papers is that there are alternatives, particularly credit unions. It is a common view that if payday customers were made aware of the alternatives they would want to, and be able to, access cheaper loans.</p> <p>Though there has been considerable discussion about the possibility of credit unions as alternatives for commercial short-term lenders, there is little evidence that there is the capability or appetite on the part of Credit Unions to take on these customers.</p> <p>Using the evidence provided by the Bureau for Investigative Journalism, and referenced by the Islington planning team, they point out that Glasgow City has forty high street stores within its boundaries.</p> <p>It has the largest number of payday stores of any UK local authority. This is many times the number found in Islington.</p> <p>Yet Glasgow is recognised as a city with one of the largest memberships of credit unions. It has good claim to be the UK's "credit union capital" with 34 credit unions and 160,000 members.</p> <p>If credit unions were the alternative then Glasgow should not also be the "payday capital". The truth is that credit unions and payday lenders serve different markets. The sums involved are very different, the loan lengths are different and the customers are different.</p> <p>In its evidence to the FCA, during the payday loan consultation Mark Lyonette, CEO of ABCUL, the credit union trade association said,</p> <p>"Credit unions are often cited as a solution to the growth of payday lending in the UK. However while credit unions do seek to serve those who are unfairly excluded from access to affordable credit, there are clear limits to what credit unions are able to, or should do, in terms of directly competing with payday loan products." (Letter to FCA, September 2014)</p> <p>We are keen to see a diverse market that meets our customers' needs and allows space for innovation. There is the opportunity to grow the credit union sector, but there is a risk in believing that it can replace the short term lending industry. In conclusion</p> <p>One of the most controversial public debates of recent years has been around access to credit and the growth of short-term lending. This led to accusations of high charges and poor lending practices.</p> <p>The result has been a set of political and regulatory interventions, including the decision to transfer regulation of consumer credit to the Financial Conduct Authority. This has led to the introduction of a new consumer credit sourcebook, tackling some of those behaviours, as well as a price cap set below the industry norm.</p>	

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		<p>The changes over the last eighteen months have been dramatic. The latest quarterly statistics on Citizen Advice cases involving payday shows a 45% decrease when compared to the same period last year.</p> <p>We believe that Islington Council is responding to what the payday market may have been like before the transfer to the Financial Conduct Authority, and to historic behaviours that were not delivering good customer outcomes.</p> <p>The planning proposals seek to use the policy tools at the Council's disposal, which we suggest may distort the market but not lead to a reduction in overall use of payday lending within the borough.</p> <p>Any restriction of supply on the high street will benefit online lenders based elsewhere, to the detriment of businesses that want to be based in Islington. The focus on high street lending ignores the fact that 80% of payday lending takes place online.</p> <p>This means that for those wishing to operate from a high street premises in Islington, there will be a barrier to entry which will favour the established brands and prevent the development of a more competitive market.</p> <p>The proposal states that Islington Council should presume that any further payday loan shops would have an adverse impact. We would urge further consideration of this position in light of the changing nature of the sector.</p> <p>There is always space for dialogue, and one of the advantages of having a physical presence is that you know where to find the management of any payday lending business.</p> <p>Rather than seeking to block payday lending in Islington there is the opportunity to engage in a discussion about responsible lending. This has the advantage of also bringing in those lenders that are already established locally.</p>	
SPD11	Coral Racing	<p>Coral Racing Limited is pleased to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain which comprise about 20% of all licensed betting offices including 4 which are situated in the Borough of Islington. It is, therefore, a highly experienced operator who additionally are committed to the highest standards.</p> <p>Gala Coral is fully committed to working with our peers in the industry, staff and customers to promote responsible gambling and we have a wide range of initiatives in place. As a founder member of the Senet Group, Coral no longer advertises online sign-up offers before the watershed; has withdrawn FOBT machine advertising from shop windows and has 20% of all advertising dedicated to responsible gambling messages. Senet also funded a dedicated TV advertising campaign aimed at warning customers and potential customers of the dangers of gambling if not enjoyed responsibly.</p> <p>Until April 2015, betting shops were classified within commercial property as an A2 use class but following the amendments to the Use Class Order 1987 (as amended), they have now been moved into the Sui Generis use class. However, whilst the use classification may have changed, the usage of betting shops remains the same and they continue to provide a strong and positive contribution to the high street. Over 8 million customers visit a betting shop</p>	<p>Response noted.</p> <p>We acknowledge there is a social aspect to betting shops. However, we do consider that this element is secondary and not as significant as in other uses such as pubs.</p> <p>The use class reclassification is recognition from the Government that betting shops have unique impacts which need specific assessment.</p> <p>We disagree that the SPD blurs the lines between planning and licensing. The SPD clearly identifies the role of licensing and none of the SPD requirements will prejudice or predetermine the consideration of licensing applications.</p> <p>Requiring a certain level of information to make a balanced planning judgement is a sensible approach. The information should be readily available to betting shop operators.</p> <p>It is not clear exactly how the respondent thinks the SPD will undermine the Gambling Act 2005.</p> <p>The evidence underpinning the SPD is considered appropriate and robust; also, further evidence has been added following consultation.</p>

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		<p>nationally and they do so to enjoy spending their leisure time, placing a bet in a highly regulated socially responsible environment where they can interact with staff and socialise with other customers. Whilst betting shops are a retail offering, this important social aspect should also be considered.</p> <p>Betting shops operate within a strictly regulated licensing environment and are subject to the provisions of the Gambling Act 2005 under which licences are issued by the Local Authority. As a responsible operator Coral puts the three Licensing Objectives at the heart of its policies and procedures and as a consequence no Coral betting shop within the Borough of Islington has ever had its licence subject to review or revocation.</p> <p>In our opinion, Islington Council's SPD proposal fails to recognise the clear demarcation lines between planning and licensing and in their present format will cause confusion. More importantly, while being well intentioned, they also undermine the licensing objectives of the Gambling Act 2005 itself. Additionally, In order to provide credibility to the SPD, it is important to ensure that an evidence based approach has been taken by the Council in reaching their decisions. There are numerous opinions contained within the document as well as poor anecdotal arguments to back up their noted position.</p> <p>With regard to the individual paragraphs within the SPD we wish to make the following comments:</p> <p>Paragraph 2.8— This paragraph advises that it is not the Council's intention to implement a blanket ban on certain planning uses going forward, but Paragraph 7.34 appears to contradict this making it abundantly clear that the 'entire borough' is considered to be at medium risk from adverse impacts to character as a result of betting shop growth given that the majority of people live within 500m of one.</p> <p>Paragraph 7.10- we are concerned by the use of the inflammatory term 'double whammy', in respect of the actual presence of a betting shop coupled with the use of FOBT's. As referenced previously, it is important that licensing decisions are taken on the basis of facts and evidence rather than what could be perceived as a bias against betting shops by the Council.</p> <p>Paragraph 7.12—We are concerned about this section for two reasons. It could be interpreted as saying that the personal dislike some people may have of betting shops and machines specifically is evidence that they are harmful. And secondly it appears to imply that there is credible evidence that FOBTs cause widespread gambling related harm. All the independent and government led evidence demonstrates that this is simply not the case.</p> <p>It is clear from The Health Survey for England &amp; The Scottish Health Survey (both 2012), organised on behalf of The Gambling Commission, that the number of problem gamblers is very low at a total of 0.6% across the whole country, which is low by international comparisons. Additionally, following the publication in December 2014 by the Responsible Gambling Trust of research of FOBT data, this independent report found no casual link between gaming machines and problem gambling. Notwithstanding this though, Coral are playing a leading role within the industry to work with the data even more and enable earlier interventions with customers who may be at risk.</p> <p>We are also concerned that information from the planning appeal decision notice in respect of 93-95 Deptford High Street (item 44 at the base of Page 41) has been used selectively as it does not highlight the specific anti-social issues present in Deptford which led the Inspector to his decision and it is worth noting that the latter also commented as follows;  <i>"In general terms there is no reason to suppose that those visiting betting offices would be</i></p>	<p>It is not the intention of the SPD to institute a blanket ban on certain uses. Paragraph 7.34 (and related paragraphs) is not tantamount to a ban as it allows for case-by-case flexibility. However, we acknowledge that the paragraphs in the draft SPD might not be entirely clear for all readers; this is a matter that has been raised by several respondents. For the avoidance of doubt, this paragraph (and any related paragraphs) has been amended.</p> <p>The term 'double whammy' is intended to mean two-fold impacts and is not considered an inflammatory term. However, it is a very minor issue so we have amended to a different term to ease respondent concerns.</p> <p>The cited Deptford appeal is proof that perceived impacts from ASB, crime and disorder, etc. can be considered material in the assessment of planning applications, where there is evidence.</p> <p>The Health Surveys and the RGT research are noted. The council's reading of the RGT research differs from that stated by the respondent. The research did not find that there was no causal link; just that it should not be assumed that problem gambling status is causally and predominantly related to gaming machine play. The SPD does not suggest a definite link, and merely highlights research which suggests link; this is consistent with the RGT research. However, a small amendment has been made to paragraph 7.12 to ensure that this is clear.</p> <p>We also note the recently reported claims of potential RGT bias towards the gambling industry. This may lessen the legitimacy and weight of the RGT research as a reliable piece of evidence.</p> <p>The cited appeal in Deptford is proof that perceived impacts from ASB, crime and disorder, etc. can be considered material in the assessment of planning applications, where there is evidence. The SPD does not claim that the Deptford case alone justifies to a generalised restriction on new betting shops.</p> <p>There are numerous appeal decisions which conclude that betting shops are non-retail uses and contribute less to retail areas than other uses such as A1. The SPD has been amended to include additional appeal references.</p> <p>Re: the cited Farnham appeal, there are case specific issues which seem to have informed the inspector's decision, notably a high vacancy rate.</p> <p>It is not clear why the respondent thinks such the requirement for health assessment is appropriate for takeaways but not betting shops.</p> <p>The self-assessment form is brief so as to not add unnecessary burdens on betting shop applications. It also allows for positive impacts to be demonstrated.</p> <p>As noted above, we disagree that the SPD blurs the lines between planning and licensing. The SPD clearly identifies the role of licensing and none of the SPD requirements will prejudice or predetermine the consideration of licensing applications.</p> <p>Requiring a certain level of information to make a balanced planning judgement is a sensible approach. The information should be readily available to betting shop operators.</p> <p>We disagree that the issue of problem gambling falls squarely within the responsibility of</p>



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		<p><i>more likely to commit a crime or to behave in an anti-social manner than anyone else.”</i></p> <p>Paragraph 7.14- This paragraph highlights the fact that betting shops are not considered a retail use and generally have less active window displays. Surveys have shown that betting shops attract high footfall numbers and customers often visit other shops as part of a shopping trip which has a positive impact on the life and vibrancy of many high streets.</p> <p>Attached within this response is a planning appeal decision notice in respect of 5 East Street, Farnham, Surrey (Appeal Ref: APP/R3650/A/10/2140376) where the Inspector had regard to these specific issues and the consequential benefits to vitality and viability (see paragraphs 5 and 6).</p> <p>Paragraph 7.35-7.37 - Whilst it may be appropriate for takeaways to undertake health assessments in support of their planning applications, it is not justified for betting shops. As part of the licensing process, shop risk assessments are undertaken against the licensing objectives and this is the appropriate bench mark.</p> <p>Paragraph 7.39-7.43 - Problem gambling, like problem drinking can affect people across all socio economic groups and as a responsible operator we have policies and procedures in place to identify and assist the minority of customers who need advice and support in this area in accordance with the Licensing Conditions and Codes of Practice. This area falls squarely within the responsibility of the licensing function and therefore there is no valid reason for the imposition of a standard condition relating to debt advice and problem gambling information.</p> <p>Paragraph 7.61- For the sake of clarity it is important to stress that the sale and/or consumption of alcohol is strictly prohibited in any betting shop in accordance with the mandatory and default conditions attached to the premises licence. It therefore follows that the associated problems of street drinking, urinating in the street, litter, and obstruction of the public highway should be addressed by the Council directing its attention towards the venues where these products are available. Coral betting shops already provide litter bins and toilet facilities for its own customers’ use.</p> <p>In view of this, the SPD proposals in their current form clearly lead us to conclude that the document is ill-conceived, poorly researched, and conflicts with the licensing objectives of the Gambling Act 2005.</p> <p>Given the implications to our business and that of the wider industry, we would therefore have little choice other than to consider a legal challenge to the SPD if introduced in its current form.</p>	<p>the licensing function. Problem gambling has significant health connotations which are clearly material in planning assessments. The proposal to condition applications to display information about debt advice services and gambling addiction charities is a planning-specific method of mitigating any adverse impacts. It also enables the local planning authority to guarantee these provisions even if they are no longer required by the other regulatory regimes; and enables these requirements to be enforced by the local planning authority if it considers it to be expedient to do so. The existence of controls in another regulatory regime does not prevent a local planning authority from imposing them.</p> <p>The SPD does not claim that betting shops sell alcohol or allow alcohol to be consumed on the premises. It merely highlights that betting shops can be associated with certain impacts, as identified in other local authorities. The SPD does not claim that such impacts are uniform and notes that the proposed Management and Operating Strategy could investigate such issues and whether any specific mechanisms are needed to mitigate/prevent impacts.</p> <p>There is no prescribed format for the Management and Operating Strategy; hence there is flexibility on content dependent on case-specific information.</p> <p>We disagree that the SPD is ill-conceived, poorly researched, and conflicts with the licensing objectives of the Gambling Act 2005. The document puts in place sensible measures to tackle evidenced issues; and is supported by various pieces of evidence.</p> <p>This SPD supplements adopted policy which has gone through various statutory phases including various rounds of consultation; and examination by an independent planning inspector. The policy was found to be legally compliant and sound. The content of the SPD is within the remit of planning and meets the tests set out in the NPPF. The respondent’s threat of legal challenge is based on a misunderstanding of the SPD implications.</p>
SPD12	Ladbrokes	<p>Ladbrokes is one of the world’s largest betting operators, employing around 13,000 across 2,200 shops in the UK. As a responsible business Ladbrokes are committed to providing customers with a safe, fair and fun leisure experience, whilst helping the small number of individuals who suffer from gambling related harm.</p> <p>Betting offices are valuable contributors to the vitality and viability of high streets throughout the UK, employing local people, building relationships with local customers and supporting local good causes in the community:</p> <ul style="list-style-type: none"> <li>• They are an established high street use.</li> <li>• They generate footfall at least comparable to that of retail facilities.</li> <li>• They generate linked trips so supporting the retail vitality and viability of town centres.</li> </ul>	<p>Response noted.</p> <p>Information re: Ladbrokes is noted.</p> <p>Betting shops are an acceptable high street use in principle, although they are not as advantageous as proper retail uses such as A1. The SPD focuses largely on over-concentration and there is a wealth of evidence, including planning appeals, which shows that betting shops can have negative impacts.</p> <p>The SPD is clearly planning focused and in no way alters or compromises the licensing regime, which remains wholly separate. The SPD is very clear that licensing and planning considerations are separate.</p>

**Location and concentration of uses SPD – Regulation 12(a) Consultation Statement (April 2016)**

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		<ul style="list-style-type: none"> <li>• Betting shops have active shop fronts which add to the interest and activity in the street scene.</li> <li>• They are compatible in scale with retail facilities.</li> </ul> <p>Ladbrokes welcome the opportunity to respond to this consultation but are however concerned that the guidance as currently drafted aims to alter the licence regime which was established in the Gambling Act and (either intentionally or unintentionally) increases the burdens on an already responsible business. Of particular concern is the prescriptive nature and pool of conditions outlined in this document which goes beyond what has been currently agreed by the independent regulator. This document seeks to conflate the issues of licensing and planning and we see it as a contrived way to undermine Gambling Act legislation and to place unnecessary and burdensome restrictions on an already well regulated and socially responsible industry.</p> <p>As a highly regulated industry, betting shop operators devote significant resources to regulatory compliance and fully support both the principle and practice of better working partnerships between local betting operators and local authorities. In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.</p> <p>Any local plan document, particularly one which seeks to place restrictions on the development of a particular industry, has to be strongly evidenced. We are concerned that the current draft which seeks to place unjustifiable and disproportionate restrictions on betting shop development is founded on a poor and inaccurate evidence base which makes it susceptible to legal challenge.</p> <p>We hope that in responding to this consultation we can better support the implementation of an effective, consistent and clear local planning regime which is mutually beneficial to operators and local authorities.</p> <p>Our detailed comments in relation to specific paragraphs in the draft document are outlined below;</p> <p>Paragraphs 7.7 -7.9</p> <p>As the council are aware, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.</p> <p>However as regards licensing Section 210: 'Planning permission', of the 2005 Gambling Act is clear and unequivocal –</p> <ol style="list-style-type: none"> <li>1. In making a decision in respect of an application under this Part a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.</li> <li>2. A decision by a licensing authority under this Part shall not constrain any later decision by the authority under the law relating to planning or building.</li> </ol> <p>The council is circumventing the law in determining that applicants seek planning permission before licensing. Furthermore, there is no need to duplicate planning and licensing considerations. The two regimes should remain distinct and it is for the planning process to determine land-use decisions and the market place to determine the need for particular types</p>	<p>The change to the Use Classes Order which took effect in April 2015 – whereby betting shops were put in a separate use class – demonstrates that betting shops and have distinct issues which need to be addressed on a case-by-case basis. There is a need for clear guidance to assess these uses, to supplement Islington's adopted policy. The proposed guidance is not considered onerous.</p> <p>This SPD supplements adopted policy which has gone through various statutory phases including various rounds of consultation; and examination by an independent planning inspector. The policy was found to be legally compliant and sound. The content of the SPD is within the remit of planning and meets the tests set out in the NPPF. The respondents claim that the document is susceptible to legal challenge is based on a misunderstanding of the SPD implications.</p> <p>By seeking to ensure that planning permission is sought prior to licensing permission, the council is not 'circumventing the law', nor does this cause a duplication of regimes. The SPD does not categorically state that licensing permission will be refused where there is no planning permission, or vice versa. For avoidance of doubt, the wording has been amended to make this clear.</p> <p>Re: restricting competition, Paragraph 23 of the NPPF has a requirement to promote competitive town centres but this does not mean that policies and guidance should permit all applications without scrutiny. The SPD is considered consistent with paragraph 23 and the NPPF as a whole. The NPPF also promotes the plan-led system and notes that proposals must be assessed against the three strands of sustainability, including social impacts.</p> <p>Re: Paragraph 7.10, the term 'double whammy' is intended to mean two-fold impacts and is not considered a pejorative term. However, it is a very minor issue so we have amended to a different term to ease respondent concerns.</p> <p>As noted above, betting shops are acceptable in principle in town centres, but there are numerous appeal decisions where new betting shops have been judged harmful the vitality and viability of a retail area.</p> <p>High streets are very individual; therefore it is not appropriate to make generalised comments about the suitability of betting shops. The SPD sets out a flexible approach which allows specific issues to be taken on board on a case-by-case basis.</p> <p>As noted above, the quoted part of the NPPF is not free rein to develop anything anywhere. Avoiding an over-concentration of certain uses will help to deliver sustainable development, which is the overarching aim of the NPPF.</p> <p>Re: paragraph 7.12, the SPD does not state that betting shops will always cause adverse impacts; it merely highlights that such impacts are possible, and sets out some requirements, mainly provision of information, to ensure that impacts have been identified and properly mitigated or prevented. A small amendment has been made to paragraph 7.12 to clarify this.</p> <p>The Deptford planning appeal cited in the SPD shows that ASB can be a valid material consideration in the assessment of planning applications.</p> <p>The Newham case cited by the respondent concerns issues specific to a particular locality; these cannot be applied generally. There is evidence that betting shops can cause impacts such as anti-social behaviour, etc. therefore it is appropriate to put in</p>



