

# 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

West Dunbartonshire Council

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

Surname

Forename

## 2. Postal Address

Council Offices

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Postcode G81 1TG

Phone 01389 738656

Email Pamela.clifford@west-

## 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 ☐

Whilst agreeing with this proposed change, which should be simple to implement, it is noted that it would not make any difference with regard to the change of use applications West Dunbartonshire Council most frequently receive re betting shops i.e. change of use from Class 1 to a betting shop. Of greater significance is the recognition of the clustering and over-provision issue by Scottish Planning Policy which this Council area are presently experiencing.

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

Yes ☐ No ☒

No, I do not think that there is anything else that could be done in terms of requiring planning permission.

**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 ☐

Yes, it is important for PDL shops to be defined if changes to the UCO are to be effective. The FCA definition is useful, however, these are not planning-related criteria as they are not concerned with the activities of the unit which would be easier to assess and monitor in planning terms. It may also result in some PDL operators changing their terms and conditions to avoid being defined as such. Also, it is not clear if all three criteria have to be met to be defined as a PDL or just one. This requires clarification.

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

Agree ☐ Disagree ☒

Not necessarily. The retailing of goods from a premises that also offers PDLs does not mean that the retailing of goods is the primary business of that unit. If the concern is community wellbeing and the level of indebtedness, then the fact that a PDL operator also retails goods does not reduce the impact of PDL being available. If an operator offers PDL then it should be excluded from Class 1 shops.

**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 ☒

It assists by removing some permitted changes of use i.e. from other Class 2 uses and from Class 3 uses. Change of use from Class 1 would still be required as is currently the case. There have been few, if any, instances in West Dunbartonshire of a PDL use emerging from another Class 2 or a Class 3 use, so whilst supportive of the proposed change, the change to SPP is of greater assistance.

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

The Council is not aware of other activities that should be excluded.

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

The Council has no suggestions as to what other exceptions should apply.

**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 ☒

See answer 5.

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

Yes ☐ No ☐

The question does not seem pertinent to this Option, which includes rather than excludes what uses should be included in the UCO.

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

The question does not seem pertinent to this Option, which includes rather than excludes what uses should be included in the UCO.

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

Option 1 ☐ Option 2 ☒

Option 2 is preferred. This clearly sets out the recognisable uses that would remain part of financial services category of Class 2 i.e. a bank, building society, credit union and friendly society, most of which are usefully defined by other pieces of legislation. It clearly differentiates these uses as ‘deposit-takers’ which is also useful. Further, a risk of Option 1 is that other types of PDL activities emerge that are not covered by the exclusion.

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

Yes ☒ No ☐

The Council is supportive of the Scottish Government taking action on this matter. Through the policies of the adopted and emerging Local Development Plan, the Council has sought to control the growth of betting and PDL shops within West Dunbartonshire's town and local centres. However, almost all refusals, despite being based on Development Plan policy, have been overturned at appeal (most recently PPA-160-2017). The recognition of the issue in Scottish Planning Policy and through the proposed changes to the Use Class Order is most welcomed.

**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?**

No comment.

**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.**

No comment.