

### APPENDIX E

You have been sent this guidance note because you have, or are considering, making an application for a licence to sell alcohol or provide late night refreshment in the south Leeds area.

This information is provided to anyone applying for a licence to sell alcohol or provide late night refreshment in LS10 or LS11. It may be used to by residents or other interested people who make a representation against an application. It will be provided to the Licensing Subcommittee at any subsequent licensing hearing.

#### **Why have you been sent this information?**

Under the Licensing Act 2003 you are required to complete an 'operating schedule'. You are expected to have regard to the council's Statement of Licensing Policy. You must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of your local area when describing the steps you propose to take to promote the licensing objectives.

In order to assist you, Leeds City Council has collated information on this area including any special policies that relate to the area. You should make your own enquiries as well and demonstrate how you have considered the following in your operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate.
- Any risk posed to the local area by the your proposed licensable activities; and
- Any local initiatives which may help mitigate potential risks.

#### **Scope**

The scope of this guidance includes all premises licensed under the Licensing Act 2003 in post code areas LS10 and LS11 which mainly comprises of three wards, City and Hunslet, Middleton and Beeston & Holbeck. This covers the localities of Beeston, Middleton, Belle Isle, Holbeck and Hunslet.

It is a fact (Joint Strategic Needs Assessment 2012, NHS Leeds) that if you live in LS10 or LS11 you can expect your life expectancy to be lower than that of residents in other areas of Leeds. The three contributory factors to a reduced life expectancy are alcohol, obesity and smoking. The Licensing Act 2003 authorises the activity of the sale or supply of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in LS10 and LS11.

#### **Local Concerns**

*"The late licensing of local shops and the sale of alcohol to underage persons or to adults who buy it for underage persons has had a negative impact on our community. It has led to large groups of people (largely under 30) congregating around these shops and displaying intimidating behaviour, fighting and creating noise. It means residents sometimes feel you don't want to go there in an evening due to this behaviour. We value our young people and everyone in our community and want to ensure there are positive and safe activities for people, which don't harm their health or result in other's feeling intimidated. We feel that late licensing and underage drink sales undermine this."*

Christine Jenkinson, Middleton Community Group, Committee Member

In the LS10 and LS11 area there is concern about:

## Alcohol

- The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
- The contributory factor and possible links between violent crime and domestic violence and exacerbated by the availability of alcohol due to the numbers of premises which sell alcohol for consumption off the premises in the area.
- The higher proportion of premises licensed for alcohol for consumption off the premises.
- The ability for people with mental health or alcohol problems to easily obtain alcohol.
- The ability for people who are already intoxicated to easily obtain more alcohol.
- The pack size super strength cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.

## Protection of children

- The normalisation of alcohol abuse and the effect this has on children living in the area
- The sale and supply of alcohol to young people and children and the impact this has on their behaviour in the community and impact on their health.

## Nuisance

- The accumulation of premises providing takeaway food and off sales of alcohol in the Dewsbury Road area
- Littering of food wrappers and waste food originating from takeaways.

## Responsible Retailing

In 2010 the Government introduced a new Mandatory Code for Alcohol Retailing. This was brought into law by the implementation of 5 new mandatory conditions. These were updated in 2014 and further details can be found on the Home Office website: <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>

Specifically the Government brought in a new mandatory condition prohibiting the sale of alcohol below cost. Cost is defined as the cost of the VAT and duty charge. More information can be found on the Government website: <https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat>

Responsible retailing, including age related sales of alcohol, has long been promoted by West Yorkshire Trading Standards. In particular West Yorkshire Trading Standards have been working with alcohol retailers in south Leeds and working together the failure rate for underage sales of alcohol has dropped from 45% to 13%. More information can be found on their website at <http://www.ts.wyjs.org.uk/wyjs-trading-underage-sales.asp>

Other sources of information can be found at:

<http://www.brc.org.uk/Downloads/FCSG0475ResponsibleRetailingofAlcohol.pdf>  
<http://biiab.bii.org/qualifications/qualification-ARAR>

When considering responsible retailing, you may wish to consider what you would do about:

- The sale of large quantities of alcohol
- The sale of super strength alcohol in large containers (2 and 3 litre plastic bottles)
- The sale of alcohol to people who are already drunk
- How to address selling alcohol to people who are pregnant
- How to refer someone who appears to have a drinking problem
- How to display alcohol

- What to name the premises
- Healthy takeaway options available for example low fat versions of popular dishes
- Nutritional information on all takeaway foods.

