

# PLANNING CONTROLS, PAY DAY LENDING AND BETTING OFFICES RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately. A Word version of this form can be found at the entry for this consultation paper on : <http://www.scotland.gov.uk/Consultations/Current>

## 1. Name/Organisation

Organisation Name

Highland Council

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

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## 3. Permissions - I am responding as...

Individual

Group/Organisation

*Please tick as appropriate*

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

Yes

No



## CONSULTATION QUESTIONS

**Q1. Do you agree with this approach to dealing with betting offices? If not, please specify why not.**

Agree  Disagree

*Use of premises as a betting shop is a clearly distinguishable use, and had in previous use class orders been identified as a sui generis use. They may be distinguished from other Class 2 uses, in that they may be open outwith normal business hours, and also typically can have customers spending longer periods of time in them watching sporting events and placing bets on them. They therefore provide a type of entertainment or leisure function which has greater similarities to other sui generis uses such as public houses or amusement arcades, than to other Class 2 uses where financial, professional or other services are provided to visiting members of the public.*

**Q2. Do you consider there to be a more effective approach to changes around betting offices? If so, please describe the approach.**

Yes  No

*The regulation of gambling and financial services is currently a reserved matter for the UK Government and Parliament. Other than dealing with the controls over particular betting methods, such as fixed odds betting machines, the suggested approach to betting shops is the only realistic effective planning response to the issue. It is important that Development Plans do prepare town centre health checks to identify where clustering may be becoming an issue, although it is important to note that the land use implications of these uses are unlikely to be reasons in themselves for refusal.*

**Q3. Do you believe that a specific definition of PDL, similar to the FCA's definition in paragraph 23 above, should form part at least of the exclusion of uses from the UCO? If so what should the definition be?**

Yes  No

*If PDL are to be excluded from Class 2 then it should be on the basis of their definition by FCA only. Planning Authorities do not have the knowledge or expertise to analyse the different types of financial services offered by proposed new premises, and we need to have a consistent basis for decision making. However it is considered that, in land use planning terms, pay day lenders provide a function which is indistinguishable from many other services which are considered suitable in town centre locations in terms of transport and parking provision, hours of operation and frequency and duration of customer visit. As a result, it is questionable if the land use planning system should be used to regulate activities which are more appropriately controlled by the Financial Conduct Authority or other regulatory bodies.*

**Q4. Do you agree that Class 1: Shops should be excluded from any changes regarding PDL? If not, why not?**

Agree  Disagree

Comments

**Q5. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of pay day lenders? If not, why not?**

Yes  No

*This approach is dependent on a satisfactory definition of a PDL, and there may be too much scope for PDL to alter their business practice slightly to fall out of such a definition. It is suggested that identifying prime retail frontages through the Development Plan, where changes of use from Class 1 (shops) to other uses would be restricted to avoid clustering or over-provision, backed up with town centre health checks and effective monitoring arrangements, and as allowed for in Scottish Planning Policy, may be a more effective way of controlling these issues, albeit they do not appear to be a significant problem in Highland Council area.*

**Q6. What other activities which might be involved in PDL should be added to the exclusions? Please explain why and provide any examples.**

*The consultation paper appears to adequately cover the activities although pawn broking and cash-for-gold shops should specifically be excluded from Class 2 due to their adverse clustering effect.*

**Q7. What other exceptions to the exclusion of financial lending should be included (i.e. alongside “deposit takers”)? Please explain why and provide examples.**

*Pay Day Loan shops and other financial services such as banks provide very similar functions in planning terms, the only difference being the terms and conditions attached to loans. These and other Class 2 activities are all appropriate town centre functions and can make a contribution to the overall vitality and viability of town centres. Class 2 financial services should therefore remain unaltered, and some other (non planning) mechanism such as licensing or regulation by Financial Conduct Authority employed to regulate PDL.*

*The list of activities in paragraph 32 to be removed from Class 2 includes “premises for buying goods from visiting members of the public.” It would be important to clarify whether other uses which effectively buy and sell goods from the public (for example, second hand book shops, record shops etc) could be caught in any proposed changes to planning legislation or whether they would more appropriately remain as Class 1 (Shops)..*

**Q8. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of PDL? If not, why not?**

Yes  No

*In many instances PDL may only be one part of a business mode. Determining whether a change of use occurs would be hard to ascertain from observation/visiting premises. It is considered that Development Plans, backed up with town centre health checks and effective monitoring arrangements, may be a more useful and defensible approach to dealing with concerns over pay day lending (see also response to Q5 above).*

**Q9. Should the exclusions from the UCO be extended beyond those described in this option? If so please explain and provide examples.**

Yes  No

Comments

**Q10. What other exceptions to the exclusion of financial services should be included (i.e. alongside “deposit takers” etc.)? Please explain and provide examples.**

*None are proposed as it is considered that the existing definitions of use class 2 (with the exception of betting shops) are appropriate, and PDL should be controlled by the financial regulation authorities rather than planning authorities, as in land use terms this activity is indistinguishable from other financial services.*

**Q11. Which approach would you prefer, Option 1 or Option 2? Please explain your answer.**

Option 1  Option 2

*Option 1 would be more preferable than option 2, in that the only implications would be the removal of PDL (subject to a satisfactory definition of what constitutes a PDL being established), rather than complete redefinition of various types of financial services being attempted and the risk that more financial services that are not of concern would require planning permission..*

**Q12. Do you have any other comments or suggestions? Please elaborate.**

Yes  No

Comments

**Q13. BRIA – Can you identify likely costs and benefits associated with the potential changes discussed in this paper which should be covered in the BRIA?**

None

**Q14. EqlA – Please provide details of any specific issues for any of the equality groups (including race, disability, age, sexual orientation, gender or religion and belief) which you think may arise in relation to the potential changes discussed in this paper.**

None