

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 23rd July 2013

Subject: Licensing Authority Response to the Site Allocations Plan Consultation

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Site Allocations Plan will allocate sites that will help to deliver the Leeds Core Strategy long term spatial vision, objectives and policies. This is to ensure that sufficient land is available in appropriate locations to meet the targets set out in the Core Strategy. It is a key Local Development Framework (LDF) document in identifying specific allocations for development to 2028. It is intended that the Site Allocations Plan should 'follow on' from the adoption of the Core Strategy, but begin early work in parallel.
2. Public consultation on the Site Allocations Plan Issues and Options was agreed at the meeting of the Executive Board on the 9th May 2013. The consultation is from Monday 3rd June and closes at 5pm on Monday 29th July 2013. The Licensing Authority has been asked to respond.

Recommendations

3. That Licensing Committee notes the contents of this report and the appendix, and provide comments which can be included as the Licensing Authority response to the Site Allocations Plan consultation.

1 Purpose of this report

- 1.1 This report presents to Licensing Committee a draft response to the council's Site Allocation Plan.

2.0 Background information

- 2.1 The Site Allocations Plan will allocate sites that will help to deliver the Leeds Core Strategy long term spatial vision, objectives and policies. This is to ensure that sufficient land is available in appropriate locations to meet the targets set out in the Core Strategy. It is a key Local Development Framework (LDF) document in identifying specific allocations for development to 2028. It is intended that the Site Allocations Plan should 'follow on' from the adoption of the Core Strategy, but begin early work in parallel.
- 2.2 In May 2012, Executive Board approved the scope/content of the plan. It will cover housing, employment, retail and green space allocations for the whole of the authority area, except for the area within the Aire Valley Leeds Area Action Plan.
- 2.3 The precise timetable for the preparation of the Site Allocations Plan is subject to the progress of the Core Strategy to adoption and will be kept under review and updated accordingly. The Site Allocations Plan cannot be finalised before the adoption of the Core Strategy because of the need to be in general conformity with the Core Strategy which sets strategic requirements and policies, and in particular will confirm the housing target and distribution.

The indicative timetable is:

Issues and Options Consultation	Summer 2013
Publication Draft Consultation	Summer 2014
Submission to Secretary of State	Late 2014
Plan Adoption	Late 2015

- 2.4 Public consultation on the Site Allocations Plan Issues and Options was agreed at the meeting of the Executive Board on the 9th May 2013. The consultation is from Monday 3rd June and closes at 5pm on Monday 29th July 2013. To access the consultation material go the Site Allocations Plan - Issues and Options page, available under Related Pages below.

3.0 Main issues

- 3.1 The Site Allocation Plan, as consulted upon, is split into two volumes with a number of parts. Volume 1 is an overview of the plan. Volume 2 provides more details, including plans of each area, retail, housing, employment and green space issues and options.

3.2 The areas including in volume 2 are:

1. Aireborough
2. City centre
3. East
4. Inner
5. North
6. Outer North East
7. Outer North West
8. Outer South
9. Outer South East
10. Outer South West
11. Outer West

3.3 The draft response from the Licensing Authority includes comments relating to the allocation of secondary frontages, which are parts of the high street which are considered suitable for uses other than retail. Concern has been expressed that care should be taken when allocating secondary frontages to ensure that a wider mix of uses does not allow an unbalanced mix of uses which are predominantly alcohol led.

3.4 The draft response highlights the council's cumulative impact policies, the predominance of hot food takeaway and off licensed premises, betting shops and pay day loan companies. Under the plan, all of these uses could be considered as suitable for secondary frontages.

3.5 The draft response provides a response for specific questions relating to these matters for:

2. City Centre
4. Inner
5. North
7. Outer North West
10. Outer South West

3.6 The public consultation is currently underway and the deadline for responses is 29th July 2013.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This report presents a draft response to a consultation. It has been distributed to Members of the Licensing Committee prior to the meeting to ensure that they have sufficient time to formulate comments.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 This report has no implications for equality, diversity, cohesion or integration.