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		<p>of premises/activities. Licensing decisions should be determined with regard to the promotion of the licensing objectives. The planning and licensing regimes involve consideration of different (albeit related) matters. As such, licensing applications should not be a re run of a planning application or vice versa. It is not the role of the planning system to restrict competition on the high street.</p> <p>Paragraph 7.10</p> <p>We refute the use of the pejorative and meaningless phrase ‘double whammy’. There is no evidence to support the claim that the physical location of a betting shop may have adverse impacts on unspecified ‘sensitive uses’. There are few public complaints about existing betting shops and we do not believe the Authority has had cause to review or revoke a betting shop licence. Betting shops are acceptable town centre uses, often found in prime shopping locations which add to the diversity and range of uses and activities on offer. It is clear that the traditional British high street is evolving and that betting offices help to fill the void in town centres left by retail and other uses that are increasingly moving out of town or online. At a time when national multiple retailers are deserting the high street, companies such as Ladbrokes who are prepared to invest £200,000 per site and create jobs on the high street ought to be supported. May we reiterate that in fact, the National Planning Policy Framework requires planning to promote competitive town centres that provide customer choice. The Framework also attaches importance to the need to create jobs and prosperity, and to promote sustainable economic growth. Indeed the general direction of the NPPF is to support diversity and a range of uses. At paragraph 18 of the NPPF the government makes clear that ‘Planning should operate to encourage and not act as an impediment to sustainable growth’.</p> <p>Paragraph 7.12</p> <p>Ladbrokes totally refutes the aspersion that ‘FOBT’s’ and by extension betting shops exacerbate mental health problems, increasing anti-social behaviour and crime and disorder. There is no cogent evidence that betting shop use "exacerbate mental health problems" or anti-social behaviour. The case for betting shops presenting a public health issue is simply not made out. Betting shops are generally heavily regulated, well run and suffer far less crime and disorder than other retail and other uses such as convenience stores and alcohol licensed premises. Misconceived perception is not just cause for introducing unjustified restrictions. A proper examination of police, Gambling Commission and the Authorities own statistics will demonstrate that perception differs significantly from reality and that there is an extremely poor evidence base to support the negative assertions made in paragraph 7.12. The use of one isolated planning reference does not make the case for generalised development restrictions.</p> <p>There is no youth disorder associated with betting office use, customers come and go but do not loiter. Betting offices are legally not open to anyone under the age of 18. By law customers must be over 18 years of age to place a bet. This is a fundamental licencing requirement as stated on the premises licence. Ladbrokes however operates the Think 21 Policy in all of its shops. This means that those customers who appear to be under 21 will be asked to produce photographic confirmation of their age, (i.e. driving licence, etc.). If this is not provided the customer is asked to leave. Ladbrokes takes very seriously its responsibility to ensure compliance with this. Ladbrokes carries out age verification checks across all its betting channels and they reserve the right to ask for proof of age from any customer. This policy is rigorously implemented and shop staff are fully trained in this respect. This is part and parcel of Ladbrokes being a responsible operator in the gambling industry.</p>	<p>place measures to ‘manage out’ such impacts and require a certain level of information to be provided so a proper assessment of betting shop applications can be made.</p> <p>There is a wealth of appeals which counter those provided by the respondent; reference to further appeals has been added to the SPD.</p> <p>It is important to note that appeal decisions consider the specific circumstances of a case, although decisions are often useful in identifying what issues can and can’t be considered material in principle.</p> <p>All of the appeals cited by the respondent turn on case-specific issues; hence they can’t be applied as a general rule. These decisions do highlight that issues such as ASB are valid material considerations where there is evidence of harm.</p> <p>With regard to the perception of crime issue, the Leytonstone appeal shows that provision of information about how betting shops will be managed and operated – as required by the SPD - could alleviate concerns. As noted above, the Government have acknowledged, through changes to the UCO, that betting shops have distinct issues which need to be addressed fully.</p> <p>The policy has already been found to be legally compliant and sound having gone through relevant statutory processes. This SPD supplements adopted policy and meets the tests set out in the NPPF.</p> <p>High footfall is not guaranteed, especially when considered relative to proper retail uses; this issue has arisen on numerous dismissed appeals. Other issues, such as the existing number of betting shops in an area, can also affect footfall and can mean that the additional footfall from a new betting shop is very minimal.</p> <p>As noted above, the appeals cited by the respondent turn on case-specific issues; hence they can’t be applied as a general rule.</p> <p>In response to the general consensus summarised by the respondent:</p> <ul style="list-style-type: none"> <li>• <i>“Betting shop uses operate in much the same way as a retail shop.”</i> – there are several appeals which contradict this and conclude that betting shops are a non-retail use.</li> <li>• <i>“They are at least likely to have a footfall similar to a retail shop.”</i> – as noted above, this is not guaranteed.</li> <li>• <i>“Customers of betting office uses would be likely to shop while in the shopping Centre, thereby adding to the vitality and viability of the centre.”</i> – this is not a general rule; there are appeals which highlight doubt about the added value of betting shops in terms of vitality and viability; and whether they actually lead to any genuine spin-off trade.</li> </ul> <p>The characteristics of betting shops do lend themselves to adverse impacts, as per evidence identified in the SPD. The DCLG Technical Consultation on Planning (July 2014) notes that changing the use class of betting shops is <i>“an important way in which to support local communities and local planning authorities in shaping their local area.”</i></p>

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		<p>There is no evidence to suggest that betting shop uses cause public nuisance. Indeed, this has been proven most famously in Court in the test case of Power Leisure Bookmakers Ltd v. London Borough of Newham. On 17 June 2013 Thames Magistrates' court overturned Newham Council's refusal to license a new betting shop in the area. Newham LBC has 81 betting shops in its area, including 18 on a single street. The judge recorded that police in Newham received only six calls to betting shops over the previous twelve months.</p> <p>The court found that the evidence presented did not support the assertion that a concentration of gambling led to an increase in crime and disorder. The fact is that on the few occasions when betting shops need police assistance it is because they and their staff and customers are the victims of crime, not the cause.</p> <p>Ladbrokes can point to any number of appeal decisions nationally which refute the council's position in 7.12</p> <p>Take for example an appeal decision (Ref: APP/Z4310/A/07/2060018) from Liverpool, which allowed trading until 22.00 each day of the week from a Ladbrokes premises in a small retail parade with a supermarket opposite and surrounded by residential properties.</p> <p>At paragraph 7 the Inspector states –</p> <p>However, consideration needs to be given to the characteristics of the betting office use. Noise generated from within the premises is not readily discernible from outside, as amplification is limited to television screens. Sound proofing has been provided at the unit in accordance with condition 3 of planning permission Ref 06F/0624. The unit is separated from the nearest bungalow by a section of land enclosed by metal fencing and containing trees, and a boundary fence of around 2m in height. In my view, the use of the inside of the premises later in the evenings would not create greater noise and disturbance in the area.</p> <p>At paragraph 10 of the same decision the Inspector considered the issue of anti-social behaviour in relation to the Ladbrokes betting shop which was already open and trading at the time. He states –</p> <p>I am not aware of any evidence that the existing use encourages anti-social behaviour. In contrast, I consider that the presence of staff and customers later into the evening would deter such activity. In my opinion, the use has significantly different characteristics to a hot food takeaway use, which generates significant evening trade and tends to attract groups of youths congregating outside. In these respects the dismissed appeal at Units 3 and 4 [for A5 HFTA use] differs from the case before me.</p> <p>In another appeal case in Southall in 2010 (ref: APP/A5270/A/10/2120770) a betting shop use was allowed with the Inspector finding that</p> <p>Betting offices are included in use class A2. It is a legitimate use that may be acceptable in shopping areas. I have not been made aware of any development plan policies that seek to preclude A2 uses from the area. The Council asserts that the proposed use change would, in association with existing betting offices in the centre, be likely to increase local problems of crime and disorder. In this respect, I note that there is an existing betting office across the street from the appeal premises. Also, the information before me is that there are four other betting offices in the centre. However, these are a significant distance away from the appeal premises. If the appeal proposal were to be carried out it would not, in my view, result in an unacceptable concentration of similar facilities. In view of this and in the absence of specific evidence to justify the Council's assertion, I am not convinced that the proposed betting office would be so likely to act as a focus for anti-social activity and add to crime and disorder</p>	<p>This SPD supplements adopted policy which has gone through various statutory phases including various rounds of consultation; and examination by an independent planning inspector. The policy was found to be legally compliant and sound. The content of the SPD is within the remit of planning and meets the tests set out in the NPPF. The SPD is not a blanket ban.</p> <p>Re: the information sourced from CFG, the raw data is from Geofutures, hence it is considered impartial and robust.</p> <p>The only part of the CFG analysis referred to in the SPD is the FOBT player and loss statistics noted in Appendix 3. These are caveated appropriately and form only part of the evidence base for the SPD.</p> <p>It is not the intention of the SPD to institute a blanket ban on certain uses. Paragraph 7.27 (and related paragraphs) is not tantamount to a ban as it allows for case-by-case flexibility. However, we acknowledge that the paragraphs in the draft SPD might not be entirely clear for all readers; this is a matter that has been raised by several respondents. For the avoidance of doubt, this paragraph (and any related paragraphs) has been amended.</p> <p>The SPD does not claim that betting shops deliberately target deprived areas; it shows via mapping that a significant number of betting shops are located in the most deprived areas of Islington; and puts in place measures to ensure that any further betting shops in the borough mitigate impacts appropriately.</p> <p>Licensing and planning are separate regimes; ensuring that relevant impacts are mitigated through planning is considered appropriate. Licensing considerations are entirely separate.</p> <p>Point noted re: response to paragraph 7.31. The requirements of the SPD are not considered onerous and merely ensure that information is available to enable impacts to be assessed through planning.</p> <p>BS2 may require consideration of similar information but it is not a duplication of the licensing process. It is a simple two page self-assessment, deliberately designed so as not to be overly onerous. We note that the self-assessment allows for consideration of positive impacts as well as negative.</p> <p>The reference to full HIA requirement seems to be based on a misreading of the SPD. The SPD does not have a requirement for a full HIA in all cases. A full HIA could be required for a betting shop proposal based on current adopted Local Plan policy and guidance; the SPD merely alludes to this and notes that a completed self-assessment does not preclude a requirement for a full HIA, dependent on case-specific circumstances.</p> <p>The council considers that the proposed condition meets the tests set out in the NPPF.</p> <p>Although the schemes referred to are voluntary, they offer tangible evidence that betting shops will operate in a certain way. By conditioning new betting shops to require sign up, this will offer a guarantee. We note that there is flexibility on the schemes which need to be signed up to. The proposed condition is not considered unlawful.</p> <p>The LCCP does have similar requirements, but the proposed condition is more specific about size and placement of notices. Planning conditions which mirror licensing</p>



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		<p>in the area that it would, in itself, justify withholding permission.</p> <p>The inspector further adds that -</p> <p>The appellant proposes to carry out crime prevention measures at the premises. The details of these can be controlled by means of a condition to ensure that the scheme accords with the layout and design requirements of Policy 4.4 of the London Borough of Ealing Unitary Development Plan of 2004 (UDP). Whilst such measures would help control unacceptable activity at the premises, they would not control or manage activities in the surrounding area. However, other powers than those provided for in planning legislation are available to deal with anti-social behaviour in nearby public areas should it occur. Moreover, the proposed betting office would also be the subject of licensing controls under other legislation.</p> <p>Most recently in April 2015 a sui generis betting shop was allowed on High Road Leytonstone (ref: APP/U5930/A/14/2229533) where once again the Inspector found that betting shop uses do not have any real impact on anti-social behaviour in the area. The Inspector stated that:</p> <p>I acknowledge that the presence of betting shops may contribute to a fear of crime amongst users of the centre, for the reasons identified by the Council. I consider that the strict controls offered as part of the licensing of the premises would be sufficient to address the main sources of such fears. Closed-circuit television (CCTV) monitoring of the front of the premises with CCTV would also moderate any risk of loitering outside the premises and assist in allaying local concerns.</p> <p>Paragraph 7.14</p> <p>Paragraph 7.14 is unsound and not supported by any cogent evidence. Betting offices attract high visitation rates (visitation rates or pedestrian flow being recognised as the single most important indicator of vitality). The rates are often higher than those associated with retail shops of a similar size and location. There have been many surveys of pedestrian flows associated with betting offices as opposed their retail neighbours. Betting shop uses nearly always outscore retail uses comparable in size in terms of customer numbers. Time and again it has been confirmed at appeal that betting shop uses make a positive contribution to town centre vitality and viability.</p> <p>Typically betting offices create spin off trade for other retail units in the vicinity as more than 70% of customers will have already made or go on to make purchases in the area. Daytime pedestrian movements associated with betting offices are greater than those in the evening although the fact that betting offices do open late into the evening bringing trade to a centre outside normal shopping hours should not be overlooked. Betting offices are open every day of the year except Christmas Day.</p> <p>Although at once acknowledged that case examples involving betting offices in other areas will clearly exhibit differences, the trends of high level usage and added interest in the street scene are clear constants. I enclose a précis of appeal decisions involving changes of use from retail to betting office use. The detail facts of these cases may not be important but the underlying constant theme of vitality is. The point being, that in all of these cases the proposal involved a change of use from a retail use in a prime shopping location.</p> <p>In particular we refer to the November 2012 appeal decision allowing a Ladbrokes betting office use in Fishponds Bristol (Ref: APP/Z0116/A/12/2180389). The Inspector makes</p>	<p>conditions are commonplace, e.g. conditions restricting opening hours. Indeed, opening hours permitted can sometimes be different in each regime, reflecting the separate considerations of the regimes. The proposed condition will ensure that planning impacts are mitigated.</p> <p>The condition is flexible and can be tailored to different schemes depending on the circumstances at application stage.</p> <p>The SPD aims to mitigate and prevent adverse impacts in Islington. The impacts on the operation of an overarching business model are not an issue that should prevent local tailored responses. There is precedent for different policy in different areas, for example large supermarkets have to contend with different approaches to delivery and servicing in different local authority area. The UK planning system is plan-led, and plans are produced by each local authority, therefore varied approaches are par for the course.</p> <p>Guidance point BS4 is not considered onerous and is highly unlikely to have any financial implications. Exceptional cases where it is robustly demonstrated that the condition would result in such implications will be addressed on a case-by-case basis.</p> <p>Guidance point BS5 is not unnecessary duplication. The Management and Operating Strategy will ensure that appropriate information is provided to properly assess planning impacts. The fact that this information is provided in similar form in licensing applications does not mean that this will cause confusion; if anything, this makes guidance point BS5 even less onerous, as similar information should already be readily available.</p> <p>We note that the SPD does not prescribe a set template for this information. This gives flexibility for applicants.</p> <p>The acknowledgement of possible benefits of a Management and Operating Strategy is noted. We note that the strategy offers an opportunity for betting shop operators to set out (where possible) why a betting shop will not have impacts in the local area, and what (if any) mitigation measures are proposed. It can be viewed as a positive document.</p> <p>The 'mandate' for requesting the information is clear; the SPD provides supplementary guidance on adopted Local Plan policy; and it meets the tests set out in the NPPF.</p> <p>Planning and licensing are separate regimes; the SPD in no way compromises licensing considerations.</p> <p>Precis of appeals is noted. Not all appeal decisions could be accessed so we are unsure of the accuracy of some of the respondent's selective quotations.</p> <p>There is a wealth of appeals which counter those provided by the respondent; reference to further appeals has been added to the SPD.</p> <p>It is important to note that appeal decisions consider the specific circumstances of a case, although decisions are often useful in identifying what issues can and can't be considered material in principle.</p> <p>All of the appeals cited by the respondent turn on case-specific issues; hence they can't be applied as a general rule. These decisions do highlight that issues such as ASB are valid material considerations where there is evidence of harm.</p>

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		<p>specific reference at Paragraph 14 regarding betting office activity and window displays, as follows –</p> <p>“On my visit, I noted several people visiting the William Hill betting shop opposite the appeal site, and a number were carrying shopping bags, which suggests that they were making combined shopping trips. The premises would have an active shopfront, displaying sports related advertising, and taken together, I see no reason to think that a betting shop would have a markedly detrimental effect on the retail centre compared with an A1 use.”</p> <p>The Inspector further notes that -</p> <p>“Looked at in the round, it is hard to see how such a thriving centre, with a high proportion of retail shops, would be seriously undermined by the conversion of a fairly small shop to a non-retail use. In my view, putting the premises to a use which is ancillary to the retail function of the centre, attracting customers to the centre and improving the appearance of the building would only serve to strengthen the function of the town centre rather than undermine it.” (Paragraph 18)</p> <p>Adding at paragraph 24 that -</p> <p>“Local people expressed concerns about the prospect of 3 betting shops in close proximity to one another. However, it is the Government’s policy to promote competition and choice, and it is for the appellants to decide whether there is a market demand for the services they offer.”</p> <p>Whilst the individual circumstances of each case above is largely irrelevant, the general consensus of Inspectors in each case regarding the vitality and viability of betting office uses can be summarised as follows –</p> <ul style="list-style-type: none"> <li>• Betting shop uses operate in much the same way as a retail shop.</li> <li>• They are at least likely to have a footfall similar to a retail shop</li> <li>• Customers of betting office uses would be likely to shop while in the shopping Centre, thereby adding to the vitality and viability of the centre.</li> </ul> <p>Paragraph 7.15</p> <p>The recent changes to the Use Classes Order already provide the local authority with the opportunity to assess each individual application for a new betting shop having regard to the development plan and any significant material considerations. However, the changes to the Use Classes Order do not provide carte blanche basis to consider the starting point for each betting shop proposal as an adverse use.</p> <p>Paragraph 7.19</p> <p>Unbiased information to form the evidence base of a local plan document which could be subject to legal challenge cannot be reliably sourced from the Campaign for Fairer Gambling. This is a campaign group whose sole reason for being is to reduce the maximum stake on B2 gaming machines in betting shops. It is funded almost solely by a casino industry tycoon and is not an organisation that can be relied upon to produce credible research. As a starting point the Gambling Commission research and statistics would be a far more reliable and accurate source of data.</p> <p>Paragraph 7.27</p>	

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		<p>The automatic presumption that any further betting shops are likely to exacerbate the existing medium risk of over-concentration in the area and have an adverse impact, particularly on the function, vitality and viability of Islington's Town Centres is unjustified and unlawful in planning terms. It fails to take into account any of the positive characteristics of betting shop uses established over many years nor does it account for the closure or relocation of existing betting shops in the borough. Betting shop proposals should be taken in context as some new proposal may be a relocation or even a 2-into-1 proposal.</p> <p>Paragraph 7.30</p> <p>Ladbrokes does not target deprived areas. Betting shops locate in densely populated areas where there is a greater demand for choice. Inner city areas being traditionally closest to people's place of work mean that the people who are less well-off are found in inner city areas as opposed to the more affluent suburbs. The nature of inner city areas being more heavily populated means that there is usually more latent demand for new betting shop uses. However, deprivation in a densely populated area is no reason to restrict consumer choice and is itself a selective form of prejudice or discrimination on the part of the council. It is not the role of the planning system to intervene in the free market.</p> <p>Bookmakers do not target vulnerable people in deprived areas and any such accusations are both false and offensive. Betting is a high volume low margin leisure product and thus operators will locate more premises in areas with a high density of population. Protection of the vulnerable is one of the licensing objectives under the Gambling Act 2005. The Council, in its licensing jurisdiction, retains the discretion to refuse an application for a betting office premises licence where there is actual evidence that the grant of a licence would be contrary to that licensing objective.</p> <p>A premises licence will not be granted by a licencing authority if it can be proved that a betting shop would cause crime or have a negative impact on young and vulnerable people. Since the Gambling Act 2005 we do not believe one single betting shop operator has had their licence revoked for a breach of the three licensing objectives. Bookmakers take their responsibility to the local communities in which they operate very seriously and want to offer their customers a safe and responsible leisure experience. That is why significant resources are invested into responsible gambling procedures and the training of staff.</p> <p>Paragraph 7.31</p> <p>The betting office industry is already heavily licensed and regulated. It incorporates effective social responsibility policies in its business as a condition of its licence, continually reviewing its approach and adopting best practice in areas such as safety, responsible gambling and compliance. Responsible gambling is an extremely important part of Ladbrokes business and something that Ladbrokes take very seriously. The company supports and promote responsible gambling organisation GamCare through the Responsible Gambling Trust and UK operators collectively provide it with at least £6m per year in funds. Information leaflets and posters are clearly displayed in all of Ladbrokes shops. Gaming machines have responsible gambling information and also have manual stake and time limits which the customer can set. All of Ladbrokes staff are thoroughly trained to recognise problem gambling behaviour and deal with it appropriately, for example by logging patterns of behaviour and offering options such as the self-exclusion scheme.</p> <p>BS2</p>	