It may be useful for you to make yourself aware of organisations in the area that can help people with alcohol addiction, and to get acquainted with the local West Yorkshire Police Neighbourhood Policing Team.

### **Measures to address local concerns**

The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this document. As such the licensing authority would expect anyone wishing to open or extend premises that sell alcohol, or sell hot food to provide extra measures to ensure these problems are not exacerbated.

It is highly likely that any application which includes the sale by retail of alcohol or the sale of hot food and drink will attract representations from a number of interested people. In order to mitigate the concerns stated in this document, you are encouraged to contact Entertainment Licensing, West Yorkshire Police, Environmental Health and Health to see if there are any specific measures that can be adopted. Contact details for agencies are included in the application packs and on the council website.

If you don't contact the responsible authorities, and you do not offer additional measures you can expect to receive a contact from a number of the agencies about your application. This may be by phone, email or by way of a formal objection to your application.

Entertainment Licensing provides a Proforma Risk Assessment which is a list of suggested measures prospective licensees may like to include in their operating schedule. In addition you may wish to consider if any of the following measures would be appropriate for your business to adopt. These measures could be offered as part of the operating schedule. A form is attached to the end of this document to assist you with this.

### Crime and Disorder

- All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.
- The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.
- The display of spirits shall be in an area accessible only by staff
- The display of high-strength beers, ciders and lagers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.
- There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.
- All areas where alcohol is displayed shall be covered by CCTV

### Prevention of public nuisance

- Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.

### Protection of children

- There will be a Check 25 proof of age verification scheme in place.
- Alcohol will not be displayed next to the public entrance/exit of the premises.
- The name of the premises will not contain reference to alcohol.
- There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.
- All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.

## Local Information

### Area Profile

Postcode areas LS10 and LS11 mainly comprises of three wards, City and Hunslet, Middleton and Beeston & Holbeck. This covers the localities of Beeston, Middleton, Belle Isle, Holbeck and Hunslet. Data source 2011 Census.

#### City and Hunslet



Size 1,059 hectares  
No of household spaces 16,774 of which 15,207 are occupied

Population 33,705  
BME 39.2%

Religion (top 3)  
Christian 13,925 (41.3%)  
No religion 11,058 (32.8%)  
Muslim 4,791 (14.2%)

#### Middleton Park



Size 997 hectares  
No of household spaces 11,719, of which 11,397 are occupied

Population 26,228  
BME 11.5%

Religion (top 3)  
Christian 14,984 (57.1%)  
No religion 8,984 (34.3%)  
Religion not stated 1,761 (6.7%)

## Beeston and Holbeck



Size	700 hectares
No of household spaces	10,483, of which 9,830 are occupied
Population	22,187
BME	27.4%
Religion (top 3)	
Christian	11,811 (53.2%)
No religion	6,202 (28%)
Religion not stated	1,556 (7%)

## **Leeds Observatory**

The Leeds Observatory is a tool for everyone to explore strategic data, information and intelligence about Leeds' communities and geographies. The observatory provides a clear evidence base for communities and professionals to determine the needs of people in Leeds which will shape decision making and services.

The following links provides statistical data on demographic profile, economic activity, education and skills, community safety, housing and health in this area.

### [Inner South Area](#)

## **Neighbourhood Plans**

The Localism Act 2011 introduced major reforms to the planning system that gives local communities new rights to shape and plan their neighbourhood. The Act introduces a new initiative called the neighbourhood plan. These plans are optional – if local communities choose, you can be used to set out policies for the development or use of land but you must be 'pro development'.