4.3 Council Policies and City Priorities

4.3.1 The draft response provides suggestions that, if included, could help support and strengthen the aims of the council's licensing regime which directly contributes to the council's Best Council Plan 2013-17 through supporting the Best Council Outcome of:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us

4.3.2 The licensing regime supports the following aims:

By 2030, Leeds will be fair, open and welcoming

- There is a culture of responsibility, respect for each other and the environment
- Everyone is proud to live and work

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

4.3.3 The licensing regime also directly contributes to the following city priority:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and Value for Money

4.4.1 There are no resource implications.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This report presents a draft response to the Site Allocations Plan consultation. As such there are no legal implications, access to information and call in.

4.6 Risk Management

4.6.1 There are no risk management implications.

5 Conclusions

5.1 The Site Allocations Plan will allocate sites that will help to deliver the Leeds Core Strategy long term spatial vision, objectives and policies. The Licensing Authority has the opportunity through the consultation to comment on and make suggestions to align the Site Allocations Plan with current and prospective licensing policy.

6 Recommendations

- 6.1 That Licensing Committee notes the contents of this report and the appendix, and provide comments which can be included as the Licensing Authority response to the Site Allocations Plan consultation.

Background documents¹

None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Draft response to Site Allocations Plan

Volume 1

In paragraphs 7.12 to 7.17 the plan describes primary shopping areas, primary frontages and secondary frontages.

The use of secondary frontages in primary shopping areas for uses such as restaurant, cafes and bars without the consideration of the percentage of the overall frontage can lead to an area becoming more centred on the evening and night time economy. In Leeds a higher concentration of alcohol led premises can lead to increased alcohol related crime and disorder.

It has been our experience that similarly premises used for late night hot food take away services attract the same clientele which can bring alcohol related crime and disorder as well as a nuisance for the public through littering, odours and noise in the area, reducing the local resident's amenity and increasing complaints.

Therefore care should be taken when allocating secondary frontages to ensure that a wider mix of uses does not allow an unbalanced mix of uses which are predominantly alcohol led. There should be a mix of uses where alcohol sales are secondary such as food led or entertainment led premises (restaurants, cafes).

The council has adopted cumulative impact policies in areas which have suffered from this imbalance. At present, there are five CIPs (Horsforth, Headingley, Woodhouse, City Centre and Chapel Allerton).

There are concerns that in other areas, especially in local centres such as Tommy Wass, Beeston Hill etc the predominance of hot food takeaways and off licensed alcohol sales in corner shops and convenience stores is leading to significant health issues, such as reduced life expectancy.

There is emerging concern that local centres and town centres are becoming an attractive area for betting shops, pay day loan companies and pawn brokers, especially in the current financial downturn. Consideration should be given to producing a policy on allocating a maximum percentage of this use of premises in local centres and town centres to restrict the increase of the use of premises as financial institutions.

The council has recently adopted a policy on the locations and numbers of sexual entertainment venues in Leeds. The policy states that there is no locality outside of the city centre in which it would be appropriate to license a sexual entertainment venue. Accordingly the appropriate number of SEVs for outside of the city centre is nil. The appropriate number of SEVs in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations. Sensitive uses are:

- Schools and other areas of education
- Play areas/parks
- Youth facilities
- Residential areas

- Women's refuge facilities
- Family leisure facilities such as cinemas, theatres and concert halls
- Places of worship
- Places used for celebration or commemoration
- Cultural leisure facilities such as libraries, museums
- Retail shopping areas
- Historic buildings

Sensitive locations are:

- Millennium Square, Calverley Street
- City Square
- The area around the combined Courts
- The Headrow, Eastgate
- East Parade, Park Row
- New Briggate, Briggate
- Albion Street, Woodhouse Lane
- Merrion Centre, Merrion Street
- Boar Lane
- New Station Street, Wellington Street

The Licensing Authority would request that the Planning Authority seeks to set a limit on the number of premises in a secondary frontage that would be given permission for alcohol led businesses, or businesses providing sexual entertainment or financial institutions taking into consideration local licensing policies and the premises already in operation in that area.

