

16 September 2022

Dear Mr Graham,

I thought it would be useful to write a comprehensive response to pick up all of the issues raised so far and hopefully ease the progression of the application towards a recommendation to approve the application. Clearly, the section 73 application to remove opening hours restrictions has received a detailed objection from Northumbria Police. Whilst feedback welcomed, there are a considerable number of misconceptions with the AGC use and it would be helpful to try and address all 14 points raised by the DOCO, alongside all other comments made.

Northumbria Police

It is disappointing to see Northumbria Police have objected to the proposal. In response, please find below a response to all points made by the DOCO (1-14):

Para 1-4

It should be noted that the response formulated by Northumbria Police is predominantly fixated on general crime statistics for the area as a whole and does not specifically relate to the application site. There is simply no technical evidence submitted by the client and Northumbria Police that suggests a correlation between a Merkur Slots venue operating 24-hours and an influx in crime in this part of South Shields.

When delving into paragraph 3 of the response, reference is made to the existing demand on policing on those three days Leveche conducted their covert observations. Between those hours, on the Thursday night the Policing Team in South Tyneside dealt with 31 incidents, the following night 29 and the third night just 23, a total of 83 incidents in 27 hours. Despite making reference to these incidents, none of these directly relate to Merkur Slots Ltd. We understand the cause for concern, however, the figures used do not involve the application site, meaning they cannot be used as a reason for refusal/objection in this instance.

In direct response to points 1 & 4 of the Police's comments, crime data has been retrieved to demonstrate that there is no evidence that Merkur Slots venues attract levels of crime and disorder that would be problematic and undermine the quality of community life. For instance, the figure below illustrates comprehensive figures of reported offences at King Street, South Shields available data from February to April 2022:

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| Location | Month | Local ward area | Total offences reported at location | Total offences reported at Local authority ward |
|------------------------------|---------------|-------------------------------|-------------------------------------|---|
| King Street South Shields | February 2022 | West Shields and Riverside | 3 | 649 |
| King Street South Shields | March 2022 | West Shields and Riverside | 3 | 796 |
| King Street South Shields | April 2022 | West Shields and Riverside | 1 | 684 |

From the evidence detailed above, it is clear that the level of crime along King Street is minimal, with only 7 counts of offences being recorded over a 3-month period and all of which, are not associated with the application site at 48 King Street.

Paragraph 5, 6 and 7

My client has already obtained the necessary licence required by the Gambling Act 2005, enabling 24-hour operation. This was granted under a separate legislative regime that considers issues such as deprivation, crime, anti-social behaviour, impacts on health and it has been authorised that Merkur Slots at 48 King Street, South Shields will not have a negative impact on health. It is simply not for the planning system to duplicate such issues and should not hold any weight to a decision.

Therefore, it has already been accepted that the operation of 24-hours in this location will not have a detrimental impact on these factors and would not cause a rise in crime as result. It should be reiterated that the licensing process is a completely different legislative regime, and it is not for the planning system to duplicate such issues.

With particular reference to paragraph 6 and 7, my client strongly disagrees with this consensus. As part of the planning brochure submitted, the purpose is to clearly portray differences from AGC's and betting shops. One key point and often one of public concern surrounding gambling and betting shops is largely due to the presence of Fixed Odds Betting Terminals (FOBTs). Merkur Slots venues do not offer these types of machines. Merkur Slots' machines offer low stakes ranging from 10p to a maximum of £2. The fact that the police refer to the removal of 24-hour as a gateway to gambling, is simply unjustified, particularly as the principle of an AGC has been supported in this location.

Paragraph 8-14

When considering points 8-14, it is evident that the Police have drawn upon gambling statistics as a whole and do not relate to a Merkur Slots Venue. For instance, statistics drawn upon include:

- *The Health Survey for England published in December 2019 estimates that: Around 265,000 adults in England (0.4% of the population) are classified as higher risk problem gamblers. Around 2.4 million adults in England (3.6%) are classified as lower or moderate problem / at-risk gambler.*
- *Research by YouGov on behalf of Reed in Partnership [1] found that 57% of those who responded in the North East region had gambled at least once in the last 12 month, the highest amount in the UK where the average was 41%. More than a quarter of people - 26% - in this region said they had gambled in the past week while the national average was 16%.*
- *The National Strategy to Reduce Gambling Harms 2019-2022312 defines "gambling harms" as "the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society."*

When considering the above, it is clear reference to broad statistics has been used, relating to the nation as a whole, rather than being relevant to South Tyneside or South Shields. Further, the statistics relate to gambling as a whole and whilst we

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understand the stigmas attached to gambling, these figures are not specific to a Merkur Slots Venue, nor the application site. We have already distinguished a clear difference between betting shops and AGC's, however, it is pivotal to highlight that Merkur Slots Ltd (UK) venues (AGC's) are consistently considered as a leisure/entertainment use, of which, is an accepted Main Town Centre Use. Betting shops and AGCs are very different uses both in the way that they operate and their customer base.