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		<p>BS2 would be a duplication of the licensing process and would therefore be disproportionate, inefficient and against better regulation principles. We are very concerned that given the council position on betting shop uses in all cases the extra burden, cost and delay of an unjustified full HIA will be required as a way to thwart betting shop proposals.</p> <p>BS3</p> <p>BS3 is a clear example of over regulation. We believe any such condition to be unnecessary, not relevant to planning or the development to be permitted nor reasonable in all other respects and therefore fails the tests of a planning condition as set out in the NPPF.</p> <p>It is not appropriate and possibly unlawful to compel participation in a voluntary industry code through a planning condition which is more pertinent to the Licensing regime. There is already a Gambling Commission requirement under the LCCP on operators to display information about gambling charities and the National Gambling Helpline, where information about debt advice can also be provided. This is further bolstered by the ABB Code for Responsible Gambling which requires more prominent display of this information and for all staff to be trained in responsible gambling and able to sign-post customers to support services. Ladbrokes already takes an active part in this process. The display of all of this information and more on an A1 size board or larger in all languages appropriate to the location is unreasonable and simply demonstrates that the council planning department does not understand the level of regulation and compliance already applied to betting shop premises.</p> <p>BS4</p> <p>BS4 is too general. Ladbrokes welcome the focus on partnership working and that is one of the reasons Ladbrokes are a leading signatory to the 'ABB-LGA Framework for local partnerships on betting shops' which was published in January this year. Ladbrokes also has Primary Authority agreements with Liverpool Council and Milton Keynes Council which has resulted in greater clarity and consistency of regulation at a local level. In contrast, we are concerned that this guidance as currently drafted would lead to variations and inconsistencies which prove burdensome and costly for a business that operates across a multi-site estate in numerous different local authorities.</p> <p>BS5</p> <p>BS5 is once again an unnecessary duplication of existing requirements which are part of the licensing regime. It states in the LCCP that a risk assessment should be carried out when applying for new premises and this should be shared with the Licensing Authority. As a responsible business Ladbrokes conduct regular risk assessments of its shops, normally on an annual basis or as and when there is a change of circumstances. We also believe that the risks should be proportionate and not used by local authorities to impose additional conditions on responsible businesses or used as an additional layer of bureaucracy to delay the planning process. Whilst we acknowledge that a Betting Shop Management and Operating Strategy could be beneficial, we are concerned about the suggested move to prescribe the form of risk assessment which takes into account issues that have no basis in sound evidence and is for example predicated on the false assumption that betting shops cause crime, anti-social behaviour, street drinking and urinating, litter and obstruction of the public highway amongst other things.</p> <p>Notwithstanding the above, the council does not have a mandate to insist on the submission of a management and operating strategy as part of the planning process and it is clear that these proposals are in breach of S210 of the Gambling Act 2005. The duplication of the</p>	



Location and concentration of uses SPD – Regulation 12(a) Consultation Statement (April 2016)

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		<p>planning and licensing regimes will simply produce a confused system that is inefficient and ineffective.</p> <p>PRECIS OF APPEAL DECISIONS</p>	
SPD13	Paddy Power	<p>Supplementary Planning Documents (SPDs) must be considered in light of the guidance set out in the NPPF and the Planning Inspectorate’s guidance on establishing whether a development plan document is sound. The NPPF advises that SPDs should be used where they can help applicants make successful applications and should not be used to add unnecessarily to the financial burdens on development (para 153). Section 19 of the 2004 Act requires that development plan documents or any other local development document must have regard to national policy. For the reasons set out below, this draft SPD is plainly contrary to the NPPF.</p> <p>Regulation 8 of the 2012 Town and Country Planning (Local Planning) (England) Regulations prescribes that that SPDs must contain a reasoned justification of the policies in the SPD and not conflict with the adopted development plan. In relation to justification documents need to be based on a robust and creditable evidence base, ensuring that choices made in the plan are backed up by facts. The Council also need to consider whether there are reasonable alternatives and that the SPD is the most appropriate strategy. It is considered that the SPD is not justified, as it is not founded on a robust and credible evidence base, particularly in relation to betting shops.</p> <p>The Council will also be aware that as a regulator they must comply with the Regulators’ Code (April 2014), laid down in parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. The Code seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate to reduce regulatory burdens on businesses. It also makes clear that regulators must take an evidence-based approach. It is not considered that the SPD has had due regard to the Regulators’ Code.</p> <p><b>Section 2 (Background) and Section 5 (What is an unacceptable impact or location?)</b></p> <p>Section 2 of the SPD explains that the SPD will supplement Policy DM4.3 of the Development Management Policies DPD which is concerned with the location and concentration of various uses including betting shops, and Section 5 provides further guidance in relation to the 500 metre radius mentioned in the policy supporting text which it states will be used to assess over-concentration.</p> <p>Policy DM4.3 does not provide an explanation as to why a 500 metre radius was chosen to assess concentrations. We had therefore expected the SPD to provide this explanation, but disappointingly the document is silent on this point. A 500 metre radius is a huge area and in every case extends well beyond town and local centre boundaries into surrounding residential areas. This is odd given that one of the principle aims of the policy and the SPD is to protect centres. We struggle to see how the presence of a use listed in policy DM4.3 located 500 metres away from a centre in a residential area could possibly have any bearing on the vitality and viability of that centre or any relationship to similar uses in that centre. Indeed, recent appeal decisions have considered clustering and overconcentration on a much smaller scale, focusing simply on a specific area within a centre.</p> <p>We wish to draw attention to a recent Paddy Power appeal decision (ref: APP/U5930/A/14/2229533) at 620 High Road, Leytonstone which was allowed on 22 April 2015. The decision was made after betting shops became SG uses. The proposals would result in 6 betting shops in the centre, meaning betting shops would account for just under</p>	<p>Response noted.</p> <p>The respondent will be aware that the test of soundness does not apply to SPDs, nor is an SPD a Development Plan Document. Paragraph 153 of the NPPF provides the tests which SPDs must meet. In this case, the council consider that the SPD is fully consistent with the NPPF, as it does offer additional guidance to assist successful applications, e.g. by highlighting information needed to assess applications; and it does not unnecessarily add a financial burden to applicants, as none of the information required would be likely to onerous financially.</p> <p>The SPD does not add new policy; it provides guidance in line with DMP policy DM4.3, its parent policy, as well as offering locally specific guidance regarding the implementation of London Plan and NPPF policy. It should be noted that the GLA, in their response to the SPD consultation, considered that the SPD was consistent with the London Plan.</p> <p>Significant reasoned justification is provided in the SPD with regard to the proposed betting shops guidance. There is no regulatory requirement which specifies the form which reasoned justification must take. The council considers that reasoned justification is glaringly obvious from even a cursory reading of the document. Nevertheless, the SPD has been amended to spell this out for avoidance of any doubt.</p> <p>There is no prescription in legislation, national policy or guidance about what reasoned justification for an SPD must entail. The respondent cites things which the council must consider but these are related to soundness of a Development Plan Document. There is significant flexibility on the form and detail of reasonable justification in SPDs.</p> <p>The respondent should be aware that the Regulators’ Code does not apply to planning documents, as planning is not a regulatory regime which falls under the scope of the code, as defined under the Legislative and Regulatory Reform (Regulatory Functions) Order 2007.</p> <p>Notwithstanding this, the SPD does not directly or indirectly restrict any regulators who are bound by the Regulators’ Code, e.g. licensing authorities.</p> <p>The 500m radius has already been justified through the Development Management Policies DPD examination, where it was found to be sound and legally compliant. The SPD does give some guidance on the application of the 500m radius; this allows some flexibility taking into account local context.</p> <p>One of the aims of the policy and SPD is to protect the vitality and viability of designated retail areas, but the overarching aim is to prevent over-concentration, which can have more wide-ranging impacts outside of retail designations.</p> <p>Re: the Leytonstone appeal, it is important to note that appeal decisions consider the specific circumstances of a case. The 3.5% figure – which the Leytonstone inspector considers does not constitute significant clustering – cannot be applied uniformly to other areas, as local context needs to be considered. The Leytonstone inspector also notes the following, which highlights that over-concentration could arise from as little as</p>

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		<p>3.5% of the overall centre, a figure which the Inspector considered to be “a low figure when compared with a comparison of other non-A1 uses in the centre”. There was an existing betting shop within the same parade as the application site (4 units along) and an existing betting shop opposite the application site on the other side of the road. The Inspector concluded that:</p> <p>“I do not consider that an additional betting office within the immediate area would result in a significant alteration to this balance, or result in a clustering effect that would be detrimental to the retail attraction of the immediate area or wider centre”.</p> <p>The Inspector later stated:</p> <p>“As I found within the previous section, the proposal would not result in any significant clustering concerns”.</p> <p>We therefore consider that the SPD should provide further information on why a 500 metre radius was chosen and what evidence this was based on.</p> <p>We are pleased to see that paragraph 5.7 of Section 5 states that the 500m radius is not identified to establish the subsequent over-concentration within the radial area and that flexibility should be exercised. However, the remainder of this paragraph which seeks to explain what the 500m radius means and how it should be used is confusing and ambiguous and we would urge the Council to be clearer on this point.</p> <p>We also note that the SPD makes clear that when assessing concentrations of uses, all uses listed in Policy DM4.3 must be considered together (i.e. not just individual uses), and their potential cumulative impact assessed. In addition to betting shops, the list includes restaurants, take-aways, pubs, cafes, off licenses, nightclubs and amusement centres. Payday loan companies are also included in the SPD.</p> <p>These uses are all typical town centre uses and collectively they will no doubt amount to a high proportion of uses within centres. They all have an entirely different function and therefore different potential impacts (positive, not just negative impacts) on a centre. There is no evidence anywhere in the SPD that such existing uses are together causing adverse impacts on the vitality and viability of centres or other negative impacts. Indeed, the evidence is to the contrary. Many centres across the country and in Islington are healthy, despite having a high number of these uses.</p> <p>There is a real danger that adopting such an approach will effectively put a moratorium on such new uses in centres and potentially encourage new operators and uses out of centres. Clearly such an approach is inappropriate and would fly in the face of the town centres first policy as set out in the NPPF which seeks to encourage town centre shops and services to locate within centres, rather than out of centre.</p> <p>We strongly suggest that the Council revisits this proposed approach. We are also concerned that the SPD will conflict with paragraph 23 of the NPPF which states that policies should be positive and promote competitive town centres. Bullet point 4 of this paragraph states that LPAs should “promote competitive town centres that provide customer choice and a diverse retail offer and which reflect individuality of town centres”. Clearly the SPD is likely to have a serious impact on particular industries and healthy competition between different operators by preventing new operators from locating within a particular centre.</p> <p>Again, regard needs to be had to the very real impact that the SPD is likely to have on a</p>	<p>two units:</p> <p><i>“I appreciate that the impression of an oversupply of betting offices within an area can be formed through the establishment of two or more in the one area.”</i></p> <p>There is a wealth of appeals which counter the Leytonstone appeal; reference to further appeals has been added to the SPD.</p> <p>We acknowledge that the wording of the paragraph 5.7 of the SPD is unclear; this has been amended. To clarify re: paragraph 5.7, over-concentration is assessed in relation to a proposed new betting shop, i.e. how many existing betting shops are within a 500m radius of a proposed new unit; and will the new unit create an over-concentration or exacerbate an existing over-concentration.</p> <p>The SPD clearly does not state that all uses listed in DM4.3 must be considered together. It states that where there are other relevant similar uses within a 500m radius of a site, these should form part of any assessment of over-concentration; this is a case-specific issue. The example of betting shops and payday loan shops is given, due to the fact that these uses can have similar impacts.</p> <p>The respondent seems confused about how planning policy and guidance operate. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the primacy of the Development Plan, unless material considerations suggest otherwise. Of note is that decisions must be made based on the plan as a whole; at times, policies might pull in different directions in terms of their intended outcomes, but ultimately there are different layers which apply and it is a matter of judgement at application stage about the weighting of these layers. The respondent’s claim that the SPD would fly in the face of the town centre first policy is therefore wrong; it is clearly flexible and can co-exist with the guidance in the SPD.</p> <p>Paragraph 23 of the NPPF has a requirement to promote competitive town centres but this does not mean that policies and guidance should permit all applications without scrutiny. The SPD is considered consistent with paragraph 23 and the NPPF as a whole. The NPPF also promotes the plan-led system and notes that proposals must be assessed against the three strands of sustainability, including social impacts.</p> <p>The SPD is not a blanket ban on new betting shops; therefore we dispute the assertion that it is likely to have a serious impact on particular industries and healthy competition between different operators by preventing new operators from locating within a particular centre. The respondent’s claim is not evidenced.</p> <p>The evidence base is considered robust and proportionate; it is not a literature review, nor is it required to be. The evidence cited provides a strong grounding to support the guidance in the SPD. The respondent provides little evidence to counter evidence detailed in the SPD; nor do they provide any detail about exactly which reports are considered biased and/or subjective.</p> <p>The criticism that the SPD section is ‘notably short’ is unfounded. Firstly, there is no prescribed length for an SPD set in regulations. Secondly, one of the NPPF requirements which SPDs must meet is to enable successful applications to be made. We suggest that having a document which is overly long would run counter to the NPPF requirements, as the document would be less accessible to applicants, particularly laymen. We note that a lot of the background evidence base is included in the Appendix.</p>



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		<p>number of different industries and the clear conflict that would arise with the NPPF.</p> <p><b>Betting Shops – Background (Paras. 7.1 to 7.16)</b></p> <p>This section of the SPD sets out the background and justification for the Council’s view that applications for new betting shops should be heavily scrutinised given the adverse impacts they can have when concentrations arise.</p> <p>Clearly policies and guidance which seek to place restrictions on the development of a particular industry and seek to treat applications in a different way to other applications must be strongly evidenced.</p> <p>This section is notably short and it is concerning that the Council simply rely on two appeal decisions from 2011 and 2012 to support their position and various national reports which are often based on public opinion and are not always objective pieces of research. This is far from a credible evidence base.</p> <p>It is also astoundingly clear that the Council have not undertaken any assessments or studies to see whether Islington’s existing betting shops are causing any problems and whether the concerns raised in a number of the national reports are actually happening on the ground within their Borough.</p> <p>We note that paragraph 7.13 states that it may be pertinent to seek advice from the Metropolitan Police on specific applications, particularly local crime and disorder statistics. We also note that Policy BS1 of the SPD states that at the application stage, various Council departments and partner organisations will be consulted for comments on potential adverse impacts and to source evidence and statistics (where possible). But surely if the Council is seeking to adopt further policies and guidance and make assumptions about the potential risk of adverse impacts associated with new betting shop applications in the Borough within this SPD, this information needs to be assessed now to inform the policies and guidance. This section of the SPD contains no local information as part of the evidence base.</p> <p>We note that the Council undertook reviews and health checks of all their centres in April 2012 (it does not appear that the Council have carried out an update). We have reviewed these documents and there is no mention of betting shops anywhere within the reports. Given that these reports assess the health, vitality and viability of Islington’s centres, and identify specific weaknesses and problems within centres, one would have reasonably thought that if there was a significant problem with betting shops, that this would have been identified. The Council’s own health checks therefore provide evidence which is contrary to the other evidence used in the SPD.</p> <p>Paragraphs 7.10 to 7.12 talks about Fixed Odds Betting Terminals (FOBTs). There is reference to the fact that betting shops can only have 4 FOBTs in one shop and that this is a key reason behind the increasing number of betting shops across the country as operators open new shops to get around the four per premises limit. The Council have failed to consider whether there has been an increase within the Borough. Since 2005 there has actually been a reduction in betting shops within Islington. In 2005 there were 75 betting shops; now there are 68, equating to just under a 10% decrease. Again, this is an example of the Council listening to reports which in the main are based on perception rather than fact, and have not taken the time to see whether this is the case in their area.</p> <p>Paragraph 7.12 states that FOBTs amplify the ‘common perceived’ adverse impacts of betting shops, including exacerbating mental health problems and increasing anti-social</p>	<p>DM4.3 applies on a case-by-case basis. The council have undertaken a significant mapping exercise to gain an understanding of the current number and location of betting shops in the borough. However, it is impossible and undesirable to frontload the assessment of every single potential impact of new betting shops in every potential location in the borough. Hence the SPD sets the general scene and detailed assessment will take place at application stage, mindful of the SPD requirements for sufficient information to be provided to allow for a proper, robust assessment.</p> <p>The approach set out in DM4.3 and the SPD gives significant flexibility for applicants.</p> <p>Various council departments and partner organisations have been involved in the development of the SPD.</p> <p>As noted above, it is impossible and undesirable to frontload the assessment of every single potential impact of new betting shops in every potential location in the borough. This would require the council to ask the Metropolitan Police to frontload assessment of the impacts of a new betting shop in every potential location in the borough, which is clearly impractical.</p> <p>Case-specific advice from the Metropolitan Police and other organisations will be sought to inform determination of new betting shop applications.</p> <p>Provision of a management and operating strategy will also help to ensure that council departments and partner organisations can provide comments based on proper, robust information.</p> <p>The April 2012 healthcheck is an evidence base document collated for the specific purpose of supporting the examination of the DMP retail policies. This fact is noted in the first paragraph of each healthcheck.</p> <p>The healthchecks do not go into detail about various uses, nor were they intended to. This does not mean that the healthcheck is contrary to the SPD.</p> <p>The healthchecks were underpinned by an extensive survey of Islington’s town centres and local shopping areas; these surveys have been updated annually since 2012 and it is intended to continue an annual update in the future, to inform the Authorities Monitoring Report.</p> <p>The reduction of betting shops in Islington over time is noted but there is still a high overall amount of BS relative to other areas. A reduction in the absolute amount of betting shops also does not mean that there would be a reduction/lesser risk of over-concentration.</p> <p>Without wanting to get bogged down in a semantic argument, the term ‘perceived’ is analogous to ‘recognised’ or ‘identified’ in this context. The respondent seems to think that by using the term ‘perceived’, the council have somehow admitted that certain impacts are not real. This is clearly not the case. The SPD does not claim that these impacts will materialise on each and every betting shop application, but there is evidence that such impacts can occur depending on local circumstances. Notwithstanding this, the term will be amended in the SPD to clarify this beyond doubt and avoid possible wilful misinterpretation of specific words.</p>

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		<p>behaviour, and that in planning terms, potential increases in anti-social behaviour, crime and disorder are valid material considerations, and have been upheld in planning appeals. It is interesting that the Council admit themselves that these issues are 'perceived' impacts.</p> <p>The Council make reference to the Deptford Appeal in August 2011 as an example of where appeals for betting shops have been dismissed on such grounds. The Deptford decision is now four years old and there are plenty of appeal decisions which demonstrate that betting shops do not necessarily lead to such adverse impacts in reality. Indeed, Paddy Power alone have been successful at appeal on 14 occasions since 2012 and many more applications have been approved by Councils. Reference to one (now) historical appeal does not provide a robust evidence base on this point. It is also important to note that the scenario in Deptford High Street was particularly unique and one cannot assume the findings in this particular situation would be the same in every other situation. Betting shops are generally well regulated, well run and suffer far less crime and disorder than other uses.</p> <p>Paragraph 7.14 goes on to say that betting shops are materially different from retail uses due to a lack of associated retail and generally less active shopfront windows. As such, it is concluded that excessive concentrations of betting shops in areas which are predominantly retail in character could adversely impact the continued health and sustainability of such areas. Reference is made to an 2012 appeal in Weymouth to support the Council's position on this. Again, reference to one appeal decision which is three years old does not provide a sufficient evidence base to support this view. The Council's position on this is completely unfounded and at odds with the opinion of many appeal Inspectors since.</p> <p>It is an old fashioned view that the shopfronts of betting shops create dead frontages. It has become generally accepted that betting shops have shopfronts that are comparable to retail shops. The fact that they display odds in their windows is no different to retail shops displaying goods in their windows.</p> <p>In terms of footfall, it has again become generally accepted that betting shops, and in particular, Paddy Power betting shops, generate high levels of footfall. Survey work undertaken between 2011 and 2014 by an independent survey company (ESA Retail) has demonstrated that across centres of varying size Paddy Power shops generate high visitation rates. The results show that Paddy Power shops often attract higher visitation rates than many A1 shops of a similar size, and that in some instances they attract new customers to a centre.</p> <p>We note that the Council say that where there are 'excessive' concentrations of betting shops there 'may' be adverse impacts on a centre, however, this does not translate to the following sections which conclude that more or less the whole Borough is already at medium risk of adverse impacts and in many cases this is based on the fact that there are only one or two betting shops in a 500 metre radius.</p> <p>Other benefits of betting shops include significant investments in units, new jobs, comparable hours to retail shops and passive surveillance in the evening. However, none of these benefits are discussed in the SPD, demonstrating that the Council's assessment of betting shops is far from an objective one.</p> <p>There are many references to problem gambling and indebtedness, however it must be acknowledged that problem gambling levels in the UK are low by international standards and that only limited problem gambling occurs. The majority of customers undertake a legitimate leisure activity within their means. There is no evidence that an increase in betting shops in an area will necessarily lead to a significant increase in gambling and indebtedness.</p>	<p>The cited appeal in Deptford is proof that perceived impacts from ASB, crime and disorder, etc. can be considered material in the assessment of planning applications, where there is evidence. The SPD does not claim that the Deptford case alone justifies to a generalised restriction on new betting shops.</p> <p>The respondent notes 14 appeal decisions but only refers to one specifically in the entire response. Regardless of this, it is important to note that appeal decisions consider the specific circumstances of a case; any case-specific conclusion which finds there are no adverse impacts should not then be used as a general rule to be applied to other areas. As noted above, there is a wealth of dismissed betting shop appeals; reference to further appeals has been added to the SPD.</p> <p>Re: the claim that betting shops are generally well regulated, well run and suffer far less crime and disorder than other uses, the SPD requirements will allow this to be demonstrated at application stage, where supported by evidence.</p> <p>The respondent notes that the 2012 Weymouth appeal decision cited in paragraph 7.14 is at odds with the opinion of many appeal Inspectors made since; however, the respondent has neglected to provide any examples of these appeals. As noted above, there is a wealth of dismissed betting shop appeals; reference to further appeals has been added to the SPD. In particular, there are a number of appeal decisions which reinforce the Weymouth decision that betting shops are materially different to retail uses.</p> <p>The recent UCO reclassification of betting shops is further evidence that betting shops are materially different to A uses, particularly A1 retail.</p> <p>The SPD does not state that betting shops create dead frontages; it states that they are generally less active than other uses. The display of odds is different to the display of goods, as it does not generate passing trade and visual interest in the same way.</p> <p>The ESA Retail survey work referred to has not been provided; therefore it has not been possible to assess the methodology of this work and judge whether the research is relevant. Planning inspectors have noted that high visitation rates can largely be customers redirected from existing betting shops in the area, hence new betting shops can generate little additional footfall.</p> <p>It is not the intention of the SPD to institute a blanket ban on certain uses. Paragraph 7.34 (and related paragraphs) is not tantamount to a ban as it allows for case-by-case flexibility. However, we acknowledge that the paragraphs in the draft SPD might not be entirely clear for all readers; this is a matter that has been raised by several respondents. For the avoidance of doubt, this paragraph (and any related paragraphs) will be amended.</p> <p>The SPD is largely concerned with issues related to over-concentration and location in sensitive areas. The issues identified by the respondent, e.g. provision of new jobs, can be material considerations at application stage where justified; the weight given to these would be determined by the case officer. These issues could also be detailed in the management and operating strategy and the 'Planning for Health' self-assessment, provision of which is sought by the SPD.</p> <p>The SPD mapping highlights that a significant number of betting shops are in the most deprived areas of the borough; there is evidence that deprived areas suffer from higher rates of problem gambling, hence further betting shops in these areas should be</p>



