
Name or Organisation: Police & Crime Commissioner for West Midlands

3. To which part of the Local Plan Review does this representation relate?

Paragraph Policy

4. Do you consider the Local Plan Review is:

(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
(3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate.

5. Please give details of why you consider the Local Plan Review is not legally compliant or is unsound or fails to comply with the Duty to Co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan Review or its compliance with the duty to co-operate, please also use this box to set out your comments.

The PCCWM made the following representation to the Regulation 18 consultation:

*"The PCCWM **supports** the proposed changes to Policy R6 but considers the justification to the policy should reference issues relating to hot food takeaways to include crime and fear of crime."*

However, it is noted that neither the policy nor the justification for the policy includes reference to issues of crime and fear of crime in relation to hot food takeaways. Nevertheless, the justification arises from crime and safety issues that can, and does, occur in relation to such uses. The Consultation Statement does not acknowledge this representation, concluding that other than the inclusion of reference to the adopted Hot Food Takeaway SPD, the policy remains fit for purpose with no further change.

The PCCWM acknowledges that clause c. of Policy R6 states that proposals will need to accord with the Adopted Hot Food Takeaway SPD, which includes the following requirement:

"In order to protect the amenities of nearby residents by promoting a safe and secure environment which deters anti-social behaviour, crime and reduces the fear of crime, proposals for hot food takeaways should provide evidence that crime and security matters have been taken into consideration and appropriately

addressed. Advice can be sought from the West Midlands Police at the pre-application and planning application stages. Where appropriate, mitigation measures may be sought (as conditions), such as installation of lighting or CCTV."

Nevertheless, the PCCWM is concerned that without explicit reference to such matters in the policy itself, issues relating to crime and fear of crime are unlikely to be fully taken into account in the assessment and determination of planning applications and attributed little weight in the planning balance, particularly in the current absence of any policy in the consultation draft to reduce crime or the fear of crime.

6. Please set out the modification(s) you consider necessary to make the Local Plan Review legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the Duty to Co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan Review legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The PCCWM considers that there is a case for specific policy reference on the following lines:

2. *Proposals within defined centres will be permitted provided they:*

- c. *are in accordance with the ~~emerging~~ Adopted Hot Food Takeaway Supplementary Planning Document and any subsequent replacement, **and promote a safe and secure environment which deters anti-social behaviour, crime and reduces the fear of crime***

(Suggested changes in bold and underlined).

7. To which part of the Sustainability Appraisal (SA) report does this representation relate?

Paragraph

N/A

Please add any further comments relating to the SA report in the box below

8. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

☐

No, I do not wish to participate in hearing session(s)

☒

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To address the Council's Responses and the Inspector's Matters, Issues and Questions, and to further assist the Inspector with regard the case made by PCCWM regarding Policy R6.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.