In terms of impacts on health, again, no evidence relates specifically to a Merkur Slots Venue having an adverse impact. Previously, other local authorities have challenged the impact of Merkur Slots venues and used health impacts as a reason for refusal, despite having no evidence. Inspectors have consistently overruled this ideology, reaffirming that there is no evidence to associate negative health implications with AGC's.

- *There is no substantive evidence before me of any specific gambling problem in the locality that would be exacerbated by the proposal (Blackpool).*
- *There is little evidence before me to suggest that the introduction of an adult gaming centre would exacerbate the issues that have been presented to me or that the proposal would subsequently lead to a harmful effect on public services (Blackburn)*
- *I have not been provided with any substantive evidence that the proposed use would have an adverse impact on crime, anti-social behaviour, vulnerable groups and mental health and that it would add to the deprivation in the area. In any event, the proposed use would require a licence under the Gambling Act and concerns of this nature could be fully addressed through this process. (Kidderminster).*

As the third quote indicates, Merkur Slots are required to obtain the necessary licence under the gambling Act (2005). My client had been granted the necessary licence, approving 24-hour operation. As mentioned previously, this is a separate legislative regime that considers issues deprivation and anti-social behaviour and it has been authorised that Merkur Slots at this site will not have a negative impact on health. It is not for the Planning System to duplicate such issues and should not be a reason for refusal.

With the above in mind and given the fact all statistics referenced by Northumbria Police are not associated directly with Merkur Slots, it is clear that Merkur Slots venues are not a generator of crime and seems unjust for the Police to associate general gambling statistics with a Merkur Slots Venue.

Recent Approval

Please find attached a recent decision at 544 Bearwood Road, Smethwick, B66 4BT.

This application was to remove opening hour restrictions, enabling 24-hour operation and was recently approved by Sandwell Council on 12th August 2022. It is important to note that this is not a temporary permission.

The relevance of this application is that the application site shares very similar qualities to the site at 48 King Street, South Shields. For instance, it falls within the town centre and does not have residential on the upper floors.

In determination of this application, the Council concluded that, given the level of assessment which has been provided and evidence (Noise report) and taking into account the ambient noise level of the town centre and the fact that there is no residential accommodation immediately above the use, the unrestricted use of the facility would not give rise to unreasonable levels of noise.

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The Spatial Policy Team share similar views and acknowledge the robust evidence base provided by the applicant.

Spatial Policy Team

When analysing local planning policy, as the Spatial policy team elaborate, The Council is committed to supporting the vitality and viability of South Shields town centre as is reflected in Core Strategy Policy SC2 and South Shields AAP policies SS1 and SS8. It is also committed to supporting a vibrant evening economy within the town centre as reflected in point C of Core Strategy Policy SC2 and in South Shields AAP Policy SS8.

As a result, there is nothing in local policy prohibiting the incorporation of late opening hours for leisure establishments such as AGC's and should not restrict the approval of this planning application.

Ward Councillor

No information/evidence has been issued to demonstrate how 24-hour operation would have a negative impact on the character of the area. With the information above and attached, I believe this satisfies comments raised.

Conclusion

Despite providing a robust evidence base, which ensures the removal of opening hours restrictions is policy compliant (as reinforced by the spatial policy team) my client would be willing to accept a 1 or 2 year temporary permission, enabling 24-hour operation to be closely monitored over this period by Northumbria Police.

As per the NPPF, every application should be determined on its own merits and all technical evidence that forms part of this application points to the venue operating safely and securely. Therefore, there is no evidence related to 48 King Street that suggests 24-hour operation will be detriment to the area and is not suitable at this location.

Yours sincerely,

Mr Henry Hodgson

Planning Potential

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Enc.

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