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		<p>It is therefore considered that the policies and guidance set out in the SPD are based on a poor and inaccurate evidence base.</p> <p><b>Betting Shops in Islington (paras. 7.17 to 7.31 and supporting maps)</b></p> <p>This section of the SPD discusses the number and location of existing betting shops in the Borough. It states at paragraph 7.20 that in terms of the absolute number of betting shops, 68 betting shops is not a particularly significant amount compared with other boroughs, but that in terms of the number of betting shops per hectare, this is the second largest figure of all UK boroughs, behind only the City of Westminster. It is a shame that the Council have only assessed the number of betting shops compared to population and not compared them to other businesses and shops. Such an exercise would demonstrate that there are significantly more shops, restaurants, pubs etc. in the Borough than there are betting shops, and that betting shops are not over-represented within the Borough's centres and actually only make up a very tiny proportion of the overall retail and service sector within the Borough, demonstrating that concerns about numbers of betting shops are not based on the reality of the situation when considered within the right context.</p> <p>Paragraph 7.4 states that there are a number of Local Shopping Areas with multiple betting shops, particularly along Caledonian Road, Essex Road and Holloway Road. However, this is not borne out by the evidence provided on Map 7 which plots existing betting shops within the Borough. In the vast majority of cases there are only two betting shops located in a Local Shopping Area. Two shops cannot possibly be described as 'multiple', which usually means 'several' of something. It is concerning that the Council has identified centres in these locations as having a large number of betting shops when in fact there is only a small number, and extremely small when compared in percentage terms with the other shops and services located within those centres. This demonstrates that the Council is of the view that more than one betting shop in an area or centre represents clustering/concentrations and is a potential problem. We cannot see how two betting shops in a centre or area with a number of other uses in between can possibly be described as forming a cluster or concentration.</p> <p>Rather than simply plotting the existing betting shops and allowing planning officers/members to assess whether a new betting shop in a particular area may lead to an over-concentration, the SPD goes further and draws a 500 metre buffer zone round each existing betting shop to highlight potential areas where development of additional betting shop(s) may lead to an over-concentration of these uses. Indeed, such an exercise means that more or less all of the Borough is included within a buffer zone and appears to entirely conflict with paragraph 5.7 which states that "the 500 metre radius is not identified to establish the subsequent over-concentration within the radial area".</p> <p>Many of these zones only include one, two or three betting shops in a very large area and it is entirely inappropriate to suggest that a further betting shop in these very large zones may lead to overconcentration.</p> <p>As discussed above, there is absolutely no evidence to suggest that the Borough's betting shops are causing localised problems, therefore there is no reason to conclude that a further betting shop in such zones, and in any of the zones drawn on the map with higher numbers of betting shops, would lead to an over-concentration, and an over-concentration that would be problematic.</p> <p>What is extremely concerning, however, is that the SPD then concludes at 7.27 that <b>"taking into account the guidance on over-concentration risk established in Section 5, all applications for betting shops in the areas covered by a buffer zone will be heavily</b></p>	<p>properly and carefully assessed.</p> <p>The SPD is not a blanket ban on new betting shops in deprived areas; the SPD requirements could help to prevent/mitigate any adverse impacts associated with problem gambling.</p> <p>We disagree that the SPD is based on a poor and inaccurate evidence base. The evidence base is sufficiently robust to support the SPD. The respondent provides general criticisms of the evidence base without offering any specific detail or providing evidence to the contrary.</p> <p>The SPD does highlight that the number of betting shops in Islington is not high in absolute terms, but relative to other local authorities, we have one of the highest number of betting shops per hectare. While this high per hectare rate may partly be a feature of the borough's relatively small size, it is nevertheless a factor - given that Islington has the highest population density of all UK local authorities - in the opportunity for individuals to have access to betting shops. A per hectare comparison gives an idea of relative spatial spread, which links much more with the issue of over-concentration.</p> <p>A comparison of the absolute amount of betting shops still shows that Islington has more betting shops than several larger London boroughs such as Lewisham, Haringey and Lambeth.</p> <p>A proportionate comparison of betting shops against retail and service uses in other areas would be irrelevant given that this would involve a very generalised comparison of hundreds of retail areas, each of which have a distinct characters. We note that the respondent seems to look at this issue from the narrow focus of designated centres, whereas we are concerned with borough-wide impacts.</p> <p>The term 'multiple' means more than one, whereas 'several' means more than two but not many; the respondent is again misinterpreting particular words.</p> <p>The respondent notes concern that the council has identified certain centres as having a large number of betting shops. The SPD does not state that these centres have large numbers of betting shops; it states that several centres have multiple betting shops. The respondent has wrongly inferred that multiple automatically equates to a large number. To reiterate, over-concentration is assessed on a case-by-case basis.</p> <p>We acknowledge that the issue re: medium risk might be misunderstood; therefore the SPD references to medium risk will be amended. For clarity, the SPD is not stating that the areas with multiple betting shops are necessarily over-concentrated (although it may be that these areas are closer to over-concentration).</p> <p>The 500m radius is clearly set out in DM4.3.</p> <p>Issues around paragraph 5.7 are discussed above. The mapping exercise is indicative. The buffer zones are not distributed arbitrarily; each of the zones has a betting shop at the centre, hence each buffer zone gives an idea of the number of betting shops within 500m of an existing betting shop.</p> <p>The SPD is supported by a robust evidence base, including the mapping. It should be noted again that the SPD does not impose onerous requirements and is not a blanket</p>

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		<p><b>scrutinised, with a presumption that any further betting shops are likely to exacerbate the existing medium risk of over-concentration in the area and have an adverse impact, particularly on the function, vitality and viability of Islington’s Town Centres”.</b></p> <p>This is also reiterated at paragraph 7.34 in the following section of the SPD – <b>“the starting point for any assessment of new betting shop applications is that the entire borough is considered to be at medium risk of adverse impacts to character, function, vitality, viability, amenity and health &amp; wellbeing”.</b></p> <p>Given that no assessments have been carried out on the existing betting shops in the Borough and any potential impact that they may be currently having on centres and local residents, it is difficult to understand how the Council have arrived at this conclusion. We cannot see how anyone could possibly conclude that the presence of one, two or three betting shops in a 500 metre radius presents a medium risk of over-concentration. There is no robust evidence to even back up that buffer zones with higher numbers of betting shops are at medium risk. In many instances, betting shops are nowhere near each other. Further, how can it possibly be the case that an area with one betting shop has exactly the same potential risk as an area with six or more betting shops? Indeed this demonstrates that the Council has adopted a broad brush and generalised approach without any proper analysis.</p> <p>We have no issue with the fact that the Council will want to scrutinise new betting shop applications and ensure that they will not lead to any clusters or concentrations which would lead to negative impacts, however, to assert that the starting point for all new applications is that a medium risk of adverse impacts already exists is wholly unsubstantiated and does not allow officers/members to make objective decisions. Indeed, if the decision-makers are told that there is already a medium risk, many will naturally conclude that an additional betting shop in an area would result in an area being at high risk of adverse impacts and there will be a tendency to conclude that the application should be refused. This is clearly unacceptable, particularly given that there is no evidence base to back up the SPD’s presumptions in this regard.</p> <p>It is therefore clear that this part of the SPD does not ‘help’ applicants make successful applications which the NPPF requires SPDs to do.</p> <p>We therefore strongly suggest that the Council revisits this section of the SPD. A flexible approach must be adopted with respect to the 500 metre radius as is suggested by paragraph 5.7 of the SPD.</p> <p><b>Planning Applications (paras 7.32 to 7.64)</b></p> <p>This section of the draft SPD sets out the information that will be required to support an application for a new betting shop and the conditions that will be imposed in the event planning permission is granted. It is clear that their purpose is to deal with the Council’s concerns regarding impacts on health and safety.</p> <p>It is rather concerning that the Council’s planning department considers it necessary to introduce these requirements and conditions. It is concerning because such issues are already covered by other regulations such as the licensing regime and health and safety regulations.</p> <p>Gambling is one of the most heavily regulated activities in the country which has resulted in a socially responsible industry. Betting shops are governed by the three gambling objectives. Betting shop operators wishing to open a new betting shop must demonstrate that their operation will:</p>	<p>ban on new betting shops.</p> <p>The respondent notes earlier that they have no issue with the fact that the council want to scrutinise new applications. If this claim is true, then it is hard to understand why the respondent also objects to having to provide relatively basic information to ensure that new applications can be properly scrutinised, and to ensure impacts have been identified and properly mitigated or prevented.</p> <p>The SPD is clearly planning focused and in no way alters or compromises the licensing regime, which remains wholly separate. The SPD is very clear that licensing and planning considerations are separate; the SPD guidance in no way prejudices or predetermines licensing applications.</p> <p>Information on the licensing process is noted. The licensing process is fully understood and is clearly detailed in the SPD; the council’s licensing department have been involved in the development of the SPD.</p> <p>The SPD requirements are not onerous. Planning conditions which mirror licensing conditions are commonplace, e.g. conditions restricting opening hours. Indeed, opening hours permitted can sometimes be different in each regime, reflecting the separate considerations of the regimes. The proposed condition will ensure that planning impacts are mitigated.</p> <p>The SPD in no way alters or compromises the licensing regime, as noted above. The SPD requirements are not considered burdensome.</p> <p>The proposed conditions meet the tests set out in the NPPF. For clarity, the proposed conditions do not require compliance with other regulatory regimes. The conditions relate to specific planning impacts, namely aspects of betting shops which can cause adverse impacts, including adverse impacts on the amenity of local residents and businesses. This incorporates concerns about health, which are not part of licensing considerations but are material in the assessment of planning applications.</p> <p>The intention is that the proposed conditions would be imposed on all new betting shop permissions, but, as with any guidance, if exceptional circumstances are demonstrated as to why such conditions are not appropriate (on a case-by-case basis), there is scope for conditions not to be imposed.</p> <p>For clarity, the SPD does not state that betting shops will be resisted near schools. Schools are a sensitive use but in the context of DM4.3, schools are mainly relevant to hot food takeaway applications. Section 5 of the SPD identifies some examples of sensitive community facilities. Where there is evidence that a betting shop is within close proximity of a sensitive facility which will be adversely affected by the betting shop use, an application may be resisted; however, this will be assessed on a case-by-case basis, taking into account local evidence.</p> <p>The SPD is consistent with regulatory requirements and national policy. As noted above, the Regulator’s Code does not apply to planning documents, as planning is not a regulatory regime which falls under the scope of the code; but nonetheless the SPD does not directly or indirectly restrict any regulators who are bound by the Regulators’ Code, e.g. licensing authorities.</p>

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		<p>1. Prevent gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;</p> <p>2. Ensure that gambling is conducted in a fair and open way; and</p> <p>3. Protect children and other vulnerable people from being harmed or exploited by gambling.</p> <p>As such, when applying for their gaming licence, betting shop operators must provide information and evidence demonstrating that they have appropriate training and management procedures/policies in place to show that they will comply with these objectives, including the protection of children and other vulnerable people, something that betting shop operators take very seriously. This of course includes being members of various schemes. For example, Paddy Power was a founding member of the Senet Group, an independent body set up to promote responsible gambling standards. They are also certified by Gamcare, as are the majority of the major betting shop operators. Failure to demonstrate compliance with the objectives means that a license will not be granted, and of course, if at any time a betting shop operator is found not to be complying with the objectives in the future, their licence can be reviewed and ultimately revoked. Where the licensing authority has any concerns about a new operation when considering a licence application, they are perfectly entitled to impose conditions on a licence to ensure that additional measures/policies/procedures are put in place.</p> <p>The fact that the Council's planning department is seeking to implement these requirements and conditions shows a distinct lack of understanding of the industry and how it is currently regulated and controlled.</p> <p>The Council's policies in this regard wholly duplicate the licensing regime and are therefore entirely unnecessary. They would result in burdensome requirements on an already well regulated and socially responsible industry.</p> <p>Paragraph 206 of the NPPF states that planning conditions should only be imposed where they meet the six tests, the first of which is 'necessary' and 'relevant to planning'. It is clear that those conditions set out in this part of the SPD would not comply with the first two tests. Indeed, the NPPG states at paragraph 005 that conditions requiring compliance with other regulatory requirements and regimes will not meet the test of necessity and may not be relevant to planning.</p> <p>Further the NPPG makes clear that every condition must always be justified by the local planning authority on its own planning merits on a case by case basis, therefore policies that seek to impose blanket conditions are not appropriate.</p> <p>Given that children and vulnerable groups are already protected through the licencing regime, it is clear that there is no necessity for a policy which resists betting shops within close proximity to schools and other vulnerable uses. The fact that betting shops are required to have policies and procedures in place to protect such groups in society, their location in relation to what the planning department consider to be 'vulnerable uses' is irrelevant. It is certainly worrying that the planning department consider that it would be appropriate to impose such conditions and requirements, and still have policies in place which state that betting shops cannot be in close proximity to 'vulnerable' uses.</p> <p>It is therefore strongly recommended that this section is deleted from the SPD.</p>	



**Location and concentration of uses SPD – Regulation 12(a) Consultation Statement (April 2016)**

Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
		<p><b>Concluding Comment</b></p> <p>It is our view that the SPD amounts to a breach of Regulation 8 of the 2012 Town and Country Planning (Local Planning) (England) Regulations, section 19 of the 2004 Act and is patently inconsistent with national policy and the Regulators' Code. The document therefore requires significant review.</p>	
SPD14	Association of British Bookmakers	<p><b>Introduction</b></p> <p>The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.</p> <p>Please see below for the ABB's response to the current consultation on the Council's draft Location and Concentration of Uses Supplementary Planning Document (SPD).</p> <p>This sets out the ABB approach to partnership working with local authorities and details our substantial concerns relating to the current draft and its lack of evidence base. The additional requirements placed on betting operators wishing to apply for a premises licence are disproportionate compared to any evidenced risk, and also duplicate and disregard the separate licensing process at both a local level and as undertaken by the Gambling Commission.</p> <p>The Council states the aim of this document is "not to implement a 'blanket ban' to prevent certain uses coming forward anywhere in the borough, but rather to restrict development of specific uses in locations where there is demonstrable evidence of harm." However, there is no evidence that the presence of betting shops lead to demonstrable harm.</p> <p>Betting shops are highly and independently regulated by the Gambling Commission. The industry operates to the highest standards of social responsibility as set out in the Commission's licence conditions and codes of practice, in addition to meeting the requirements of the ABB's own Code for Responsible Gambling, which is mandatory for all members.</p> <p>The Council's stated policy aim to "avoid development which could negatively impact the character and function of specific areas, particularly through over-concentration of a particular use" must be pursued with extreme caution in the ABB's view. This goes some way to seeking to circumvent the provisions of the Gambling Act 2005 which prevent demand being able to be taken into consideration in local authority licensing decisions and could be legally challenged.</p> <p>The draft statement identifies an "urgent need to enable local planning authorities to control the proliferation of betting shops and to address the implications this can have for maintaining the vitality and viability of town centres, and for protecting their amenity and safety".</p> <p>However, there is no evidence of betting shop proliferation. Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics<sup>2</sup> show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.</p> <p>There are clear and tangible benefits to betting shops' presence on the high street including as a proven driver of footfall and in providing local employment, with regards which it should be noted that 56% of betting shop employees are women and 25% are under 24. Each</p>	<p>Response noted.</p> <p>It is considered reasonable to put in place measures to identify and mitigate the impacts of betting shops through planning guidance. The SPD requirements are not considered onerous.</p> <p>There is evidence, set out in the SPD, that betting shops can cause harm; the SPD does not state that betting shops will cause harm in all cases. The respondent's general assertion that betting shops do not lead to demonstrable harm is incorrect.</p> <p>The SPD is clearly planning focused and in no way alters or compromises the licensing regime, which remains wholly separate. The SPD is very clear that licensing and planning considerations are separate; the SPD guidance in no way prejudices or predetermines licensing applications, and merely brings the information required by planning in line with that required by licensing.</p> <p>This SPD supplements adopted policy which has gone through various statutory phases including various rounds of consultation; and examination by an independent planning inspector. The policy was found to be legally compliant and sound. The content of the SPD is within the remit of planning and meets the tests set out in the NPPF. The respondent's threat of legal challenge is based on a misunderstanding of the SPD implications.</p> <p>The SPD highlights that the number of betting shops in Islington is not high in absolute terms, but relative to other local authorities we have one of the highest number of betting shops per hectare. While this high per hectare rate may partly be a feature of the borough's relatively small size, it is nevertheless a factor - given that Islington has the highest population density of all UK local authorities, as noted by the respondent - in the opportunity for individuals to have access to betting shops. A per hectare comparison gives an idea of relative spatial spread, which links much more with the issue of over-concentration.</p> <p>The respondent cites potential positives aspects of betting shops. It is possible that a betting shop could have positive benefits which can then be weighed against negative impacts in any planning determination.</p> <p>Re: crime and safety, the SPD highlights that there are potential impacts associated with betting shops (e.g. ASB). The proposed Management and Operating Strategy could investigate such issues and whether any specific mechanisms are needed to mitigate/prevent impacts from arising; this could include provision of information similar to that provided by the respondent (Safebet Alliance, working with local police, etc.).</p> <p>The change to the UCO which took effect in April 2015 – whereby betting shops and payday loan shops were put in a separate use class – demonstrates that betting shops and payday loan shops have distinct issues which need to be addressed on a case-by-case basis. There is a need for clear guidance to assess these uses, to supplement Islington's adopted policy. The proposed guidance is not considered onerous.</p>



