



City of Westminster

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COUNCILLOR ANGELA HOOPER CBE, DL
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Date: 28 January 2004

Rt. Hon Keith Hill MP
Minister of State (Housing and Planning)
26 Whitehall
London SW1A 2WH

TREA 1411

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Dear Minister,

Use Classes Order and the Gambling Bill

The City Council's response to the Government consultation in early 2002 suggested that gambling premises of various types should be regarded as sui generis uses. I attach an extract that refers to this point. Your recent announcement on the Use Classes Order and the content of the draft Gambling Bill gives rise to me writing to you to reiterate the importance of this.

Currently casinos tend to be discreet operations, often aimed at wealthy customers. Because of their size and the way they are run, they have comparatively little effect on the amenity of neighbours and on conditions in streets nearby. Casinos as they have operated in the past under the existing gambling regulatory regimes only occasionally gave rise to amenity problems; usually the congestion by vehicles dropping off and collecting patrons. Their inclusion in the D2 Use Class has not been a matter of concern.

The Draft Gambling Bill

Following the Budd report and the White Paper, casinos can now provide entertainment and it has been made clear that sale and consumption of alcohol on the gaming floor is permitted. The proposals in the Government's Draft Gambling Bill abolish area restrictions, remove the requirement for membership and allow high prize money gambling machines in casinos and in bingo halls. They introduce the possibility that there will be large casino type facilities in the centres of large cities, catering for a mass market.

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This widening of the customer base and the possibility of gambling effectively subsidising the entertainment and more critically the sale of alcohol, will make it more likely that issues of nuisance will arise in relation to gambling premises. Casinos have traditionally operated late into the night; frequently until dawn. It is assumed that these hours will continue and other new casinos would have similarly late hours. It is likely that new casinos, particularly the larger ones, will cater for large numbers of customers, and will have impacts on neighbour amenity and on the public realm nearby

The City Council is very concerned that the Government's gambling proposals open up the possibility of larger 'mass market' casino facilities being located in the central areas of larger cities, with potential for disorder in the public realm. In some of those city centres, and particularly in Westminster, there is already saturation with entertainment uses and, in consequence, regular disorder. Management of the public realm is already very difficult, and large-scale entertainment uses of a new kind, such as casinos, could result in deterioration in night-time conditions on the streets. This could, in its turn, inhibit the achievement of extra housing as part of an appropriate range of land uses in the city centre as called for in national planning policy.

At present it is not clear how many existing casinos will change to this newer format and how many new larger casinos there will be, although it is clear that there are major businesses who intend to take advantage of the proposed arrangements. There are strong indications that there will be proposals for large new style casinos in the parts of the West End that the City Council has identified as saturated with entertainment uses and had designated as Stress Areas in its revised UDP and in its licensing policy approved by the City Council in February 2003.

The UDP was subject to an exacting scrutiny at its local inquiry and the inspector accepted the need for the Stress Areas, their principles and their boundaries. The draft of Guidance to be issued under Section 182 of Licensing Act 2003 makes it clear that special saturation policy areas can be a feature of Licensing Policy Statements to be drawn up under this Act. It is essential that through either the planning regime or the regulatory regime to be set up under Gambling Bill regime the issues of the saturation of entertainment premises can be addressed when considering gambling premises.

Use Classes

The D2 Use Class is very wide in scope encompassing, cinemas, concert halls, and sports facilities as well as casinos. There are many such large D2 premises in the West End and around it. Your announcement that the Government will create an additional Use Class D3: Late Night Leisure, is warmly welcomed by the City Council. However it is not evident from your announcement how nightclubs will be defined or whether this definition will cover other late entertainment night activities and possibly casinos.

Should casinos remain in the D2 Use Class, there is the concern operators will target existing community uses such as cinemas and sports facilities, which could be changed to this more profitable activity because planning permission would not be required.

The City Council is also concerned that the inclusion of casinos within any one class in the new Use Classes Order will involve the possibility of new casinos being provided without local planning authorities being able to assess their effects on local conditions. The City Council therefore takes the view that casinos should be a sui generis use in the manner specifically provided for in the Use Classes Order 1987 in respect of theatres and amusement arcades, for example. This will enable local authorities to undertake a full assessment of the local impacts in a way not currently provided for the Gambling Bill which includes no objectives specifically relating to safeguarding local amenity, or the prevention of disorder in the public realm.

The Draft Gambling Bill omits reference to issues of nuisance in the licensing objectives in Clause 1. In the City Council's view, this is a serious omission, which it is raising through Local Government Association as part of pre legislative scrutiny of the Bill. This omission makes it even more important that planning authorities can play their proper role in guiding the development and of gambling premises and the provisions of the Use Classes Order are framed to allow them to do this.

Yours sincerely



ANGELA HOOPER