Volume 2 – 2. City Centre

CCR6 Do you agree that a policy should be created to resist development of drinking establishments and hot-food-takeaways in 'hotspots' of concern designated for the purposes of premises licensing?

Yes. In paragraph 2.2.8 the areas allocated in the plan for secondary frontages (and therefore suitable for alcohol led premises) are almost exclusive within the current city centre alcohol led violent crime hotspot areas:

- South west corner of Merrion Shopping Centre
- New Briggate
- Albion Street
- New York Street/Kirkgate

The Licensing Authority appreciates that the Site Allocations Plan makes specific mention of cumulative impact policy at 2.2.11 and notes that it is not intended to mark specific areas in the Plan as these may become out of date within the lifetime of the Site Allocations Plan. However the Licensing Authority would suggest that consideration is given to providing information on where the current Licensing Act 2003 Statement of Licensing Policy can be obtained from as this is a published document which contains the

current cumulative impact information, as well as other local guidance which may be relevant for developers.

**H1 Do you agree that the sites that have been identified as “green” represent the most suitable sites to consider allocating for future housing development?
Yes/No Reason**

No. Some of the sites are in late night economy areas which have a high volume of foot traffic. Even though the planning process can require noise attenuation measures on the development, it is difficult to reduce the noise created by night time revellers in late night economy areas such as Call Lane, Albion Place and The Calls. In addition there is one development which has permission for flats above a public house. The smoking ban has driven people to stand directly outside premises which have led to numerous complaints about noise from the street outside pubs, bars and nightclubs. It is no longer suitable to locate residential use about night time economy premises unless restrictions are in place to preclude such licensed premises from the night time economy. This may impact on the viability of the commercial enterprise.

H2 Which sites do you disagree with and why?

6, 17 and 21 would all require closer inspection to ensure that residents are not placed directly within the night time economy.

Volume 2 - 4. Inner

R1 Do you have any comments on the proposed centre and Primary Shopping Areas (PSA) boundary? Please state the centre/s to which your comments relate. Use plans to support your comments where possible.

Plan 4.2E shows an area of Dewsbury Road designated as a PSA, with a percentage allocated as secondary frontage. The Licensing Authority is aware that there is work on-going in this area to reduce the risk to health by the excessive consumption of alcohol and obesity. The Joint Needs Assessment shows a reduction in life expectancy in LS10 and LS11. Contributory factors are smoking, drinking and obesity.

There is a reduction in this area of premises licensed to sell alcohol for consumption on the premises, i.e. public houses, which provide a safer environment for drinkers. The increase in the number of premises licensed to sell alcohol for consumption off the premises is causing concern especially amongst our partners in Health. In this area specifically there is also concern about the availability of fresh food and the easy availability of take away food.

The Licensing Authority supports redevelopment in this area, especially for shops that provide fresh food, but would request that consideration is given to a policy for areas like these which would seek to limit the number of premises given permission for A2, A4 and A5 use. This would assist with the control of betting shops and pay day loan companies, pubs/bars and takeaways.

Plan 4.2J shows an area of Hyde Park Corner. This area falls within the Headingley cumulative impact policy. This CIP was put in place at the request of the Police and local

residents who were concerned that a high number of licensed premises, takeaways and off licences leads to public nuisance in the area. The nuisance experience especially related to noise and disorder late at night.

The Licensing Authority would request that consideration is given to any plan for Hyde Park to include a reference to the Council's Statement of Licensing Policy and that this area is included in any planning policy that seeks to control alcohol licensed premises and those that provide late night hot food.

Volume 2 – 5. North

R1. Do you have any comments on the proposed centre and Primary Shopping Areas (PSA) boundary? Please state the centre/s to which your comments relate. Use plans to support your comments where possible.