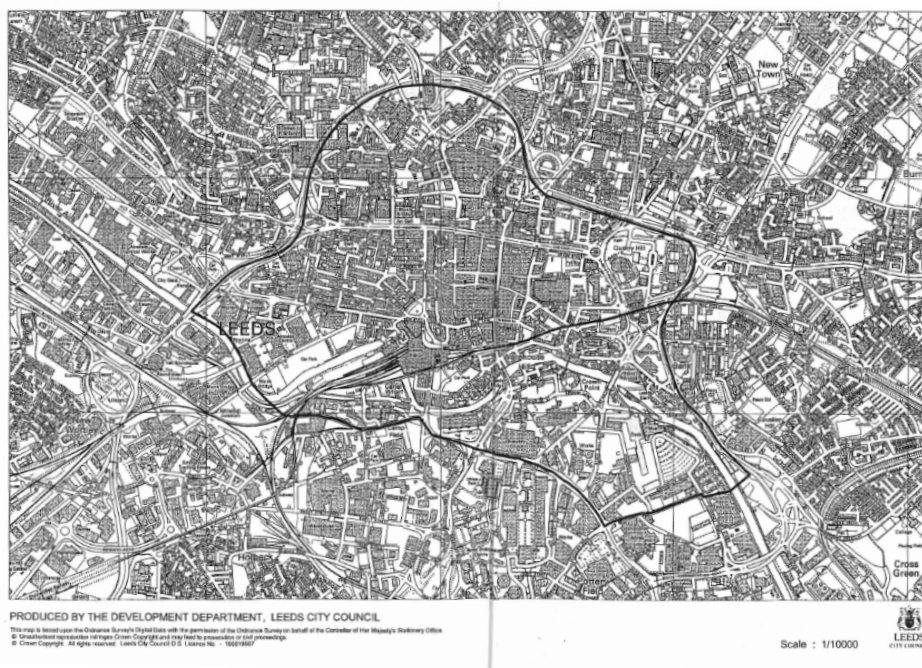
The Act also includes new powers for local communities to prepare a Neighbourhood Development Order (NDO) for their area, which will be able to promote a particular type of development. Related to the NDO, is the Community Right to Build Order (CRtB) and this will provide for community-led site development.

Local communities may also be interested in applying to the Council to have a valued area designated as a Local Green Space.

For regular updates on neighbourhood planning check  
<http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx>

## Additional measures already in place

A designated public places order is in place in the following area:



Designated Public Place Orders (DPPOs) give police officers discretionary powers to require a person to stop drinking and confiscate alcohol or containers of alcohol in public places. Failure to comply with alcohol restrictions in DPPOs can result in arrest and/or a fine of up to £500. DPPOs are implemented by local councils in order to address alcohol-related crime and disorder in public places under section 13 of the Police and Criminal Justice Act 2001.

## Licensing Profile

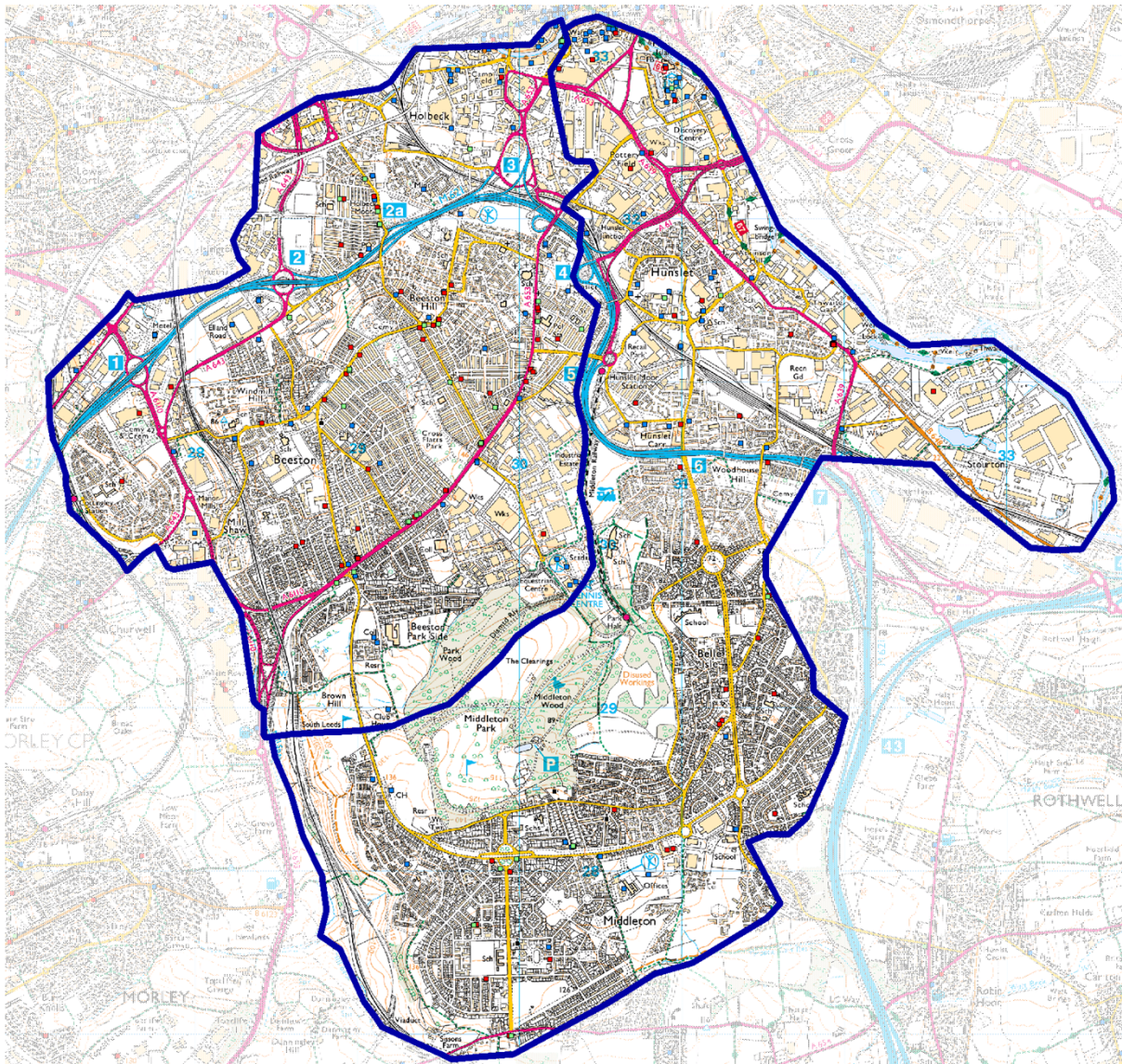
As of October 2012, Inner South Leeds (LS10 and LS11) has a total of 223 licensed premises. 116 are “on licensed” premises (pubs, restaurants, hotels, clubs) and 79 are off licensed premises (off licences or takeaways that sell alcohol). There are 28 licensed takeaways in the area that sell hot food after 11pm. Before 11pm takeaways do not require a licence.

