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8th March 2016

Paddy Whur
Woods Whur 2014 Ltd
Devonshire House
38, York Place
Leeds
LS1 2ED

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

**RE: HEDONIST PROJECT, 156, BRIGGATE, LEEDS, LS1 6LY
APPLICATION TO VARY A 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 11th February 2016.

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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7.20 *"The council will seek to refuse all applications in these red areas on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their hours no matter how impressive the concept or application is. The council will only grant applications in the red zone in exceptional cases", 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 in this area such as The Hourglass, Mission Nightclub, Smokestack, Bar Fibre, Queens Court, Viaduct, Stone Roses Bar, Space Nightclub, McDonald's,

Also, some of the licensed premises in the immediate vicinity are The Duncan, Hirsts Yard, Mook, Veenoo, Distrikt, Pieminister, The New Penny, The Bridge, Baracoa, Revolucion de Cuba, Revolution, Brooklyn Bar, and a multitude of smaller late night bars on Call Lane. It is an alcohol related violent crime hotspot for robbery, assault and theft. The peak time for crime is between midnight and 04:00 hrs. The extra hours of operation applied for by the applicant therefore fall right in to these peak times.

The premises began their days as the Wokon Noodle Bar, being granted a premises licence in 2007 with very scant conditions applied due to the restaurant nature of the business. In September 2015 the licence was transferred to Oenothèque Ltd, the current applicants, and a minor variation soon followed for structural alterations, recorded and live music, and extra measures to be introduced to the operating schedule. I met the applicants at the venue and left them in no doubt as to how an application for extra hours in this problematic crime hotspot area would be viewed.

I initially objected to the minor variation but further conditions were agreed, and the objections were withdrawn. They therefore had obtained a very much valued premises licence in the city centre red area by way of transfer – this was not a grant of a new licence or an increase in capacity. The transfer of the licence in to the applicant's name was not objected to because there have to be exceptional circumstances to do so. The fact that I strongly suspected that once they had obtained the premises licence there would be an application to extend the hours of operation was not exceptional circumstances.

The latest analysis of crime data provided to Leeds City Council upon which the Cumulative Impact Policy is based shows that 'the block of premises bounded by Briggate (commonly known as Lower Briggate), Call Lane and Duncan Street remain the predominant hot spot area this year. This area is still highly concerning and the fact that this area is saturated cannot be overestimated. There has been an increase in theft and violent crime in the past twelve months'. The policy also states that in comparison with the other red area, Albion Street/Woodhouse Lane, the theft statistics are seven times as high, and violent crime statistics are four times as high. To quote the policy, 'This alone shows how important it is that the capacity in this area is not increased.' This includes applications to extend hours in the area.

This application is to extend the hours of licensable activities until 02:00hrs Monday to Sunday with a closing time of 02:30hrs every day. This increase in hours will take the operation right in to the peak times for violent crime and theft in the area – midnight until 04:00hrs. The Council's policy is to only grant applications where they are seen to be exceptional. Extra conditions have been offered which West Yorkshire Police do not consider make this application exceptional – substantial food to be available at

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the premises each day until close of business, and a minimum of 40 seats will be available at all times. This is not exceptional.

The premises were served with a Section 19 Closure Notice (Criminal Justice and Police Act 2001) by Leeds City Council Licensing Enforcement during a licensing visit on Saturday 20th February 2016 due to a breach of their CCTV condition to do with retention of footage. The notice was served on the DPS, Mr. Bruce Lerman. Mr. Lerman mentioned to the enforcement officer that keeping a chef on duty until close of business was costing him a fortune. The officer explained that late night refreshment as a licensable activity did not require him to have a chef present at all times and there was also no condition requiring this. The offer of substantial food until close, should the extra hours be granted, would therefore appear to imply microwaved meals which any member of staff could produce, as opposed to a substantial meal cooked by a chef which one might order in a restaurant.

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. A strong Cumulative Impact Policy is therefore imperative to prevent already existing venues extending their licensable hours, 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 new premises licence to operate after midnight with the sale of alcohol, late night refreshment, live music and recorded music, 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.

PC Cath Arkle
Leeds District Licensing Officer
West Yorkshire Police

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