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Leeds District Licensing Department

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cc. Entertainment Licensing Section. Leeds City Council, Civic Hall, Leeds. LS1 1UR

**RE: BROOKLYN BAR, 50, CALL LANE, LEEDS, LS1 6DT
APPLICATION TO VARY A NEW PREMISES LICENCE – LICENSING ACT 2003:
POLICE – LETTER OF REPRESENTATION – CUMULATIVE IMPACT POLICY:**

Thank you for submitting your application for the above premises, received at the address above on 7th September 2015.

The application relates to premises which fall within one of the areas of Leeds currently subject to a policy of cumulative impact, as detailed in the present Statement of Licensing Policy 2014-2018, issued by Leeds City Council as the licensing authority.

The area concerned in this particular case is **Area 1 Leeds City Centre**.

Therefore, in line with the current statutory guidance issued by the Secretary of State under Section 182 Licensing Act 2003, West Yorkshire Police make representations based on the cumulative impact policy of the area concerned and highlighted above, where the licensing objectives and particularly the prevention of crime and disorder and prevention of public nuisance objectives, are being adversely affected.

The proposed premises are located in the current red zone in the cumulative impact area. The Council's policy states:

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7.4 “A cumulative impact policy creates a rebuttable presumption that applications within the designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area”, and

7.24 “It is the council’s policy, on receipt of relevant representations, to

- Refuse new and variation applications in the red area
- To seek additional measures for new and variation applications in the amber area
- To seek good quality applications for application in the green area

7.25 “This applies to alcohol led premises such as bars, pubs, and nightclubs, and for premises seeking late night refreshment such as takeaways and late opening restaurants”.

The location of these premises is in very close proximity to a multitude of other licensed premises on this section of Call Lane such as Jakes Bar, Oporto, Neon Cactus, Rolands, Call Lane Social, Norman Bar, Arts Café, Revolution, Back Room Bar and Reds True BBQ Restaurant.

Also, some of the licensed premises in the immediate vicinity are Space nightclub, The Duncan, Hirsts Yard, Mook, McDonalds, Veenoo, Distrikt, Pieminister, The New Penny, Rock Bar, Revolucion de Cuba, Bar Fibre, Mission, Viaduct, Queens Court, The Hourglass, Smokestack, Chilli White, Safari, Brewdog, Syn and Paipa VIP. It is an alcohol related violent crime hotspot for robbery, assault and theft. The peak time for assaults occurring is from midnight until 05:00. The peak time for robberies is 02:00hrs until 04:30. The peak time for thefts in this area is 23:00 until 03:00.

This variation application is effectively to remove wording which restricts the operation on the first floor to having a strong food element. The word ‘covers’ means place settings for someone to eat. Replace this with the word ‘seats’ and you have completely lost the food element of the operation. The variation also seeks a structural alteration to remove the bar/counter area on the first floor to be replaced with a new small bar.

If granted, the removal of this wording would allow the first floor to operate as an out and out bar, fuelling more consumption of alcohol than it currently is permitted. How can this promote the Licensing Objectives when the area already suffers from anti-social behaviour and crime and incidents linked to the excessive consumption of alcohol for which all the bars bear some responsibility? The current application states that the style and operation of the premises will not change so no extra measures are needed or offered. If that is the case why is the variation required, unless the applicant has not been operating as they should in the first place?

The current application follows a previous attempt to extend the hours and remove a condition restricting the operation on the first floor to that of a restaurant back in 2012. The application to extend the hours failed but the wording of the restaurant condition (alcohol ancillary to food) was relaxed and changed to the word ‘covers’, and a second condition imposed to require a full meal menu to be available at all times the premises were open. So there was a clear intention from the Sub Committee in 2012 to keep the first floor closely associated with the provision of food as well as alcohol in an area covered by their Cumulative Impact Policy. Indeed, the initial grant of the premises licence for this building in February 2009 was strongly influenced by the promise of the first floor to be run as a restaurant, and conditions being offered to back this up. We are now just over 5 years further on and the restaurant appears to have failed. The default position is to seek the removal of wording which was specifically imposed on the licence in 2009 at a licensing hearing, and again, in a weaker form, in 2012 at another hearing to prevent what is now being applied for.

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Local residents at Regent Court have spoken to me of numerous persons during the Night Time Economy urinating in the parking area outside their flats, dealing drugs, vomiting, shouting and fighting amongst other things. I hope to be able to bring evidence of this in the form of statements from some of those residents who have grown tired of putting up with this.

Extra police resources are deployed to this area on Friday and Saturday evenings, and over Bank Holiday weekends, in an attempt to help reduce the crime and disorder associated with people frequenting the large amount of licensed premises in the immediate area. These crimes/incidents range from thefts and robberies to public order offences, assaults, serious disorder and also sexual offences. An ambulance is also regularly parked at the junction of Briggate/Boar Lane and Duncan Street to help deal with the amount of injuries sustained due to assaults and accidents caused by over intoxication in the Night Time Economy (NTE). This is in an attempt to help reduce the strain which the NTE puts on the Accident & Emergency Department of the NHS.

The saturation of the area is such that determining which venues may bear some responsibility for the issues is practically impossible, and means that they cannot be dealt with by way of review or enforcement meetings. At certain times individual premises may stand out from the rest and in those cases a stepped approach is taken by West Yorkshire Police to try and help them reduce their incidents. In cases where they cannot or will not comply applications to review are sought – as in the case of Puro/Fire which was reviewed twice by West Yorkshire Police.

A strong Cumulative Impact Policy is therefore imperative to prevent already existing venues extending their licensable hours or changing their style of operation to focus more heavily on alcohol sales, and to prevent further premises licences being granted in that area which would add to the considerable impact already being felt.

Therefore, in terms of location (RED ZONE), and in terms of applying for a variation to the licence which is likely to add to the existing cumulative impact, West Yorkshire Police consider that this application implicates the current policy of cumulative impact for Leeds City Centre in the red area, and would rely on the relevant paragraphs of the current Section 182 guidance in making this representation.



West Yorkshire Police

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