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		<p>betting shop also pays an average of £8,644 in business rates per year.</p> <p>The safety of our staff and customers is paramount and ABB members all support the Safe Bet Alliance (SBA), a set of national safety guidelines for betting shops designed in conjunction with the police and Community Union. Following its introduction the SBA was found to have reduced robberies against betting shops in the capital by 46 per cent and official figures from Britain’s police forces show that the UK’s betting shops have among the lowest level of crime of all high street retailers. Statistics4 compiled by the ABB through Freedom of Information requests reveal that this puts the betting industry on a par with fast food outlets and with far fewer incidents of crime than food stores, clothes shops or pubs.</p> <p>The industry has been working closely with several police forces on tackling and reducing crimes, and bringing those who commit crimes against shop staff or customers to justice. Recent examples include campaigns with Police Scotland, Greater Manchester Police and Nottinghamshire Police. The ABB also operates a reward scheme, which recognises members of the public who helped prevent a crime from taking place or provided information that led to a conviction.</p> <p>Our customers enjoy spending their leisure time in our shops and operators are committed to ensuring this remains the case, with stringent policies in place to prevent access to gambling by young people or harm to vulnerable people. Both of these areas represent licence conditions that the operator must demonstrably meet before it is granted a licence to operate by the Gambling Commission and at a local level the Council’s licensing team will be provided with the operator’s local risk assessment setting out how it will mitigate any risks to the licensing objectives. We are strongly opposed to the procedures set out in the draft SPD that would interfere with this process, and undermine the principles set out in the Gambling Act.</p> <p>In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.</p> <p><b>ABB Consultation response</b></p> <p><b>1) Working in partnership with local authorities</b></p> <ul style="list-style-type: none"> <li>• <b>LGA – ABB Betting Partnership Framework</b></li> </ul> <p>In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.</p> <p>Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the</p> <p><i>“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”</i></p> <ul style="list-style-type: none"> <li>• <b>Medway Responsible Gambling Partnership</b></li> </ul>	<p>Section 1 of the response re: working in partnership with local authorities is noted. The council considers that the SPD guidance is not onerous. As acknowledged by the respondent, voluntary schemes are routinely entered into; the local planning authority needs to be able to secure sign-up to such schemes if they are considered necessary as part of any grant of planning permission. The SPD requirements are considered reasonable.</p> <p>FOBT is a commonly used acronym. The SPD cites evidence which demonstrates the link between FOBTs and potential adverse impacts. The SPD does not aim to restrict FOBT, as this is beyond its remit.</p> <p>The reason the SPD mentions FOBTs is that they contribute to the overall impact of betting shops. The SPD aims to prevent and mitigate adverse impacts associated with the location and concentration of betting shops.</p> <p>The RGT research is noted. The council’s reading of the RGT research differs from that stated by the ABB. The research did not find that there was no causal link; just that it should not be assumed that problem gambling status is causally and predominantly related to gaming machine play. The SPD does not suggest a definite link, and merely highlights research which suggests link; this is consistent with the RGT research. However, a small amendment has been made to ensure that this is clear.</p> <p>We also note the recently reported claims of potential RGT bias towards the gambling industry. This may lessen the legitimacy and weight of the RGT research as a reliable piece of evidence.</p> <p>The cited Deptford appeal is proof that perceived impacts from ASB, crime and disorder, etc. can be considered material in the assessment of planning applications, where there is evidence.</p> <p>FOBTs have been noted as a factor which contributes to betting shop clustering. The SPD has been amended to include reference to support the claim.</p> <p>Re: the information sourced from CFG, the raw data is from Geofutures, hence it is considered impartial and robust.</p> <p>The only part of the CFG analysis referred to in the SPD is the FOBT player and loss statistics noted in Appendix 3. These are caveated appropriately and form only part of the evidence base for the SPD.</p> <p>The council’s mapping shows several areas with clusters of betting shops.</p> <p>Given the mapping which shows a significant number of betting shops in deprived areas, the suggestion of betting shop clustering in deprived areas is a valid association to make.</p> <p>The SPD does not say that betting shops should be automatically resisted in any area, and puts in place no thresholds. The SPD puts in place requirements to ensure that sufficient information is provided to properly assess impacts.</p> <p>The conditions proposed in the SPD are not onerous and meet the tests set out in the NPPF. They in no way prejudice or predetermine the consideration of licensing applications.</p>

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		<p>The Medway Responsible Gambling Partnership was launched by Medway Council and the ABB in December last year. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.</p> <p>The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.</p> <ul style="list-style-type: none"> <li>• <b>Primary Authority Partnerships in place between the ABB and local authorities</b></li> </ul> <p>All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety, for both the benefit of operators and local authorities.</p> <p><b>2) Other areas of specific concern within the SPD</b></p> <ul style="list-style-type: none"> <li>• <b>FOBTs</b></li> </ul> <p>The SPD states that Fixed Odds Betting Terminals (FOBTs) are a distinct driver of adverse impacts associated with betting shops. Bookmakers offer B2, with a £100 maximum stake, and B3 content, with a £2 maximum stake, on the gaming machines in their shops. Legislation allows up to a maximum of four machines per shop. FOBTs is a commonly used but legally meaningless term.</p> <p>There is no evidence that gaming machines cause gambling related harm. Significant research has been carried out in this area, and in December 2014 the Responsible Gambling Trust (RGT) published a substantial piece of work made up of seven separate reports following research enabled by unprecedented access to industry data. The independent research found that it was possible to distinguish between harmful and non-harmful gaming machine play but found no causal link between gaming machines and problem gambling.</p> <p>Problem gambling is specific to the person and not to any one product. Rates of problem gambling are shown to be highest amongst customers who participate in seven or more activities a year and lowest amongst those who take part in only one. Whilst the rate of problem gambling in the UK is low by international standards, at 0.6% of the population, the industry is fully committed to putting effective policies in place to provide customers with the tools they need to stay in control of their gambling and enable effective interactions with anyone identified as at risk.</p> <p>The industry is working to take forward the findings of the RGT research and all major operators, and gaming machine suppliers on behalf of independent operators, have advanced trials underway of data algorithms, based on identifiable markers of harm, to apply to customers' player behaviour data which will allow more targeted and earlier interventions with customers who may be at risk.</p> <p>There is no evidence that gaming machines exacerbate mental health problems or increase anti-social behaviour, as claimed in the SPD. In fact, gaming machine customers are amongst the most monitored in the betting shop. Since April 2015 all gaming machine customers wishing to stake over £50 must log-in to a verified customer account, where their</p>	<p>The debt advice/gambling addiction charity condition guarantees the requirement through planning, in order to mitigate planning impacts; and has specific regard to size of display, siting, etc., which LCCP does not.</p> <p>Planning conditions which mirror licensing issues are not a new concept, e.g. opening hours conditions are regularly imposed through planning. Indeed, opening hours permitted can sometimes be different in each regime, reflecting the separate considerations of the regimes. The proposed condition will ensure that planning impacts are mitigated.</p> <p>The proposed condition which seeks the betting shop operator to sign up to any scheme(s) which promote community safety and/or other good practice is neither unlawful or an example of over-regulation. It is not onerous and meets the tests set out in the NPPF. It in no way prejudices or predetermines the consideration of licensing applications.</p> <p>The condition ensures that betting shop operators firmly commit to good practice. If sign up to such schemes is not compelled, there can be no guarantee that measures will be adhered to. The SPD notes that the condition can be flexible about the schemes; and allows a 6 month window (from date of first operation) for sign-up. This requirement is no different to requirements for other uses, such as hotels.</p> <p>Requesting information that is also necessary for the licensing process is not an unnecessary duplication of the licensing process, nor does it in any way predetermine a licensing application. Requiring a certain level of information to make a balanced planning judgement is a sensible approach. The information should be readily available to betting shop operators.</p> <p>Guidance point BS5, which seeks provision of a Betting Shop Management and Operating Strategy, is not considered to be an increase in the regulatory burden or the cost of making an application, as it is not asking for new information; it merely sets out information that planning requires to assess applications properly. The examples of the type of information required are clearly linked to relevant planning considerations.</p> <p>There are no grounds for concern with the council's approach. The SPD is not a blanket ban on new betting shops.</p> <p>The proposed measures are lawful as outlined above; we note that the respondent considers the SPD to be 'potentially illegal' but as the SPD does not deal with matters of criminal law, the SPD cannot be illegal. We have presumed that the respondent means 'unlawful'.</p> <p>This SPD supplements adopted policy which has gone through various statutory phases including various rounds of consultation; and examination by an independent planning inspector. The policy was found to be legally compliant and sound. The content of the SPD is within the remit of planning and meets the tests set out in the NPPF. The respondent's threat of legal challenge is based on a misunderstanding of the SPD implications.</p>

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		<p>patterns of play can be monitored, or go to the counter to load money, thereby increasing staff oversight and opportunities for customer interaction.</p> <p>All players must decide whether to set a spend or time limit before they can start to play, and pop-ups alert the customer for every £250 or 30 minutes on the machine regardless of whether a limit it set or not. Staff are notified behind the counter for every pop-up or voluntary limit reached and are trained to be able to recognise any indications of problem gambling and how to respond. The machines all display responsible gambling messages on the top screen for 20% of the time and further information is available on the terminal.</p> <p>We do not believe that the one quote provided, related to a very specific case in Deptford, provides sufficient evidence that potential increases in anti-social behaviour, crime and disorder are valid material considerations which have been upheld in planning appeals. Furthermore, we object to the claim that betting shop openings are fuelled by a desire to make more gaming machines available. Betting shop openings are subject to demand for their services and it is for this reason that 84% of premises are found in commercial centres, where there are higher concentrations of people.</p> <p>This is demonstrated by the fact that, as stated in the SPD, Islington – as the most densely populated borough in the UK – has a higher concentration of betting shops than in other areas. Where there isn't sufficient demand for the betting shop it will close, like any other retail business.</p> <ul style="list-style-type: none"> <li>• <b>Data and mapping</b></li> </ul> <p>We are surprised that the Council has relied on data from the Campaign for Fairer Gambling (CFFG) to support the SPD. The CFFG are a campaign group whose sole reason for being is to reduce the maximum stake on B2 gaming machines in betting shops. Their data is not credible and is based on a number of estimates and assumptions.</p> <p>The mapping provided by the Council in the document appears to draw links between the location of betting shops and their environment. Whilst the maps are helpful in understanding the local area and the physical location of betting shops there is no evidence of any links between location and the presence of shops. As set out above, the location of betting shops is driven by demand and not other local factors such as deprivation.</p> <p>The map shows concentrations of betting shops in some deprived areas of the borough. This is not a surprise in a diverse London borough. Demand will not be confined solely to affluent areas, but the protections in place for customers in these shops will be the same as in all others. As per licence requirements stringent policies will be in place to prevent access to gambling by children, protect vulnerable people and to keep crime out of gambling. Incidents of failures by Licensed Betting Shop operators to uphold these licensing objectives are extremely rare and there have been no licences revoked on this basis since the Gambling Act 2005 was introduced.</p> <p>The argument made in the SPD, in support of the policies being proposed, that problem gambling levels may be higher in areas of deprivation, amongst the unemployed or those with severe money problems, and therefore betting shop openings in these areas should be curtailed, does not stand up to scrutiny because it is based on the presumption that betting shops will either lead to an increase in problem gambling in that area or that they do not have the necessary protections in place to prevent gambling related harm in their shops. No evidence has been provided to demonstrate this is the case and we vigorously deny it could be.</p> <p>It is worth categorically stating that bookmakers do not target deprived areas. Independent</p>	



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		<p>research has shown that there are more shops and more shop openings in affluent areas than in the most deprived, and that operators make more profits from affluent areas than deprived.</p> <ul style="list-style-type: none"> <li>• <b>Mandatory conditions</b></li> </ul> <p>We find that the mandatory conditions to display information about debt advice and gambling addiction charities and sign up to good practice or community safety schemes are unnecessary and go beyond the scope of the Council in terms of planning requirements by beginning to impinge into areas of licensing under the Gambling Act.</p> <p>Firstly, there is already a Gambling Commission requirement under the LCCP on operators to display information about gambling charities and the National Gambling Helpline, where information about debt advice can also be provided. This is further bolstered by the ABB Code for Responsible Gambling which requires more prominent display of this information and for all staff to be trained in responsible gambling and able to sign-post customers to support services.</p> <p>Secondly, the Council should not seek to compel participation in a voluntary industry code or other community schemes through a planning condition. This is an area relating to the licensing regime and not planning. Not only is this unnecessary over regulation but it is also possibly unlawful.</p> <p>The suggestion by the Council that operators also complete a Betting Shop Management and Operating Strategy is also unnecessary duplication of an existing requirement on operators under the Gambling Commission LCCP to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.</p> <p>Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.</p> <p>The ABB supports this requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. We do not support the over prescribed approach of the Council in seeking to duplicate this at the planning stage, which will be unnecessarily burdensome for our members.</p> <p>Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.</p> <p><b>Conclusion</b></p> <p>We have significant grounds for concern that the approach set out by the Council in this SPD could lead to considerable harm for our members and the industry as a whole in its unnecessarily restrictive approach which is not supported by evidence. It is also our view that the policy goes further than this in some areas by being potentially illegal. If this draft were to</p>	



Location and concentration of uses SPD – Regulation 12(a) Consultation Statement (April 2016)

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		be finalised in unchanged form we would have little choice but to pursue legal avenues for redress.	
SPD15	Better Archway Forum	<p>We know from multiple community consultations that there is very deep-seated concern about the impact of takeaways, betting shops and payday loan shops, as well as activities like lap dancing clubs and gambling arcades. We therefore support any policy which may limit the number of such outlets and their impact on the community.</p> <p><b>Betting Premises</b> Our customer count of the Junction Road gambling arcade (now closed) revealed that customers might stay for as long as 4+ hours, but that over 14 hours there were very few of them – less than one per hour. This means that betting actively reduces footfall on the street when compared to services such as retail or banking, offering a further reason to restrict the number.</p> <p>Given the policy by many betting operators to require staff report anti-social behaviour internally rather than to the police, would it be possible to impose a requirement that the police also be informed of any such event? The policy is of course in order to protect the operating licence given the increasing violence associated with FOBTs.</p> <p>Additionally members who work in the field of domestic violence have noted that an increase in betting results in an increase in domestic violence. The breadwinner returns home without the money needed to run the home, and tempers naturally run high. Removing the temptation to gamble on the way home would reduce this problem.</p> <p><b>Payday Loan Shops</b> Although not directly relevant to this policy, it would be helpful if town centres could facilitate shopfront premises for the credit unions. The branch in Archway is well out of the way down St John's Way in Caxton House which is designed without any active frontage. A Credit Union sited in the centre, perhaps as part of the community benefit from any planning permission, would be a helpful way of making the alternative to payday loans more visible.</p>	<p>Support noted. Anecdotal evidence alluded to supports the evidence detailed in the SPD which suggests that betting shops generally have a lower footfall than retail uses.</p> <p>Re: requiring that any incidences of anti-social behaviour are reported to the police, rather than just internally, there is little robust evidence that this phenomenon is a widespread problem. Even if there was such evidence, the licensing regime would be the most appropriate mechanism to tackle this. We note that the SPD seeks provision of a Betting Shop Management and Operating Strategy; as noted in the SPD, this could include details of staffing and security, as well as any measures to prevent crime and anti-social behaviour.</p> <p>The suggestion that there is a direct correlation between betting and domestic violence is not supported by any evidence.</p> <p>It would not be appropriate to have a general requirement in the SPD for premises to be provided for credit unions as part of a S106 agreement for new payday loan shops.</p>
SPD16	Islington Society	General support for SPD.	Noted.
SPD17	KFC	<p><b>INTRODUCTION</b></p> <p>This Representation is made by SSA Planning Limited (SSAP), on behalf of Kentucky Fried Chicken (Great Britain) Limited, in relation to Section 6 of the Draft Islington Location and Concentration of Uses Supplementary Planning Document (SPD).</p> <p>Kentucky Fried Chicken (Great Britain) Limited is committed to working in partnership with government to increase the availability of healthy diet and exercise choices. It has delivered on this by:</p> <ul style="list-style-type: none"> <li>• Signing up to the Department for Health Responsibility Deal.</li> <li>• Displaying calorie information in all 830 of its UK restaurants.</li> <li>• Engaging in a programme of salt reduction across its menu.</li> <li>• Not automatically salting fries and reducing salt sachet sizes.</li> <li>• Removing all artificial trans fats from its menu six years ago.</li> <li>• Working with the Food Standards Agency to improve its menu.</li> </ul>	<p>Response noted.</p> <p>The information about KFC is noted. The purpose of the SPD is to offer further guidance on a specific policy. Other benefits of a scheme (which could potentially include several of things noted here by the respondent) could be a material consideration at application stage; the weight given to these would be determined by the case officer on a case-by-case basis.</p> <p>The SPD is considered a reasonable and fair measure as part of multi-disciplinary responses to the issue of obesity. The SPD offers practical guidance on adopted policy and is not considered unduly restrictive.</p> <p>Inherent in the use class system is an understanding that all hot food takeaways are considered the same in planning terms, i.e. A5 uses. DMP policy DM4.3, as adopted, already sets out the policy basis for focusing specifically on hot food takeaways. DM4.3 has been through a statutory process, including examination hearings, and was found to be legally compliant and sound by an independent planning inspector.</p> <p>As noted above, there may be certain material considerations which apply on a case-by-case basis, dependent on evidence provided.</p>

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		<ul style="list-style-type: none"> <li>Offering healthier choices such as salads and grilled chicken.</li> <li>Taking a responsible approach to marketing.</li> </ul> <p>Further detail on practical measures Kentucky Fried Chicken (Great Britain) Limited has already taken and is continuing to take is contained in Appendix A.</p> <p>Consequently, Kentucky Fried Chicken (Great Britain) Limited agrees with any reasonable and fair strategy to increase the availability of healthy diet and exercise choices. It cannot agree with measures that simply restrict choice for all members of the public and impact jobs and investment without good evidence of effectiveness.</p> <p><b>RESPONSE</b></p> <p>We regret that the policy treats all hot food takeaways of whatever quality in terms of physical appearance or nutritional value of their menu in the same way. This is unfair and tends to ignore any efforts individual restaurant or hot food takeaway operators might make to improve the nutritional value of their menu.</p> <p>We are further of the view that food of high energy density or poor nutritional value is sold from and at a range of premises within a variety of other classes, including many in Class A1, such as coffee or sandwich shops, bakeries or, simply, supermarkets. We welcome the acknowledgement that non-A5 uses can have a significant takeaway element, but are concerned that the primary focus of Section 6 of the SPD remains Class A5 uses, and that focussing on this use class is both unhelpful and unfair.</p> <p>We remain of the view that there is so far no evidence of a causal spatial link between clusters of hot food takeaways and incidence of obesity or overweight.</p> <p>In order to be useful, there would need to be evidence of a particular intensity of cluster of hot food takeaways above which harm occurs or is noticeably greater. This is not demonstrated in the evidence. Indeed, there is no evidence of a causal spatial link between clusters of hot food and the incidence of obesity or overweight at all.</p> <p>It is better to rely on objective evidence in a retail study to set maximum proportions of hot food takeaways. Whilst these are primarily directed at protecting the retail health of designated centres, there is scope to widen their application to support the retail health of retail provision outside centres, such as standalone or parade units.</p> <p>As it is usually impractical to apply a maximum frontage proportion outside centres, the suggested 500 m distance could be applied, within which the proportion (rather than number) of units, be they in- or out-of-centre, used as hot food takeaways would not be permitted to exceed the same threshold as set for centres.</p> <p>In adopting such an approach, it would be preferable to consider optimal proportions of all retail uses that could contribute to healthy centres or to a healthy offer generally, whether in- or out-of-centre, instead of focussing on particular uses considered to be a problem, apparently for wider social reasons unrelated to retail planning.</p> <p>In addition, this approach provides context to the assertion at paragraph 6.33 that there are three times as many “fast food outlets” in Islington as in other local authority areas. It may be, for example, that there are three times as many retail outlets and that the proportion is not unusual in an urban authority with a strong retail function.</p>	<p>The specific focus on A5 uses is valid based on case law, national and London-wide policy; as well as numerous evidence documents</p> <p>The SPD sets out a requirement for new A5 uses to achieve the Healthy Catering Commitment standard. Achieving this standard will be a positive step for any proposal for new A5 units, with regard to healthy eating.</p> <p>As noted above, DMP policy DM4.3, as adopted, already sets out the policy basis for focusing specifically on hot food takeaways.</p> <p>The council acknowledges that some products on sale in A1 newsagent uses, e.g. chocolate bars, crisps, soft drinks, are contributors to poor diets and ultimately the higher prevalence of obesity; however, these stores often provide a range of convenience goods, whereas A5 uses are specifically classified as such because they sell hot food to takeaway. The policy can tackle a number of uses in principle, but in this case there is a greater body of evidence to justify intervention on A5 uses than A1 newsagent uses.</p> <p>The specific focus on A5 uses is valid based on case law, national and London-wide policy; as well as numerous evidence documents. The issue of unhealthy food being available at in A1 units has been considered by a number of planning inspectors at the examination stage of several London Borough Development Plan Documents; subsequent inspectors reports have acknowledged that focusing solely on A5 uses is acceptable; for example, the inspector for Hackney’s Development Management Local Plan considered that “<i>though an imperfect measure, the fact that [Hackney’s proposed policy to restrict A5 uses within 400m of secondary schools] offers some response to a significant national problem justifies it.</i>”</p> <p>The respondent’s view that there is no evidence of a link between HFTs and incidences of obesity is noted, but we note that no evidence is cited to substantiate this view. The wording of the response suggests that it is informed by a misreading of the PHE/LGA report. To clarify, this report states the following:</p> <p><i>“It is only in recent years that local authorities have started to use the legal and planning systems to regulate the growth of fast food restaurants, including those near schools. There is thus an unavoidable lack of evidence that can demonstrate a causal link between actions and outcomes, although there is some limited evidence of associations between obesity and fast food, as well as with interventions to encourage children to stay in school for lunch. However, there are strong theoretical arguments for the value of restricting the growth in fast food outlets, and the complex nature of obesity is such that it is unlikely any single intervention would make a measurable difference to outcomes on its own.”</i></p> <p>The quote actually states there is not yet any causal link between actions (e.g. policies to limit A5 uses near schools) and outcomes (e.g. lower rates of childhood obesity), rather than stating (as the respondent infers) that there is no evidence of a link between clusters of hot food takeaways and incidences of obesity; on the contrary, various pieces of evidence are set out in the PHE/LGA document itself, and also in Appendix 3 of the SPD. Tackling health issues through planning is a relatively recent measure, therefore it is not unexpected that little evidence exists to show a link between actions and outcomes, as the document explicitly states.</p> <p>The report is clear that, even without current evidence that policies have had an effect, there is a strong theoretical argument for restrictions. In addition, the report goes on to</p>