Plan 5.2C shows Chapel Allerton. This area falls within the Chapel Allerton cumulative impact policy. This CIP was put in place at the request of local residents who were concerned that a high number of licensed premises lead to public nuisance in the areas, specifically disorder, noise and littering. Another consideration, although not one the Licensing Authority were able to consider was that the number of licensed premises reduced the units available for retail. A common objection to licence applications is that there are just too many licensed premises in Chapel Allerton.

The Licensing Authority would request that consideration is given to any plan for Chapel Allerton to include a reference to the Council's Statement of Licensing Policy and that this area is included in any planning policy that seeks to control alcohol licensed premises and those that provide late night hot food.

Plan 5.2F shows Headingley. This area falls within the Headingley cumulative impact policy. This CIP was put in place at the request of local residents who were concerned that a high number of licensed premises lead to public nuisance in the areas, specifically disorder, noise and littering. Another consideration, although not one the Licensing Authority were able to consider was that the number of licensed premises reduced the units available for retail. A common objection to licence applications is that there are just too many licensed premises in Headingley.

The Licensing Authority would request that consideration is given to any plan for Headingley to include a reference to the Council's Statement of Licensing Policy and that this area is included in any planning policy that seeks to control alcohol licensed premises and those that provide late night hot food.

Plan 5.2I and 5.2J shows Horsforth Town Street and New Road Side. These two areas fall within the Horsforth cumulative impact policy. This CIP was put in place at the request of local residents who were concerned that a high number of licensed premises lead to public nuisance in the areas, specifically disorder, noise and littering. This is particularly pertinent to New Road Side which was becoming an area with a large number of takeaways. The travelling of people from Horsforth Town Street to New Road Side creates a noise nuisance to residents living between the two areas, and for this reason New Road Side was added to the Horsforth CIP in 2011.

The Licensing Authority would request that consideration is given to any plan for Horsforth Town Street and Horsforth New Road Side include a reference to the Council's Statement of Licensing Policy and that this area is included in any planning policy that seeks to control alcohol licensed premises and those that provide late night hot food.

Volume 2 – 7 Outer North West

R1. Do you have any comments on the proposed centre and Primary Shopping Areas (PSA) boundary? Please state the centre/s to which your comments relate. Use plans to support your comments where possible.

Otley and Yeadon is the ward that has the most licensed premises outside of the city centre. It is to the credit of the local community that it does not create a high level of complaints with regards to disorder or nuisance and for this reason it has not been specified as a cumulative impact area.

However, there are emerging concerns that should this area start to receive variation applications to extend licensed hours, or a significant number of new applications for alcohol licences this area's profile could change. For this reason the draft Statement of Licensing Policy, currently undergoing a public consultation, includes a statement relating to the usual operating hours for an area, and how the council will seek guidance on the usual operating hours in an area when determining new or variation applications. This is specifically to control the creep of licensed hours and to keep the hours of licensed premises in line with each other.

The Licensing Authority would request that consideration is given to any plan for Otley to include a reference to usual operating hours for the area and that this area is included in any planning policy that seeks to control alcohol licensed premises.

Volume 2 – 10 Outer South West

R1. Do you have any comments on the proposed centre and Primary Shopping Areas (PSA) boundary? Please state the centre/s to which your comments relate. Use plans to support your comments where possible.

Plan 10D shows an area in Middleton known as Middleton Circus. The Licensing Authority is aware that there is work on-going in this area to reduce the risk to health by the excessive consumption of alcohol and obesity. The Joint Needs Assessment shows a reduction in life expectancy in LS10 and LS11. Contributory factors are smoking, drinking and obesity.

There is a reduction in this area of premises licensed to sell alcohol for consumption on the premises, i.e. public houses, which provide a safer environment for drinkers. The increase in the number of premises licensed to sell alcohol for consumption off the premises is causing concern especially amongst our partners in Health. In this area specifically there is also concern about the availability of fresh food and the easy availability of take away food.

The Licensing Authority supports redevelopment in this area, especially for shops that provide fresh food, but would request that consideration is given to a policy for areas like these which would seek to limit the number of premises given permission for A2, A4 and

A5 use. This would assist with the control of betting shops and pay day loan companies, pubs/bars and takeaways.