LS10 and LS11	Event Space	Hotels	Takeaways	Off licences	Pub and Bars	Registered club	Restaurant	Sports or social clubs	Total
Ardsley & Robin Hood	0	0	0	0	1	0	0	0	1
Beeston & Holbeck	2	1	10	23	13	8	1	6	64
City & Hunslet	0	3	12	31	37	7	8	10	108
Middleton Park	0	0	6	21	4	6	0	7	44
Morley North	1	0	0	4	0	0	1	0	6
<b>Total</b>	<b>3</b>	<b>4</b>	<b>28</b>	<b>79</b>	<b>55</b>	<b>21</b>	<b>10</b>	<b>23</b>	<b>223</b>

The majority of “on licensed” premises cease selling alcohol at 11pm with a smaller number ceasing alcohol sales at midnight or 1am. This is significantly earlier than the city centre, but in keeping with other residential areas. In the main late night refreshment premises (takeaways) are open until 2am, with a number closing at 11.30pm or midnight.

There has been a steady increase in the number of premises selling alcohol for consumption off the premises in LS10 and LS11.

2005	2006	2007	2008	2009	2010	2011	2012	Current
65	66	72	74	76	74	76	77	79



Red – Off licence

Green – On licences

Blue – Takeaway

### On-licensed premises

There are a number of areas where there is an accumulation of licensed premises. Top Moor Side in Holbeck, Dewsbury Road and Hunslet all have a number of licensed premises, but not in the concentrations found elsewhere in the city. The accumulation of licensed premises is localised. This, in itself, prevents the council from applying a formal cumulative impact policy in south Leeds. However any application in this area will be scrutinised and cumulative impact will be considered if the application is for premises in an area that already has an accumulation of similar premises.

### Off licensed premises

The number of premises licensed for the sales of alcohol for consumption off the premises (off licences) is high in comparison to other wards in the city. On a city wide ranking Beeston and Holbeck sits at 7<sup>th</sup> while Middleton Park is ranked 10<sup>th</sup> out of 33 wards. In contrast when looking at pubs, Beeston and Holbeck is ranked 16<sup>th</sup> and Middleton Park is ranked 32<sup>nd</sup>.

Trading Standards has worked with premises licensed to sell alcohol for consumption off the premises to reduce the number of failed test purchase attempts over the last two years. This has meant an overall improvement in this area to a level below that experienced across Leeds.

### Late night takeaways

Dewsbury Road is an area of special concern with a total of 31 late night takeaways operating from this busy area of Beeston. Not all the takeaways are licensed for the sale of hot food after 11pm and most are not controlled by conditions relating to litter nuisance. This has led to this area becoming of concern on the grounds of public nuisance caused by the amount of litter accumulations in the area.



This is a back street in Beeston Hill.





