

Title of meeting:	LGA Advisory and Selector Panel meetings – Newham Council’s Sustainable Communities Act appeal
Date:	17 November 2015
Attendees:	<p>Councillors - the Selector Panel</p> <p>Mike Jones, Panel Chair, Cheshire and Chester West (Conservative) Sue Whitaker Norfolk (Labour) Ray Morgon Havering (Independent) Paul Tilsley Birmingham (Liberal Democrat)</p> <p>Advisers</p> <p>Councillor Tony Page, LGA Licensing Champion, Safer and Stronger Communities Board</p> <p>Alexandra Runswick, Local Works representative (Director of Unlock Democracy).</p> <p>Representatives from Newham</p> <p>Sir Robin Wales (Mayor of Newham) Sam Hunt (Parliamentary and Public Affairs Officer) David Grant (Lead Licensing Officer)</p>

Introductions and welcome

The Chair opened the meeting and explained that the Selector Panel and the Advisory Panel provide a mechanism for reviewing the Secretary of State’s refusal of proposals submitted under the Sustainable Communities Act (SCA). The mechanism can be triggered by a council which has had a proposal refused; following discussion, the Selector Panel has the option to formally ask government to reconsider its decision. The meeting was being held to determine whether there are grounds to ask government to reconsider Newham’s application on maximum stakes for gaming machines.

Criteria for considering SCA cases

The panel noted the agreed criteria to be applied when considering whether to resubmit proposals to government:

- a) The proposal had been originally submitted to the Secretary of State;
- b) The authority submitting the proposal asked the Selector to review the decision with a view to asking the Secretary of State to reconsider the proposal;
- c) The proposal requires action from central government;
- d) The proposal would promote the sustainability of local communities as defined in the Act; and
- e) The Principal Council submitting the proposal has given sufficient evidence to show that they have consulted and tried to reach agreement with representatives of interested local persons in accordance with the Sustainable Communities Act Regulations 2012.

Newham’s proposal to reduce to £2 the maximum stake for B2 gaming machines (often referred to as Fixed Odds Betting Terminals or FOBTs) was considered with reference to the above criteria. With a) and b) agreed to have been met, the meeting focused on criteria c – e. The meeting heard evidence from Newham in support of their proposal. While government chose not to send a representative to the hearing to outline its case, the refusal letter from Marcus Jones, Minister for Local Government, to Newham Council dated 15th July 2015 was considered.

In relation to criteria c:

- The panel agreed that Newham / councils do not have the power to reduce gaming machine stakes because stakes are prescribed nationally, and that the proposal did indeed require action from central government to introduce. Further, in relation to the wider issue of betting shop clustering, the panel accepted the argument that councils have very limited powers under both planning and licensing law to refuse new betting shops.

In relation to criteria d:

- The panel also accepted Newham's argument that reducing machine stakes and tackling existing betting shop clustering would enhance the sustainability of local communities. Newham highlighted that there are more betting shops and machines in areas of deprivation, and that the density of betting shops was preventing other types of businesses from opening on local high streets. They also outlined the level of crime and anti-social behaviour associated with local betting shops. The panel agreed that, subject to the provision of the supporting information cited, this criteria had been met.

In relation to criteria e:

- The panel noted that Newham's original application had provided evidence of consultation and local support for the proposal, as well as Newham's statement that they had tried to engage with the betting shop industry locally. The panel also noted information from Cllr Page about engagement between the LGA and betting shop industry during 2014. The discussions had been set up to see if it was possible to reach agreement on concerns about betting shop clustering and gaming machines, but this had not been possible. The panel therefore considered that there was sufficient evidence to show that Newham had tried to reach agreement locally.

Selector Panel decision

There was unanimous agreement among the Selector Panel that the five criteria had been met and that, subject to the provision of the supporting information cited by the council, government should be asked to reconsider the proposal.