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		<p>If the draft SPD remains specific to particular use classes, then it or its supporting text should clarify how development that merely contains an element of hot food takeaway use (for example, a restaurant and hot food takeaway with neither one predominating) would be considered and whether other factors might be considered.</p> <p>The inclusion of primary schools is particularly problematic, as it is clear that children at primary schools are not usually permitted to leave the premises at lunchtime and, given their age, are unlikely to travel to or from school unaccompanied. Outside school time, children's diets are quite properly the responsibility their parents or guardians.</p> <p>Consequently, it is far from clear how refusing planning permission for hot food take-aways "close to" primary schools could ever be justified. This was the view taken by a Planning Inspector in an appeal (APP/P4415/A/11/2159082) against refusal of a restaurant and hot food takeaway in January 2012.</p> <p>A further difficulty of using simple distance radii as shown on the maps is that it takes no account of real barriers, either physical or perceptual, so that premises on the other side of a line feature such as a canal or busy road could be affected despite in reality being more than that distance walk away.</p> <p><b>SUMMARY</b></p> <p>In summary, Kentucky Fried Chicken (Great Britain) Limited considers that inclusion of Section 6 renders the Draft Islington Location &amp; Concentration of Uses Supplementary Planning Document (SPD) unsound and so OBJECTS to it on the grounds above. It may be possible to replace the policy to similar effect.</p> <p>We do not consider a reasoned justification for the draft policy has been substantially provided in accordance with regulation 8 (2) of The Town and Country Planning (Local Planning) (England) Regulations 2012. The Evidence Base confirms that it is difficult to establish precise concentration thresholds without significant primary research.</p> <p>The amendment sought by Kentucky Fried Chicken (Great Britain) Limited, and the only change to the Draft Islington Location and Concentration of Uses SPD is the deletion of Section 6. Similar objectives might be achieved with a retail policy based on a wider application of proportional limits as set out above.</p> <p>Appendix A: KFC PRODUCT INFORMATION</p>	<p>note several additional reasons for why fast food outlets may be undesirable from a public health perspective, including increase in litter and traffic congestion.</p> <p>It is clear that planning inspectors accept approaches restricting the concentration and location of hot food takeaways. For example, the Lewisham Development Management Local Plan inspectors report, dated July 2014, proposed a policy to restrict A5 uses in Town Centres and within 400m of the boundaries of primary and secondary schools. The inspector notes the wealth of evidence about the ill-effects upon health of the consumption of the types of products sold in A5 units; but also notes the difficulty of disentangling direct causes and effects in issues of health, food consumption, exercise and lifestyles. The inspector refers to the PHE/LGA document which, as discussed above, finds there are 'strong theoretical arguments' for restrictions. The inspector found the policy sound without any proposed modifications, noting the following:</p> <p><i>"it is plain that Lewisham (in company with other London Boroughs which have broadly similar adopted or emerging policies) have enough concern about the role of A5 units to ascribe greater weight to any health gains rather than any economic losses. On balance this is not an unreasonable conclusion to draw and the plan is not unsound in that respect, albeit DM18 may play only a limited complementary role in much wider national and local health strategies aiming to inform and educate the public about dietary matters and encourage individuals to exercise greater personal responsibility for healthy lifestyles."</i></p> <p>The respondent notes that setting maximum proportions of hot food takeaways is preferable to limiting over-concentration within a specified radius. Other boroughs have set maximum proportions in their plans but Islington's approach (as set out in up-to-date, adopted planning policy) is to assess over-concentration within a specified radius, as this allows case-by-case consideration of key issues. The respondent suggests merging the maximum proportion and 500m radius approach, but this would be wholly impractical given that the thresholds are likely to be different depending on where the radius is measured from. Town Centre maximum proportions focus on a set area, hence they can be prescribed with certainty.</p> <p>The respondent suggests that it is wrong to apply a generally restrictive approach based on wider social issues apparently unrelated to retail planning. As noted above, planning inspectors have concluded the opposite. Health considerations can clearly be a valid material consideration in planning determinations.</p> <p>The analysis re: the number of hot food takeaways in the SPD is considered robust. It should be noted that Islington has a higher absolute amount of fast food outlets than other larger Inner London boroughs with significant retail areas, for example Hackney, Newham and Wandsworth.</p> <p>The draft SPD does discuss the distinctions between A1, A3 and A5 but is silent of dual use units. The final SPD provides some additional guidance on this.</p> <p>The respondent cites no evidence to support the claim that primary school children are unlikely to travel to and from school unaccompanied. DMP policy DM4.3, which was deemed legally compliant and sound by an independent planning inspector, post publication of the NPPF, focuses on primary and secondary schools. A recent appeal in Islington has reinforced this; reference to the appeal has been added to the SPD.</p> <p>The January 2012 Rotheram appeal cited by the respondent is not considered relevant</p>



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			<p>as it pre-dates the NPPF; and is in an area which had no local policy to restrict A5 uses near primary schools (unlike Islington).</p> <p>Guidance on how to apply the distance radii is provided in the SPD.</p> <p>Re: the claim that the SPD is unsound, SPDs supplement adopted policies. This SPD supplements policy DM4.3 of the Islington Development Management Policies DPD, which has been through a statutory process, including examination hearings, and was found to be legally compliant and sound by an independent planning inspector. The tests for SPDs are set out in the NPPF, as detailed in the SPD.</p> <p>Significant reasoned justification is provided in the SPD with regard to the proposed hot food takeaways guidance. There is no regulatory requirement which specifies the form which reasoned justification must take. The council considers that reasoned justification is glaringly obvious from even a cursory reading of the document. Nevertheless, the SPD has been amended to spell this out for avoidance of any doubt.</p> <p>The amendment sought is not justified based on the response. Little evidence has been provided to reinforce points made. Moreover, the response is largely similar to the respondent's comments on other London borough planning documents with restrictive A5 policies, notably Haringey and Southwark. Such consistently similar responses, with seemingly no reflection of specific local evidence and context, betray a significant bias toward their own circumstances.</p> <p>Product information noted. The purpose of the SPD is to offer further guidance on a specific policy. Other benefits of a scheme (which could potentially include several of things noted here by the respondent) could be a material consideration at application stage; the weight given to these would be determined by the case officer on a case-by-case basis.</p>
SPD18	McDonalds	<p>The content of the consultation draft is not compliant with the Framework and needs rewriting.</p> <p>Paragraph 153 of the Framework confirms that:</p> <p>Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.</p> <p>Thus, the Framework sets out two distinct areas where SPD's should be used:</p> <ul style="list-style-type: none"> <li>• Help applicants make successful applications; or</li> <li>• Aid in infrastructure delivery.</li> </ul> <p>The proposed SPD adds policy restrictions above and beyond the adopted core strategy and its supporting text. Thus, the SPD is out with the distinct area of the framework as being suitable for supplementary documents. The SPD is therefore not compliant with the Framework.</p> <p>The SPD is not intended to assist applicants make successful applications (as design guidance would); nor will it aid in infrastructure provision. The proposed SPD will add further restrictions to the location of A5 uses above and beyond the scope of the adopted policy. The SPD is therefore not compliant with the Framework.</p> <p>Paragraph 24 of the Framework confirms that:</p>	<p>Response noted.</p> <p>The SPD sets out, in detail, how it is consistent with national and London-wide policy. The SPD provides further guidance on DMP policy DM4.3, which was deemed legally compliant and sound by an independent planning inspector, post publication of the NPPF.</p> <p>Paragraph 1.4 of the SPD refers to paragraph 153 of the NPPF. The council considers that the SPD provides clarity for planning officers and developers, as well as any other interested stakeholders.</p> <p>The SPD does not add new policy; it provides guidance in line with DMP policy DM4.3, its parent policy, as well as offering locally specific guidance regarding the implementation of London Plan and NPPF policy. It should be noted that the GLA, in their response to the SPD consultation, considered that the SPD was consistent with the London Plan and that it was a proactive approach to managing clusters of uses, to promote the health and wellbeing of centres.</p> <p>The remit of an SPD is not limited to design guidance. The NPPF paragraph 153 sets out the wide-ranging role of SPDs, that is, to help applicants make successful applications or aid infrastructure delivery. The NPPF also identifies situations where SPDs should not be used, that is, where they would add unnecessarily to the financial burdens on development. In this case, the council consider that the SPD is fully consistent with the NPPF, as it does offer additional guidance to assist successful applications, e.g. by highlighting information needed to assess applications; and it does</p>

Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
		<p>Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.</p> <p>Whilst attempting to implement guidance regarding blanket restrictions of certain use classes, the SPD should adhere with the Framework. The SPD has little regard for the sequential approach and openly contradicts it where a school buffer crosses a town centre boundary. Consideration of the sequential approach should take more precedence and the SPD rewritten accordingly.</p> <p><b>Objections to specific elements of the SPD</b></p> <p>We refer to the SPD under the headings of the document below.</p> <p><b>1. Background</b></p> <p>The SPD background outlines that health is becoming a more intrinsic part of planning. Government Guidance does not look to control the location of A5 uses because of the good they sell. The SPD should focus on promoting healthy eating, not restricting A5 uses. There is no national policy justification for such a policy approach. Indeed, such an approach would be a negative one, in contradiction with the Framework.</p> <p>A range of figures are provided, outlining obesity figures within Islington. Paragraph 6.11 outlines that developing space for physical activity and sustainable modes of transport are two indirect measures.</p> <p>Paragraph 6.17 states that “there is no specific definition of unhealthy food for planning purposes”. No consideration is given to the dynamic of a particular menu and the range of food on offer. This confirms that planning is not the right domain to resolve these issues.</p> <p><b>2. Hot Food Takeaways in Islington</b></p> <p>The SPD outlines that Islington has nearly three times the national average of fast food outlets. No consideration is given to the diversity of uses within this definition and the range of benefits they can bring to the local area.</p> <p>It is accepted that a small chicken shop may add little to the area and only contribute to the night time economy. In comparison a McDonald’s Restaurant can provide a number of benefits to the local community, including over 65 jobs to local people, whilst offering training schemes and initiatives to its staff.</p> <p>Further to this no consideration has been given to range of food on offer.</p> <p><u>Commitment to staff</u></p> <p>McDonald’s is a major employer of young people under the age of 25, and for many it provides a first step on the career ladder. McDonald’s offers all staff the opportunity to gain qualifications which include Adult Certificates in English and Maths, a Level 2 Apprenticeship, and a Foundation Degree in Managing Business Operations.</p>	<p>not unnecessarily add a financial burden to applicants, as none of the information required is likely to be onerous financially.</p> <p>No restrictions to the location of A5 uses are proposed above what is already outlined in DMP policy DM4.3 and its supporting text, i.e. within 200m of schools. Policy DM4.3 is an adopted Local Plan policy, which has been fully tested against the NPPF and has been through the proper statutory process.</p> <p>No blanket restrictions are proposed by the SPD; the only reference to restricting locations of A5 units echoes DMP policy DM4.3 and its supporting text, and is included to provide some further guidance on how to measure proximity to schools.</p> <p>The sequential test is applicable only where development is proposed outside of a Town Centre location, whereby it requires applicants to investigate sites in more preferable areas, i.e. town centre and edge-of-centre locations. The sequential approach does not state that all out-of-centre development is unsuitable automatically. The respondent’s concern would only materialise where an A5 unit is proposed in an out-of-centre location; a sequential test is undertaken which identifies a potential site; but this site is within 200m of a school.</p> <p>The respondent seems confused about how planning policy and guidance would apply if such a situation was to arise. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the primacy of the Development Plan, unless material considerations suggest otherwise. Of note is that decisions must be made based on the plan as a whole; undoubtedly, at times, policies might pull in different directions in terms of their intended outcomes, but ultimately there are different layers which apply, and in the case of HFT uses in close proximity to schools, there is a strong resistance in place. This would influence any sequential assessment in terms of assessing whether an alternative site is truly suitable. The respondent’s claim that the SPD has little regard for the sequential approach is therefore wrong; the sequential test can clearly co-exist with the guidance in the SPD.</p> <p>With regard to the school buffer, the respondent seemingly does not realise that this restriction in proximity to schools already exists in Local Plan policy, and hence its suitability in line with other planning policies in Islington’s Local Plan (for example, DM4.4 which sets out the sequential approach in Islington); with the London Plan; and with the NPPF, has already been assessed in the round by an independent planning inspector, and was found to be legally compliant and sound.</p> <p>The NPPF is not explicit about locational restrictions, but they are considered to be consistent with the objectives of the NPPF. Section 4 of the SPD provides further detail on this. It should be noted that the London Plan has specific policies and guidance which highlights restriction of fast food outlets near school as a potential measure to promote healthy lifestyles and reduce health inequalities. As noted above, the GLA response to the draft SPD noted that the SPD provides thorough guidance which is in accordance with the London Plan.</p> <p>There are also various evidence base documents, including Government documents, which identify locational restrictions on A5 units as a mechanism to tackle obesity. These are detailed in Appendix 3.</p> <p>In addition to this restrictive measure, the SPD also promotes healthy eating through the requirement for Healthy Catering Commitment (HCC) to be conditioned on new A5</p>

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		<p>McDonald's invest £43 million annually in staff training and development.</p> <p><u>Commitment to Local Community</u></p> <p>As the Community Partner of the Football Association, McDonald's has helped to train and recruit more than 25,000 coaches. These coaches in turn have provided more than 2 million hours of free quality coaching, to one million young players.</p> <p>Over 1,000 McDonald's restaurants across the UK are 'twinned' with a local team to provide free kit, equipment, advice and expertise.</p> <p>Each of McDonald's restaurants also conduct a minimum of three litter patrols on a daily basis, and conduct larger Love Where You Live 'clean up' events. McDonald's is also the primary sponsor of the Mayor of London's Capital Clean Up campaign, to tackle litter across London.</p> <p>Last year, McDonald's restaurants in Greater London organised over 50 community clean-up events, with over 1,400 volunteers taking part.</p> <p><u>Commitment to improve the food on offer</u></p> <p>As a responsible business, McDonald's recognises it has a role to play to support its staff, customers, and the communities in which it operates to live healthier lifestyles. For this reason, McDonald's has invested significantly to evolve its menu over the last 10 years – both to extend the range of choice, and to reformulate our products. For example, McDonald's has:</p> <ul style="list-style-type: none"> <li>• Added porridge, salads, grilled chicken wraps, carrot sticks, fruit bags, orange juice, mineral water, and organic milk to its menu</li> <li>• Completely removed hydrogenated trans-fats from its menu</li> <li>• Reduced salt in our Chicken McNuggets by 36%, and our fries by a quarter since 2003</li> <li>• Reduced fat in its milkshakes by 34% per serving since 2010</li> <li>• Reduced fat in its deli rolls by 42% since 2011</li> </ul> <p>McDonald's has also led the way displaying nutritional information to help its customers make informed choices. Since 2011, McDonald's has provided calorie information on every one of its 1,200+ menu boards in restaurants across the UK.</p> <p>This is in addition to the nutritional information that is already available on its website, on its tray liners, on its packaging, and via McDonald's mobile phone app. In 2012 alone, McDonald's received 2.2 million visits to its nutrition web page.</p> <p>Furthermore, McDonald's is committed to responsible advertising, and advertise to children only food items that are not classified by the Government's nutrient scoring criteria as High in Fat, Salt or Sugar "non-HFSS". All of McDonald's advertising to children features at least one portion of fruit or vegetables, and a no added sugar beverage such as milk.</p> <p>As a significant customer of British farming, McDonald's buys quality ingredients from 17,500 UK and Irish farmers. It now spends more than £390 million every year on British and Irish produce, compared to £269 million in 2009.</p> <p>All of McDonald's burgers are made with 100% British and Irish beef. We use whole cuts of forequarter and flank, with nothing added or taken away in the process.</p>	<p>units.</p> <p>SPD acknowledges that planning is not the only measure to tackle healthy eating and obesity issues; but that does not mean that planning should not be used. It is considered that the guidance provided in the SPD could have a positive impact on the health and wellbeing of residents in the borough.</p> <p>Re: consideration of the dynamic of a particular menu or range of food on offer, the HCC criteria covers this. If a hot food takeaway offered a varied menu, then this would address some criteria of the HCC, which would mean that achievement of the HCC standard is more likely. Any HFT which achieves the HCC standard would be compliant with certain aspects of the SPD and this would be a positive factor which would be weighed up when determining an application.</p> <p>SPD is clear that A5 uses are ultimate focus, although it is noted that non-A5 uses with a takeaway element may be considered on a case-by-case basis. These uses are mapped alongside A5 uses for reference.</p> <p>The purpose of the SPD is to offer further guidance on a specific policy. Employment benefits of a scheme can be a material consideration at application stage; the weight given to these would be determined by the case officer.</p> <p>As noted above, HCC has criteria which recognise the benefit of providing a range of food.</p> <p>Information provided under headings commitment to staff; commitment to local community; and commitment to improve the food on offer is noted. As outlined above, the purpose of the SPD is to offer further guidance on a specific policy. Other benefits of a scheme (which could potentially include several of things noted under these headings) could be a material consideration at application stage; the weight given to these would be determined by the case officer on a case-by-case basis.</p> <p>The SPD maps existing locations of HFTs in the borough, in relation to schools and the most deprived areas in the borough (based on IMD 2010). This shows that a significant number of HFTs are located in deprived areas and/or near schools.</p> <p>As noted above, the policy to restrict new HFTs near schools already exists in Islington's adopted Local Plan. This policy is restrictive, but it was put in place to prevent adverse health impacts. The mapping evidence in the SPD confirms that this approach is necessary.</p> <p>The SPD does not suggest that there is any deliberate locating of HFTs near schools; it simply maps where HFTs are located in Islington. This mapping exercise does show that a significant number of hot food takeaways are currently in close proximity to Islington's primary and secondary schools.</p> <p>The council acknowledges that some products on sale in A1 newsagent uses, e.g. chocolate bars, crisps, soft drinks, are contributors to poor diets and ultimately the higher prevalence of obesity; however, these stores often provide a range of convenience goods, whereas A5 uses are specifically classified as such because they sell hot food to takeaway. There is a greater body of evidence to justify intervention on A5 uses; but the council notes that there could be scope for specific guidance on A1 newsagents in future revisions of the SPD.</p>