Once the clean-up crews, the area looks a lot better. However within a week, litter is starting to accumulate again.



The littering around takeaway and off licence premises is a much bigger concern.

### **Health and Community Safety Information**

There is clear evidence that some areas of south Leeds have high levels of problems associated with alcohol misuse. These include:

- During 2011, there were almost 14,000 domestic related *incidents* reported to the police across Leeds with approximately 4,000 of them in City and Holbeck Division.
- There were approximately 4,000 domestic related *crimes* in the same period across Leeds. Domestic Violence accounted for 33.6% of violent crimes in City and Holbeck Division.
- There were 5 domestic homicides and 192 MARAC cases in Leeds during 2011.
- Children were present at 4,966 incidents of domestic violence during 2011 which is an increase of 24% compared to the previous twelve month period. As some households have more than one child, each incident is potentially witnessed by more than one child. So the number of children recorded as being present is 6,145. This has changed significantly compared with 4,233 children present at the time of the last profile.
- The age group for victims most likely to be assaulted appears to be between the ages of 18 and 24.
- Alcohol was the most frequently cited contributing factor, accounting for 49% of incidents and 46% of crimes in the most recent period compared with 52% incidents at the time of the last profile. Drugs contributed to about 8% of incidents and 7% of crimes, which is an increase of around 5% from the time of the last profile.

Source: West Yorkshire Police crime data

### Hospital Admissions

In Leeds there were a total of 53,910 all-age alcohol related admissions between April 2009 and March 2010 of people registered with a Leeds GP and living in Leeds. Of these admission 48% were male and 52% were female. This is an increase from 37,709 in 2007/08 and 42,538 in 2008/09.

Of the 48 postcode districts in the Leeds area, LS11 has the highest number of people being admitted to hospital with an average of 36 people admitted three or more times per year, followed by LS9 with 29 people.

10 postcode districts have one or more residents who had been admitted on 10 or more occasions per year (2007-09 average). LS11 had the highest number with an average of 3.3 people admitted, followed by LS13 with 2.3 people.

In comparison the overall hospital admission rates for alcohol specific and alcohol attributable admissions in Inner South Leeds are much higher than the rest of Leeds:

	Holbeck	South Leeds	Leeds Average
Alcohol specific admissions (/1000)	17.6	10.9	6
Alcohol attributable admissions (/1000)	30.8	24.6	18.7

### Fires

Most alcohol related fires in Leeds happen between 21:00 and 03:00 at night with 90% of incidences occurring in residential properties. The majority of incidences are related to cooking. 52% of the injuries occurred in an area of Leeds ranked in the 10% most deprived nationally. Between 2008/09 and 2010/11 56 people suspected of being under the influence of drink or drugs were injured by fires and of these 31 were suspected to be under the influence of alcohol.

### Drinking while pregnant

The UK Chief Medical Officer's advice to women is:

'Women who are pregnant or trying to conceive should avoid alcohol altogether. However, if they do choose to drink, to minimise the risk to the baby, we recommend they should not drink more than 1-2 units once or twice a week and should not get drunk.'

The National Institute for Health and Clinical Excellence (NICE) advises healthcare professionals (GPs and nurses):

- Pregnant women and women planning to become pregnant should be advised to avoid drinking alcohol in the first three months of pregnancy, because there may be an increased risk of miscarriage.
- Women should be advised that if they choose to drink alcohol while they are pregnant, they should drink no more than 1-2 units of alcohol once or twice a week. There is uncertainty about how much alcohol is safe to drink in pregnancy, but at this low level there is no evidence of any harm to their unborn baby.
- Women should be advised not to get drunk or binge drink (drinking more than 7.5 UK units of alcohol on a single occasion) while they are pregnant because this can harm their unborn baby.
- If women want to avoid all possible alcohol-related risks, they should not drink alcohol during pregnancy because the evidence on this is limited.

### Obesity

Tackling obesity is one of the most significant public and personal health challenges facing our society. Obesity is a serious threat to health with 22% of men and 23% of women now classed as clinically obese (BMI greater than 30kg/m<sup>2</sup>). Among people aged 55 – 74 years two thirds of women and three quarters of men are overweight or obese.

The Leeds Joint Strategic Needs Assessment (JSNA) outlines key lifestyle behaviours that are of significance, which includes obesity. The findings suggest obesity levels are rising. The JSNA describes obesity as the second most important preventable cause of death after smoking. The cost to NHS in Leeds was £205m in 2010.