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		<p>In addition, McDonald's only uses 100% British RSPCA Freedom Food Pork across its entire menu. As a result, all pork suppliers are required to meet strict animal welfare standards.</p> <p>McDonald's was also one of the first retailers to switch to using free range eggs – which it did back in 1998. Free range eggs are now used in its entire menu – including its sauces, muffins and the coating on chicken nuggets. Every year McDonald's use over 100 million free range eggs, sourced from more than 200 UK producers, and for its work in this area they have been awarded 'Food Business of the Year' by the British Free Range Egg Producers Association.</p> <p>Paragraph 6.52 outlines that there is a strong relationship between socio-economic deprivation and obesity prevalence in children. There is a lack of evidence to demonstrate whether fast food is located by schools, or whether schools are located by town centres. Due to the urban nature of the borough, all use classes are inadvertently located in some level of proximity.</p> <p>When McDonald's looks at the economic viability of a new site, it does not factor in predicted sales from school children or proximity to schools.</p> <p>Research by Christoph Buck has identified a similar approach with other retailers. His research suggests that 'food retailers are mainly located near major roads and in inner cities. Paragraphs 6.29 – 6.30 highlight that the council has decided not to impose such restrictions on A1 uses. A range of evidence is outlined below to highlight that A3/A5 uses are being targeted, where clear evidence indicates that the majority of purchases made by school children are predominantly chocolate and fizzy drinks.</p> <p><u>Food in the school fringe tends to be purchased in non-A5 properties</u></p> <p>Research by Professor Jack Winkler (London Metropolitan University) into the 'school fringe' – found just 3/10 purchases by students in a 400m school fringe were made in A5 properties.</p> <p>70% of purchases in the school fringe were made in non-fast food outlets, and the same research concluded 'the most popular shop near Urban was the supermarket, with more visits than all takeaways put together'.</p> <p>Professor Winkler's findings are not an isolated case. A report by Public Health England and the LGA states that fast food school proximity restrictions do 'not address sweets and other high-calorie food that children can buy in shops near schools.'</p> <p>Research by Brighton and Hove found that 'Newsagents were the most popular premises [in the school fringe], with more pupils visiting newsagents than any A5 premises'.</p> <p>Likewise, research for the Food Standards Agency on purchasing habits in Scotland found that 'Supermarkets were the place that children reported they most frequently bought food or drinks from at lunchtime'.</p> <p>Indeed, there are several more researchers who have found no evidence to support the hypothesis that less exposure to fast food, or better access to supermarkets are related to higher diet quality or lower BMI in children.</p> <p><u>There is a lack of evidence to demonstrate that purchases in fast food outlets are any more or less healthy than purchases in other A class premises</u></p>	<p>The 'clear evidence' provided by the respondent encompasses cherry-picked elements of four pieces of research:</p> <ul style="list-style-type: none"> <li>• The School Fringe report by London Metropolitan University, published July 2008</li> <li>• Public Health England/Local Government Association Healthy people, healthy places briefing: Obesity and the environment: regulating the growth of fast food outlets, published March 2014</li> <li>• Brighton and Hove Council study published September 2011</li> <li>• Food Standards Agency report of food and drink purchases around the school day, published in September 2012 but survey research conducted in 2010.</li> </ul> <p>The School Fringe report is highlighted in the SPD. The respondent quotes rather selectively from the study. What is telling is that, in the concluding section of the study, the restriction of fast food shops (i.e. A5 units) is proposed as a practical option. It should be acknowledged that the study is almost 8 years old, covers only 2 schools and is not considered to be a representative survey by the authors; however, as part of the suite of evidence to justify restrictions on A5 uses, it is useful.</p> <p>The PHE/LGA report is also highlighted in the SPD. The respondent (again) quotes rather selectively from the study. The full sentence (from which the respondent has only partially quoted) is: <i>"However, it is important to note that taking action on hot food takeaways is only part of the solution, as it does not address sweets and other high-calorie food that children can buy in shops near schools."</i></p> <p>Therefore, it is clear the PHE/LGA view restrictions on A5 uses near schools as a part of the solution. We agree with this; nowhere does DMP policy DM4.3 or the SPD state that restricting A5 uses near schools will fully eradicate childhood obesity. It is part of a suite of measures across different council departments and in conjunction with work conducted by other local, regional and national organisations.</p> <p>The PHE/LGA report is supportive of A5 restrictions near schools, and helpfully highlights the issue raised above, as shown by the following quote:</p> <p><i>"[T]here are strong theoretical arguments for the value of restricting the growth in fast food outlets, and the complex nature of obesity is such that it is unlikely any single intervention would make a measurable difference to outcomes on its own."</i></p> <p>The Brighton and Hove Council study paints a picture very specific to Brighton. The methodology used to ascertain the impact of hot food takeaways on secondary schools in the area is limited, and reliant on a single observed visit to each school; the report recognises this, noting that observations are <i>"therefore approximate and may not be typical."</i></p> <p>Nevertheless the report does reinforce the findings of other research/reports, namely that A5 units are part of the problem and that restricting A5 units near schools is a potential option as part of a suite of measures to reduce levels of childhood obesity and to promote healthier built environments; the report notes that it may be difficult for Brighton to justify such a policy because of the local context, but, as noted above, Islington have an adopted policy to restrict new HFTs near schools</p> <p>It is also important to note that the respondent's choice of quote (which suggests that newsagents have greater schoolchild patronage than hot food takeaways) relates only to the stage 2 findings of the research, i.e. the single observed visit which the report</p>

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		<p>A key finding of Brighton &amp; Hove’s research was that ‘newsagents and supermarkets [are] equally as influential on the unhealthy choices of pupils.’</p> <p>Hot food take-aways are identified as a particular concern, but there is a lack of evidence to inform why A5 units have been identified as a concern over other units, namely A1 and A3 units.</p> <p>Research by the Children’s Food Trust for instance found that ‘Once outside school... students faced an environment designed to encourage less healthy food purchasing, mostly from corner shops and supermarkets near to school, outlets which successfully promoted less healthy foods to this population.</p> <p>The report added ‘this study observed no visits to takeaway outlets’ – although it did qualify this saying a ‘larger, more representative study’ was required to determine whether proposals to restrict A5 outlets are effective in promoting healthier eating habits in teenagers.</p> <p>Similarly, research elsewhere found ‘traditional fast food outlets offered a greater variety of healthier breakfast entrees, healthier lunch/dinner entrees, and healthier lunch/dinner side dishes’ than convenience stores, grocery stores, and supermarkets.</p> <p>We therefore assert that sole inclusion of A5 premises is irrational, will not be effective, and is therefore not justified.</p> <p><u>Only a limited number of journeys to and from school involve a purchase at a food outlet</u></p> <p>This has been confirmed in research by the Children’s Food Trust, which found that only 8% of all journeys to and from school included a purchasing visit to a food outlet.</p> <table border="1" data-bbox="647 1150 1765 1369"> <caption>Table 3. Total number of journeys including a food outlet visit</caption> <thead> <tr> <th></th> <th>n</th> <th>Number of journeys to school</th> <th>Number of journeys from school</th> <th>Total number of journeys</th> <th>Percentage (%) of all journeys</th> </tr> </thead> <tbody> <tr> <td>Journeys including a visit to a food outlet</td> <td></td> <td>11</td> <td>6</td> <td>17</td> <td>10</td> </tr> <tr> <td>Journeys including a purchase from a food outlet</td> <td></td> <td>8</td> <td>6</td> <td>14</td> <td>8</td> </tr> </tbody> </table> <p>Of the food purchases made on school journeys, confectionary was the most popular item sold – which McDonald’s does not offer on its menu.</p> <p>Likewise, research by Ashelsha Datar concluded that children ‘may not purchase significant amounts of junk food in school’ – partly due to ‘fewer discretionary resources to purchase them’.</p> <p>Indeed, even where purchases were made, ‘children may not change their overall consumption of junk food because junk food purchased in school simply substitutes for junk food brought from home.’</p> <p>Similarly, research by Fleischhacker highlighted the need for future school-based studies to ‘gather information on whether or not the students attending the studied schools actually eat at the restaurants near their schools.’</p> <p>This was also highlighted in the systematic review by Oxford University, which states ‘future</p>		n	Number of journeys to school	Number of journeys from school	Total number of journeys	Percentage (%) of all journeys	Journeys including a visit to a food outlet		11	6	17	10	Journeys including a purchase from a food outlet		8	6	14	8	<p>authors acknowledge should not be taken to be typical. The overall key findings, taking on board stage 1 (desk-based research, mapping, commentary from schools) and stage 2 findings, paints a less definitive picture and acknowledges that A5 units and newsagents are on a level footing in terms of pupil patronage. The following quote from the key findings section highlights this:</p> <p><i>“A majority of pupils’ off-campus lunchtime purchases were very unhealthy, consisting of high-energy drinks, chips and snacks. But A5 units are only part of the surrounding school food environments, with other food A class uses equally popular.”</i></p> <p>The FSA report assesses factors associated with the food and drink purchasing habits of Scottish school children outside of school on school days. The primary data source is a survey of schoolchildren; this information is over 5 years old; and there was a gap of over two years between conducting the survey and publishing the report; hence there could be an issue with its continued robustness. Similar to the issue with the Brighton research, this survey information relates to a very specific area, with different contextual considerations.</p> <p>It is important to note that the FSA report does not reject the idea of restricting A5 units near schools, as the following quote shows:</p> <p><i>“Restricting the type of outlets around schools would require significant changes in planning regulations, but this would have to cover all outlets and not just takeaways, as newsagents, corner shops and supermarkets were the places from which children most frequently purchased food and drinks. Therefore future work and recommendations should not only include takeaway outlets but also supermarkets since all these outlets around schools tend to provide easy access to food and drinks high in fat, sugar and salt. This has been referred to previously as representing an obesogenic environment, which could be contributing to the poor diet of school children in Scotland.”</i></p> <p>As noted above, there are difficulties in restricting supermarkets through planning, and there is a greater body of evidence to justify intervention on A5 uses; but the council notes that there could be scope for specific guidance on A1 newsagents/supermarkets in future revisions of the SPD.</p> <p>The above quote reinforces the points raised above that A5 locational restrictions can be effective as part of a suite of measures (across disciplines such as planning, public health, etc.) reduce levels of childhood obesity and to promote healthier built environments.</p> <p>The FSA report notes that restricting fast food outlets around schools would require significant changes in planning regulations; whilst this may be the case in the Scottish system (although knowledge of this different regulatory system is limited), it is not the case in relation to planning in England. The provenance of restrictive proximity policies is the Cable Street court judgement from June 2010 (pre-dating the survey information which underpins the FSA report), where the Judge found that healthy eating and proximity to local schools was capable of being a material consideration.</p> <p>The evidence from several more researchers referred to by the respondent is specific to American and Australian contexts, and is considered to be irrelevant in terms of this SPD.</p> <p>The quote from the Brighton research – that newsagents and supermarkets are equally as influential on the unhealthy choices of pupils – is not a conclusion that can be applied</p>
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		<p>work should also incorporate a child’s usual mode of travel to and from school into decisions about appropriate buffer distances.’ The review added that age should also be taken into consideration, as this can impact on travel time and the availability of pocket change.</p> <p><b>3. Planning Applications</b></p> <p>“HFT 3 – Any applications for A5 uses within a 200m radius of a primary or secondary school will be resisted”.</p> <p>Map 4 (page 32) outlines the average proposed 200m buffer around the existing schools. When compared to the town centres map from the Islington “Town Centres: Review and healthcheck” April 2012, there is a clear overlap between the defined town centres of the borough and many buffer zones.</p> <p>The proposed SPD has no regard to the sequential approach and could actively resist an application for an appropriate use class in a designated town centre. The proposed 200m buffer zone, would therefore, be directly contradictory with adopted policy DM4.4 from the Islington Development Management Policies document 2013.</p> <p>No assessment has been made to consider the impact of the SPD on plans of the economy. No consideration has been given to the overlap of the proposed exclusion zones on allocated town centres.</p> <p>The proposed buffer zones would be contradictory to paragraphs 24-27 of the Framework, which require an adequate sequential approach for town centre uses.</p> <p><u>Evidence and Related Cases</u></p> <p>There is a lack of evidence to demonstrate the link between fast food, school proximity, and obesity.</p> <p>This has been confirmed by Public Health England and the Local Government Association (November 2013). Their paper, Healthy People, Healthy Places states there is ‘an unavoidable lack of evidence that can demonstrate a causal link’ between fast food, school proximity and obesity.</p> <p>The same paper states there are only ‘theoretical arguments for the value of restricting the growth in fast food outlets’.</p> <p>Oxford University’s Department of Population Health conducted ‘A systematic review of the influence of the retail food environment around schools on obesity-related outcomes’ (December 2013). This was funded by NHS Berkshire and the British Heart Foundation, and is a comprehensive analysis of the existing evidence base.</p> <p>The research ‘did not find strong evidence at this time to justify policies related to regulating the food environments around schools’. It instead highlighted the need to develop a ‘higher quality evidence base’ which for instance:</p> <ul style="list-style-type: none"> <li>- Uses a consistent way to classify a food outlet, in order to compare results from different studies</li> <li>- Looks at the age range of children, and their interaction with the environment. Age can influence travel time, distance travelled, the availability of pocket change, and other factors</li> <li>- Understands the need to assess a child’s mode of travel to and from school in decisions</li> </ul>	<p>uniformly in other areas; it is a summary of key findings in relation to secondary schools in Brighton and Hove. As noted above, the Brighton research paints a picture very specific to Brighton. The methodology used to ascertain the impact of hot food takeaways on secondary schools in the area is limited, and reliant on a single observed visit to each school; the report recognises this, noting that observations are “<i>therefore approximate and may not be typical.</i>”</p> <p>Leaving aside the fact that Islington have an adopted Local Plan policy which limits A5 uses near schools (which was deemed legally compliant and sound by an independent planning inspector, post publication of the NPPF), there is a significant body of evidence which highlights the specific impact of A5 uses in particular. A selection of this evidence is set out in Appendix 3 of the SPD.</p> <p>The cited Children’s Food Trust report could not be accessed via link provided by respondent. Given respondents selective quoting elsewhere, the accuracy of the quoted sections are treated with caution; that said, the quoted sections raise no different issues to those raised (and responded to) above. The reference to a ‘larger, more representative study’ may be telling, as this raises similar issues as the studies referred to above, namely that their localised conclusions have been misconstrued and applied generally.</p> <p>The additional quoted research comes from an American journal article entitled ‘Availability of healthier options in traditional and non-traditional rural fast-food outlets’, authored by various academics from Texas A &amp; M University. This report relates to a different country, and also it has a specific rural angle; it is irrelevant in terms of this SPD.</p> <p>The sole inclusion of A5 premises is not irrational, as there is a large body of evidence for restricting A5 uses near schools; and this approach has been used by numerous other local authorities. It also follows adopted policy which sets out the A5 restriction. As part of a suite of measures across disciplines, the SPD is considered to be effective. We note that the respondent uses terms associated with the test of soundness, but this only applies to Development Plan Documents; the requirements for an SPD are different, as set out in the NPPF (and noted above).</p> <p>As noted above, Children’s Food Trust report could not be accessed via link provided by respondent. Presumably this research is specific to a certain location and therefore can’t be applied as a generalised figure; this issue is raised above in relation to the Brighton research.</p> <p>The research by Ashlesha Datar looks at in-school purchases in American schools; it is irrelevant in terms of this SPD.</p> <p>The respondent highlights the conclusions of Fleischhacker and the Oxford University research, namely that they specify the need for, and scope of, future research. This is acknowledged, although we note that there is already a strong body of evidence to justify restrictions on fast food outlets near schools.</p> <p>See response above re: sequential approach. The respondent’s claim that the SPD has little regard for the sequential approach is wrong; as noted above, the sequential test can clearly co-exist with the guidance in the SPD.</p> <p>For reference, the Town Centre healthcheck from 2012 is an evidence base document</p>



Location and concentration of uses SPD – Regulation 12(a) Consultation Statement (April 2016)

Consultee ID	Name of organisation (if applicable)	Comment	Islington Council response
		<p>about appropriate buffer distances</p> <ul style="list-style-type: none"> <li>- Recognises that food environments vary between countries – most associations between food environment and obesity came from North America</li> </ul> <p>The review did find some limited evidence for an effect of the school environment on body weight, but it added ‘these results should be interpreted cautiously’. Of 72 associations, only 19 showed a statistically significant positive relationship between body weight and exposure to food outlets. The review also identified associations with convenience stores as well as fast food outlets.</p> <p>This has been confirmed by Public Health England and the Local Government Association (November 2013). Their paper, Healthy People, Healthy Places states there is ‘an unavoidable lack of evidence that can demonstrate a causal link’ between fast food, school proximity and obesity.</p> <p>The same paper states there are only ‘theoretical arguments for the value of restricting the growth in fast food outlets’.</p> <p>A number of studies have reached similar conclusions. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>- David Harris – ‘no correlation between students’ being overweight risk and the presence of stores with unhealthful food choices near their schools.’</li> <li>- Philip Howard – Research ‘failed to find a consistent association between school overweight rates and nearby fast food restaurants’. If anything, this research found ‘Convenience stores demonstrated stronger correlations with school overweight rates’.</li> <li>- An and Sturm – ‘no evidence to support the hypotheses that... less exposure to fast-food restaurants or convenience stores within walking distance improve diet quality or reduce BMI among Californian youth.’</li> <li>- Fleischhacker – This systematic review of fast food access studies concluded 53% did not find any significant associations between the fast food environment and obesity. ‘In children, only one of five studies found an association between BMI and the fast food environment. This lack of evidence has also been confirmed in a number of inspectors reports and planning decisions. Reference is made in the scoping report to a number of existing SPD’s. Reference should be made to Inspectors comments regarding such policy considered at examinations.</li> </ul> <p>The examination Inspectorate concluded that the Greenwich Local Plan would be unsound if it contained the attempt in paragraph 4.3.55 to restrict new hot food takeaways within 400 m of a school. The Inspectors Report published May 2014 confirms “If such a restriction is to be imposed as a matter of policy then it must be included in Policy TC(c). However, I do not consider that such a restriction serves any land use planning purpose. In any event, I can foresee difficulties in attempting to implement such a restriction. For example, what criteria would be used to determine “unhealthy” food, and how frequently would this be assessed for an individual business? In addition, the practicalities of enforcement at a time when public expenditure is being reduced may render such a policy incapable of enforcement. Whilst it may be a laudable aim, the Local Plan would be unsound if it contained this provision.”</p> <p>In South Ribble the Planning Inspectorate raised concerns about a similar 400m school proximity restriction on fast food, stating ‘the evidence base does not adequately justify the need for such a policy’, and due to the lack of information, it is impossible to ‘assess their likely impact on the town, district or local centres’. Source: Letter to South Ribble Borough</p>	<p>produced for the DM Policies examination. Islington’s Town Centre boundaries are set out in the DM Policies DPD; this DPD also features policy DM4.3 which sets out the restriction of A5 uses within 200m of schools.</p> <p>A5 is only an appropriate use for Town Centres <u>in principle</u>; there are case specific considerations to take account of at application stage. DM4.4 Part C illustrates that DM4.4 is not uniformly permissive of all main Town Centre uses, as it sets out criteria which all development in Town Centres (even main Town Centre uses) is required to meet. As noted above, the respondent seems confused about how planning policy and guidance works. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) sets out the primacy of the Development Plan, unless material considerations suggest otherwise. Of note is that decisions must be made based on the plan as a whole; undoubtedly, at times, policies might pull in different directions in terms of their intended outcomes, but ultimately there are different layers which apply, and in the case of HFT uses in close proximity to schools, there is a strong resistance in place. This would influence any sequential assessment in terms of assessing whether an alternative site is truly suitable. The respondent’s claim that the SPD has little regard for the sequential approach is therefore wrong. It appears that the respondent has not fully appreciated that DMP policy DM4.3 already specifies a 200m restriction; the SPD merely provides additional guidance on measuring this.</p> <p>As noted above, the respondent’s claim that the SPD has little regard for the sequential approach is wrong; the sequential test can clearly co-exist with the guidance in the SPD.</p> <p>To give an example, Islington’s DM policy DM4.5 sets out the policy for primary and secondary frontages within Town Centres (as advocated in the NPPF); this includes a requirement to maintain a certain level of A1 use. Using the respondent’s logic, as DM4.4 sequentially prefers A5 units in Town Centres, such uses should therefore have free rein to locate anywhere within these areas, even frontages. However, if an application involved the change of use from A1 to A5 in a frontage, and the proportion of A1 in said frontage decreased to below the required level, such a proposal would be inconsistent with DM4.5. As noted above, different layers of policy apply to different aspects of planning applications. These layers were carefully thought through when the Local Plan was prepared; they allow for thorough decision making and there is no contradiction.</p> <p>There is no specific requirement to consider the general impact on the economy; such impacts would be difficult to quantify, and it is noted that the respondent has not made the effort to provide any figures to reinforce this rather nebulous point. Such figures would require e.g. full information about expansion plans and the impact that the SPD would have on these plans (but even then, impacts cannot be guaranteed given that the policy is not a blanket restriction).</p> <p>Economic information can be a material consideration where an application for an A5 unit is submitted; the weight attributed to this would be decided on a case by case basis, depending on the quality of the information.</p> <p>Given that policy DM4.3 is already adopted, having been subject to the relevant statutory preparation procedures, it is not necessary to re-justify the proximity restriction. Nevertheless, comments are provided below on the ‘evidence’ cited by the respondent.</p> <p>With regard to the PHE/LGA document, the quote regarding ‘an unavoidable lack of evidence’ is used by the respondent to suggest that there is no evidence to demonstrate</p>