In relation to children, 1 in 10 in reception class and this rises to 1 in 5 for those children in Year 6 (primary school) are obese.

The recent MSOA health area profiles produced by NHS Leeds 2012, suggests Middleton and Westwoods as one of four neighbourhoods in the south east area with significant numbers of cases classed as obese. The profiles highlight linked factors such as deprivation and alcohol.

An overview of the area, in relation to obesity in the areas known as Middleton and Westwoods shows a number of indicators and highlighted below are those that directly show an impact on people's health:

- 7,535 people live in the area.
- The population is predominately white British.
- There is a higher than average proportion of children and young people
- 55% of residents rent their homes from the local authority
- The number of JSA claimants is 9.2% compared to 4.5% in Leeds
- Secondary school absenteeism is 19.4% compared to 11.3% for Leeds
- There are a higher number of young persons classified as NEETS (not in education, employment or training) - 14.2% compared to 7% for the rest of Leeds
- Educational attainment at key stage 4 = 5+ A-C including English & Maths is 31.5% compared to 53.4% for the rest of Leeds
- Obesity is higher than the Leeds average
- Smoking rates are almost double the Leeds average
- Diabetes is higher than the Leeds overall figure
- COPD is much higher than the Leeds average and the age standardised rate is also high
- CHD is higher than the Leeds average
- Admissions for alcohol related conditions are high
- Cancer rates are slightly lower than the Leeds average however when standardised against age it is in line with the Leeds average
- Mortality rates for under 75 are much higher than the Leeds average

The National Obesity Observatory's Report on Obesity and alcohol states that the relationship between obesity and alcohol consumption is complex. Associations between the two are heavily influenced by a number of factors including: patterns and levels of drinking; types of alcoholic drinks consumed; gender; body weight; diet; genes; physical activity levels and other lifestyle factors.

Some of the key points from the report include:

- Many people are not aware of the calories contained in alcoholic drinks
- The effects of alcohol on body weight may be more pronounced in overweight and obese people
- Alcohol consumption can lead to an increase in food intake
- Heavy, but less frequent drinkers seem to be at higher risk of obesity than moderate, frequent drinkers
- The relationships between obesity and alcohol consumption differ between men and women
- Excess body weight and alcohol consumption appear to act together to increase the risk of liver cirrhosis

- There is emerging evidence of a link between familial risk of alcohol dependency and obesity in women

All of this leads to a concern about the availability of alcohol and unhealthy foods.

### Sources

Local information	provided by <a href="http://openlylocal.com">http://openlylocal.com</a>
Additional data	provided by <a href="http://www.westyorkshireobservatory.org/home">http://www.westyorkshireobservatory.org/home</a>
Licensing information	provided by Entertainment Licensing (extracted October 2012)
Crime data	provided by West Yorkshire Police
Health information	provided by NHS Leeds (Leeds Alcohol Harm Reduction Action Plan 2011-2015, Alcohol Needs Assessment Info 2011 & Tackling Alcohol and Community Safety in South Leeds – Summary Findings) Joint Strategic Needs Assessment 2012, NHS Leeds

### Contact Details

Entertainment Licensing Section	Phone:	0113 247 4095
Leeds City Council	Fax:	0113 224 3885
Civic Hall	Website:	<a href="http://www.leeds.gov.uk/licensing">www.leeds.gov.uk/licensing</a>
Leeds LS1 1UR	Email:	<a href="mailto:entertainment.licensing@leeds.gov.uk">entertainment.licensing@leeds.gov.uk</a>

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note.

## Risk Assessment Proforma – South Leeds

Premises name: \_\_\_\_\_

Premises Address: \_\_\_\_\_

Applicants Name: \_\_\_\_\_

Please be advised I wish to amend my application to add the following measures to the operating schedule.

### Crime and Disorder

<b>Suggested measures</b>	✓
All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.	
The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.	
The display of spirits shall be in an area accessible only by staff	
The display of high-strength beers, ciders and lagers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.	
There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.	
All areas where alcohol is displayed shall be covered by CCTV	

### Prevention of public nuisance

<b>Suggested measures</b>	✓
Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.	

### Protection of children

<b>Suggested measures</b>	✓
There will be a Check 25 proof of age verification scheme in place.	
Alcohol will not be displayed next to the public entrance/exit of the premises.	
The name of the premises will not contain reference to alcohol.	
There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.	
All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.	

**Please return this page to Entertainment Licensing, Civic Hall, Leeds, LS1 1UR  
or by email to [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)**