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		<p>Council, 29th April 2013, from Susan Heywood, Planning Inspector, The Planning Inspectorate.</p> <p>Similarly, research by Brighton &amp; Hove concluded that ‘the greatest influence over whether students choose to access unhealthy food is the policy of the individual schools regarding allowing students to leave school premises during the day’ Source: Brighton &amp; Hove City Council &amp; NHS Sussex, Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove, page 30, September 2011.</p> <p><u>Conclusion</u></p> <p>As set out in the Framework, SPDs should only be used where they assist applicants, not provide further policy restrictions. Policy DM4.3 of the Development Management Policies Document Plan Document 2013 outlines that proposals for A5 uses should be resisted when they are in proximity to schools.</p> <p>The proposed SPD goes further by intending to implement a 200m exclusion zone around schools. The SPD should work in conjunction with policy and “Help applicants make successful applications”. It is therefore considered that the SPD, which predominantly takes a negative and restrictive policy approach is contrary to the Framework and planning principles.</p> <p>In conclusion, the draft SPD is not compliant with the Framework. The SPD should be redrafted in accordance with the Framework. The SPD should be positive in its approach and help applicants make successful applications. Furthermore, the document is trying to implement blanket restrictions across a London borough which is inherently urban in its nature. The document has no regard for the sequential approach and the defined town centres within the borough, and therefore directly contradicts the Framework.</p> <p>The proposed research appears to rely on limited reports. Additional references to reports are provided.</p>	<p>a causal link between fast food, school proximity and obesity; whereas the full quote is as follows:</p> <p><i>“It is only in recent years that local authorities have started to use the legal and planning systems to regulate the growth of fast food restaurants, including those near schools. There is thus an unavoidable lack of evidence that can demonstrate a causal link between actions and outcomes, although there is some limited evidence of associations between obesity and fast food, as well as with interventions to encourage children to stay in school for lunch. However, there are strong theoretical arguments for the value of restricting the growth in fast food outlets, and the complex nature of obesity is such that it is unlikely any single intervention would make a measurable difference to outcomes on its own.”</i></p> <p>Whether this mis-quote was deliberate or because of a lack of understanding is unclear. The quote actually states there is no causal link between actions (e.g. policies to limit A5 uses near schools) and outcomes (e.g. lower rates of childhood obesity), rather than stating (as the respondent infers) that there is no evidence of a link between fast food, school proximity and obesity; on the contrary, various pieces of evidence are set out in the PHE/LGA document itself, and also in Appendix 3 of the SPD. Tackling health issues through planning is a relatively recent measure; therefore it is expected that little evidence exists to show a link between actions and outcomes, as the document explicitly states.</p> <p>The report is clear that, even without current evidence that policies have had an effect, there is a strong theoretical argument for restrictions. In addition, the report goes on to note several additional reasons for why fast food outlets may be undesirable from a public health perspective, including increase in litter and traffic congestion.</p> <p>The full quote from the Oxford University research is as follows:</p> <p><i>“Overall, this review did not find strong evidence at this time to support policies aimed at regulating food environments around schools. However, given that food retailing is already influenced by a number of other policy drivers (related to economics, antisocial behaviour, litter and pollution, food hygiene, etc.), it is important that broader public health evidence is also considered.”</i></p> <p>The council considers that this reinforces the position described above, that planning is a part of a suite of measures aiming to tackle obesity and reduce health inequalities.</p> <p>In response to other research cited, three papers are focused on American studies and are considered to be irrelevant in terms of this SPD.</p> <p>The remaining study (Fleischhacker) is a systematic review of 40 studies covering the general topic of fast food access; only 8 of the studies (20%) covered the issue of proximity, i.e. how close or near a fast food restaurant is to something else, such as a school. The study was compiled by American academics and only a small proportion of the studies reviewed (4, or 10%) were focused on the UK context. Hence, the council also consider this study irrelevant in terms of this SPD.</p> <p>The respondent claims that the lack of evidence for policies restricting A5 units near schools has been confirmed in a number of inspectors’ reports and planning decisions, although only 2 reports are cited.</p>

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			<p>Firstly, we again state that Islington already have an adopted policy which restricts A5 units near schools; this policy was deemed legally compliant and sound by an independent planning inspector, post publication of the NPPF. The SPD merely offers additional guidance on how to measure the 200m distance. It is worth noting that the restrictive zone around schools set out in Islington policy is half that sought in the respondent's cited cases (and zones adopted by other boroughs), which is a reflection of Islington's local context.</p> <p>The London Plan supports restricting A5 uses near schools. The GLA response to the draft SPD was supportive and stated that the SPD is a proactive approach to managing clusters of uses, to promote the health and wellbeing of centres.</p> <p>The Greenwich Core Strategy submission included a restriction on hot food takeaways within 400m of a school, but this restriction was in supporting text rather than policy. The inspector notes his concern regarding this. Clearly, this inspector has taken a view that an approach restricting A5 units near schools is not suitable for Greenwich; other inspectors have taken a different view in other areas, as noted below. It is unclear what justification Greenwich put forward to justify their proposed approach; hence we cannot be sure how the inspector arrived at his decision. It could have hinged on the way the policy was written, with explicit referral to unhealthy food without defining this; policies in other boroughs have been adopted in order to tackle the wider macro issue of childhood obesity.</p> <p>The full quote from the South Ribble inspector's letter is as follows:</p> <p><i>"The modifications to the retail policies propose to introduce a new criteria relating to the location of hot food takeaways, outside of identified 400m exclusion zones around schools. I note that this is included within the Access to Healthy Food SPD, however I have some concerns about this proposed modification. Firstly, this was not a matter which was discussed at the hearing sessions and I have concerns that the evidence base does not adequately justify the need for such a policy. In addition, inserting this wording into these policies would result in restrictions within the exclusion zones relating to the town, district and local centres only. Thus, a hot food takeaway could be located within 400m of a school outside of those defined areas. This would be inconsistent. Finally, the exclusion zones do not appear to be annotated on any of the maps provided and I cannot therefore assess their likely impact on the town, district or local centres. The Council may wish to re-consider the inclusion of these references in these policies. If the Council wishes to pursue this matter, it will need to be properly justified with reference to the evidence base, the above inconsistencies will need to be tackled and there may be the need for a further hearing session on this matter."</i></p> <p>The respondent (again) misquotes from source material. As the full quote shows, the inspector's concern about the evidence base stems from the fact that the policy was introduced at a late stage and post examination hearings (which is a valid concern). The inspector's comment re: difficulty assessing likely impacts related to a lack of mapping to show the geographic crossover of designated centres and the 400m exclusion zones.</p> <p>The inspector also points out an inconsistency with the policy, that the proposed modifications to the policy only target designated Centres within 400m of a school, and a hot food takeaway could be located within 400m of a school outside of those defined areas; it can be inferred from this that a fully restrictive exclusion policy (encompassing all areas within a prescribed exclusion zone) could be suitable. The inspector clearly accepts that such a policy would be suitable in principle, dependent on evidence.</p>



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			<p>In response to these two cases (which could be considered irrelevant anyway as neither relate to a restrictive policy in a submission document), the following three inspectors reports into London Borough Development Plan Document examinations clearly show that exclusion zone policies are suitable:</p> <ul style="list-style-type: none"> <li> <p>Lewisham, inspectors report dated July 2014 – proposed a policy to restrict new hot food takeaways within 400m of the boundaries of primary and secondary schools. The inspector notes the wealth of evidence about the ill-effects upon health of the consumption of the types of products sold in A5 units; but also notes the difficulty of disentangling direct causes and effects in issues of health, food consumption, exercise and lifestyles. The inspector refers to the PHE/LGA document which, as discussed above, finds there are ‘strong theoretical arguments’ for restrictions. Inspector found the policy sound without any proposed modifications, noting the following: <i>“it is plain that Lewisham (in company with other London Boroughs which have broadly similar adopted or emerging policies) have enough concern about the role of A5 units to ascribe greater weight to any health gains rather than any economic losses. On balance this is not an unreasonable conclusion to draw and the plan is not unsound in that respect, albeit DM18 may play only a limited complementary role in much wider national and local health strategies aiming to inform and educate the public about dietary matters and encourage individuals to exercise greater personal responsibility for healthy lifestyles.”</i></p> </li> <li> <p>Lambeth, inspectors report dated August 2015 – proposed a policy approach whereby proposals for new A5 units not supported if proposed within 400 metres of the boundary of a primary or secondary school. The inspector (the same inspector who conducted the South Ribble examination cited by the respondent) found this policy sound and legally compliant (without requiring any modifications), noting the following: <i>“I am aware that Inspectors have held varying views in relation to the acceptability of such policies in Local Plans elsewhere. However, the PPG confirms the link between planning and health and wellbeing and promotes the consideration of means to support people of all ages to make healthy choices. The policy would help in this aim and the local evidence supports such a restriction in this case.”</i></p> </li> <li> <p>Hackney, inspectors report dated August 2015 - proposed a policy to restrict new hot food takeaways within 400m of the boundaries of secondary schools. The inspector recognises there are arguments for and against such restrictions, but concludes that the significance of the issue being tackled justifies the policy:</p> <p><i>39. There are arguments both for and against this policy. On the one hand, some may say that it is not for the authorities to attempt to hamper people’s access to certain foods. Many would consider that a healthy, balanced diet can include hot food takeaway meals, now and again at least. Some question whether planning is the appropriate domain for debating the issue and for seeking to assert influence.</i></p> <p><i>40. Moreover, in practical terms, the proposed approach has shortcomings. It relates to just one particular sort of food outlet, whereas less healthy consumables can be purchased in many forms from a wide variety of outlet types. The policy would not prevent the sale of confectionary from newsagents or cakes from bakeries near to secondary schools, for example. In addition, there are already A5 uses close to some schools, a point the policy does not, and cannot, address. Added to this, it is quite possible that those pupils intent on doing so will purchase less healthy food on their way to or home from school, or at some other time outside the school day.</i></p> </li> </ul>

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			<p>41. On the other hand, though, childhood obesity is a national issue, and is a factor contributing to increased risk of cardiovascular disease. The purpose of this policy is to help tackle this problem by making it more difficult for secondary school pupils to access hot food takeaways during the school day. This is a commendable aim.</p> <p>42. The Framework is clear that planning has a social role. It says that planning should reflect the community's needs and support its health, social and cultural wellbeing. Policy DM12 is consistent with this.</p> <p>43. In support of its position, the Council points to NICE Public Health Guidance 25: Prevention of Cardiovascular Disease (National Institute for Health and Care Excellence, 2010). Recommendation 11 encourages planning authorities to restrict planning permission for takeaways and other food retail outlets in specific areas, including within walking distance of schools. Indeed, as the Council points out, at least one other London authority's adopted Local Plan includes a policy of this sort.</p> <p>44. Overall, the approach proposed through Policy DM12, notwithstanding the shortcomings, is a step in a positive direction. Though an imperfect measure, the fact that it offers some response to a significant national problem justifies it. In my view, it should be supported.</p> <ul style="list-style-type: none"> <li>Wandsworth, inspectors report dated December 2015 - proposed a policy to restrict A5 uses within 400m of schools or colleges. Similar to the Hackney inspector, the inspector recognises there are arguments for and against such restrictions, but concludes that the significance of the issue being tackled justifies the policy:</li> </ul> <p>65. At the hearing there was a degree of acceptance that an over-concentration of Class A5 units is potentially damaging in giving rise to a 'normalisation' of such establishments. That said, preventing further takeaways above a prescribed threshold is something of a "blunt tool" and there may be better or other ways to regulate food sales. But the policy would limit the opportunities for those of school age to access unhealthy food and common sense indicates that takeaways could prove tempting to young people if located in close proximity to schools and colleges. This view is supported by the findings of the Wandsworth Youth Council survey.</p> <p>66. At the end of the day the policy does not advocate an outright ban but rather seeks to limit numbers. As such it embodies a balanced approach and allows the population to continue to enjoy the convenience of meals of this kind as well as not stymying any economic benefits from this sector. Furthermore, it gives greater clarity than the existing policy. Whilst there may not exist a strong scientific basis to endorse criterion c.ii. there is a need for action on an issue of national importance and so, as a planning judgement, the policy is justified and sound.</p> <p>It should be noted that the respondent submitted responses to all these documents except Hackney's; and, for the most part, these responses were very similar to the response to Islington's SPD, especially in terms of the evidence base documents cited. The respondent also provided comments on the draft Southwark New Local Plan in March 2015 which are very similar to comments provided here. While there is no requirement for the respondent to have a bespoke response for different plans in different boroughs, these responses spanned a period from October 2013 to September 2015 (response to Islington's SPD). In this time, the respondent has not added any additional evidence to reinforce their opposition to policies restricting A5 uses near schools. This is somewhat curious; if the respondent is correct in their assertion that the</p>

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			<p>evidence base against restrictive policies is strong, then we would expect more and more evidence to materialise over time to suggest that restrictive policies are ineffective or are not justified. The fact that the respondent does not seem to have added even a single additional bit of evidence over a period of two years therefore suggests that such evidence is not materialising. Whereas Islington have weighed up both sides of the argument in relation to hot food takeaway restrictions, the respondent's consistently similar response, with seemingly no reflection of specific local evidence and context, betrays a significant bias toward their own circumstances.</p> <p>Re: the Brighton research, the respondent has (again) quoted selectively. The paragraph immediately following the section quoted notes that children also have many opportunities to buy unhealthy food on their way to and from school, which suggests that lunchtime on-site policies are not the sole consideration</p> <p>Also, as noted above, the Brighton research paints a picture very specific to Brighton. The methodology used is reliant on a single observed visit to each school; the report recognises this, noting that observations are "therefore approximate and may not be typical."</p> <p>The conclusion is the only place in the entire response where the respondent acknowledges of the existence of DMP policy DM4.3. It is curious that the respondent recognises this in the conclusion, yet gives no indication throughout the preceding parts of the response; that said, the respondent does not seem to have read the supporting text of the policy, where the 200m restriction is identified. Even if the adopted policy made no reference to an actual quantitative proximity, surely an SPD would be the appropriate avenue to provide further guidance on what the council meant by 'in proximity'. Considering these issues, the SPD is clearly consistent with the NPPF.</p> <p>The reference to the sequential approach is irrelevant and betrays a lack of understanding of how planning policy operates, as detailed above.</p> <p>The accusation that the SPD appears to rely on limited reports is refuted. The SPD makes reference to numerous evidence documents in Appendix 3. The council has continually sought additional evidence; the final SPD includes further references to relevant evidence.</p> <p>The references provided by the respondent are largely irrelevant; even where relevant research is provided, this is often misquoted and misrepresented.</p>
SPD19	Individual	<p>I have a few comments to make regarding premises which operate as fast food outlets, payday loan shops and betting shops. (Concentration of Uses)</p> <p>As far as I can work out the reason for your letter is presumably the number of applications that have come in and are coming in to open up such premises.</p> <p>Fast food outlets.</p> <p>These are everywhere because they are so profitable to their owners. Compared to a 'slow food' outlet like a cafe or a restaurant. The percentage profit is large. I can recall being told about 25 years ago the wholesale price of a chicken patty then was 8p which retailed at 95p. Gross markup taking patty and the bun around it say total cost 10p would be 950%. Prices would presumably be different today but I suspect the gross markup would still be very high.</p> <p>I don't know the wholesale price of frozen chips or coca cola is today but would expect the</p>	<p>Comments noted.</p> <p>Health concerns are one of the underlying issues which have prompted the council to produce the SPD.</p> <p>At this stage, it is not considered appropriate to impose a general restriction on the type of food on sale through planning, as suggested.</p> <p>The SPD allows for consideration of whether certain uses are over-concentrated.</p> <p>Even if the SPD were to affect supply of regulated gambling or lending (which is not guaranteed given that the SPD is not a blanket ban); and this led to an increase in illegal gambling/lending, this is surely a trigger to crackdown on illegal gambling/lending rather than to abandon any measures to mitigate/prevent impacts of a betting shop/payday loan shop.</p>



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		<p>markup from wholesale to retail price to be high. I understand that for a large chain like McDonalds the main profit comes not from the 'Big Mac' but from the fries/chips and the soft drinks they sell.</p> <p>Such food is passed as fit for human consumption but it may not be so good for long term human health. You may be aware of current medical concerns regarding obesity and diabetes type 2. Fast food may be a contributor to this.</p> <p>It is cheap to buy and quick to prepare and serve and tasty to eat and there is a huge public demand for it. In a fast food place 5 people could get something to eat and a cup of coffee/soft drink for a total of say under £25. A cafe or restaurant meal for 5 plus coffees/soft drinks would be at least £50 and there may be a service charge or the waiter or waitress may deserve a tip.</p> <p>The only thing planning can do maybe is to space these premises out in a sensible way and have differing types of foods on offer at each location so it is not all pizza places or chicken and chips places everywhere down the street. Maybe allow a 'slow food' place in with the fast food places so people who wanted a proper meal with plates and knives and forks could go there. But in the inner city where you may have many people on low or modest incomes fast food places will always win on price.</p> <p>Betting shops.</p> <p>William Hill is the name of a bookmaking company with betting shops in high streets. They take their name from the man who is considered by many in the betting industry to be the greatest bookmaker who ever lived. His view of betting shops at the very beginning was that they would be a 'cancer on society' and detrimental to the working man. I think that view was and still is correct. But as bookmakers they recognised times had changed and so acquired the necessary premises to create betting facilities in. I can also recall a comment by Graham Sharpe (also of William Hill) which was in the 'Sporting Life' newspaper many years ago if my memory is correct, who asserted that with regard to betting shops (it may even have been in reference to gambling on horseracing and greyhound racing in general) 'it is virtually impossible to make a profit'. And I think that view was and is correct. Certainly Cyril Stein who I think was the chairman of Ladbrokes asserted that he liked betting shops because they had three windows taking money in but only one window paying money out!</p> <p>These days shops also have Fixed Odds Betting Terminals in them which have become extremely profitable for betting shop owners. But they are only allowed four per shop. So they have to open more shops to be able to operate more FOBT machines. Which is why many high streets have several betting shops rather than just one or two. These machines are capable of handling a £100 bet every twenty seconds so I understand. So in my view virtually all gamblers in betting shops lose money over time. For if they didn't keep on losing money there would be no betting shops.</p> <p>Like fast food shops, betting shops are passed as 'fit for human usage' if you like. But are they any good for long term human mental and financial health? I doubt it.</p> <p>Again as people seem to like to bet, maybe restrict outlets to a fixed number of betting shops per high street so it might reduce the totality of the money lost in them by the betting public.</p> <p>Payday Loan shops.</p> <p>These do short term loans to desperate people who are charged colossal interest rates on the money they borrow. No one in their right mind would borrow money at such interest</p>	

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		<p>rates. Even using a credit card in a real financial emergency to borrow money would be far cheaper. To my mind this sort of borrowing is the road to financial bondage in that the accumulating charges to someone who could not afford to pay off the loan could only lead to financial disaster, maybe bailiffs, loss of their home and so on.</p> <p>Try this</p> <p>Representative example: Borrow £200 for 28 days. The total charge for credit is £28. Interest is fixed at a rate of £28 per £200 loan (182.5% per annum). The total repayable is £228. 452% APR Representative.</p> <p>or</p> <p>How much do you want to borrow? £100 How many days until your next payday? 30 Total to Pay-back + Interest £15 = £115</p> <p>Obviously the returns on capital employed by the owners of a payday loan shop are likely to exceed nearly every other form of investment. Where else can you get such returns on capital employed? 15% per month? 182.5% per annum? And just collect your interest charge via the client's bank account as soon as their pay packet arrives into their account.</p> <p>As before maybe restrict applications to a certain number of shops per high street.</p> <p>As before they are 'passed fit for human usage'. But do they do that segment of the money borrowing public any good in the long term? I doubt it.</p> <p>So to sum up it seems to me to be best to restrict the number of outlets. The reverse of that is that each outlet would do more business but high streets wouldn't have too many of the same kinds of shop. As many members of the public want to eat fast food, gamble and borrow money it seems the only way to keep such a situation under control is to control the number of places which offer these facilities.</p> <p>I suppose in an ideal world such places would be outlawed so people would only eat nutritionally desirable food and maybe society's problems with obesity and diabetes 2 and maybe high blood pressure would reduce very considerably. And people wouldn't lose their money in betting shops and wouldn't borrow money at extortionate interest rates. But it wouldn't make much difference as people would just bet illegally as they did before betting shops existed and would borrow money at extortionate rates from private moneylenders who would be those people who were in a position to lent money.</p> <p>But Islington planning should maybe bear in mind that by granting planning permission for such outlets they are only really adding to the dietary problems and financial difficulties that exist in society now. Too much of what seems on the surface to be a good thing may appear to be wonderful. Too much of a bad thing when reality hits concerning what people initially thought was a good thing can cause an awful lot of personal and social and financial damage.</p>	
SPD20	Transport for London	The nature and scale of land-uses covered by this SPD are unlikely to result in any meaningful impact on the strategic transport network. However, as previously highlighted by	Comments noted. Comments made in response to the preliminary consultation have been taken into account in the draft SPD.

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		<p>TfL in consultation on this matter, certain land-uses, such as food and drink establishments, can have an impact on the operation of the public highway, particularly if concentrated in small areas.</p> <p>Accordingly, TfL supports the inclusion of commentary under Paragraph 5.9 acknowledging that TfL should be consulted on any applications which propose, or are likely to lead to, an incursion into the public highway. This is consistent with London Plan policy 6.3.</p>	