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**Leeds District Licensing****Department**

Leeds District Licensing Department
First Floor
Elland Road DHQ
Elland Road
Leeds
LS11 8BU

26th April 2016

[REDACTED]
Poppleston Allen Solicitors
37, Stoney Street
The Lace Market
Nottingham
NG1 1LS

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

RE: ROLAND'S, 39, CALL LANE, LEEDS, LS1 7BT
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 30th March 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 (CIP) 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.

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

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 Black Swan, Neon Cactus, Jakes Bar, Oporto, Call Lane Social, Brooklyn Bar, Revolution, Norman Bar and Back Room Bar.

Some of the other licensed premises in the immediate vicinity are The Duncan Pub, Hirsts Yard, Mook, Veenoo, Distrikt, Pieminister, The New Penny, The Bridge, Baracoa, Revolucion de Cuba, The Hourglass, Mission Nightclub, Smokestack, Bar Fibre, Queens Court, Viaduct, Stone Roses Bar, Space Nightclub, and McDonald's. 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.

There is a relevant history to these premises which goes back to 2011 when there was an application for a premises licence after the applicants, the [REDACTED] had already signed the lease. The application was refused due to it being held that the applicant had not demonstrated that their proposed operation would not impact adversely on the licensing objectives under the Cumulative Impact Policy for Leeds City Centre. This decision was appealed by the [REDACTED] but was dismissed at Leeds Magistrates after the hearing on 29th June 2012 for the same reason. With a lease already signed on a building which could not get a premises licence, the applicants again approached the Licensing Authority and West Yorkshire Police in 2013. A new proposal with much reduced hours of operation was tabled, and given that the hours did not cross in to peak crime times for the area, and additional prescribed measures were offered, agreements were reached, and there was no objection under Cumulative Impact. A premises licence was therefore granted by the Licensing Authority in November 2013 and the venue Roland's was opened in March/April 2014. The existing licence was not granted under the current Cumulative Impact Policy.

Since opening there has been little crime associated directly with the venue but this may well be due to their modest operating hours and this objection is made under CIP which is not about issues directly associated with specific premises but a whole area.

The current application makes mention of a pre-consultation with West Yorkshire Police. It is true that there was a telephone conversation in which I stated the police would object under CIP to any application which took their operation in to the peak times for crime in the area, so this objection under CIP should come as no surprise. In previous discussions the applicant had stated that he now had no desire to operate past midnight as he was getting too old. When challenged over this in the most recent conversation he stated that he now employed younger staff.

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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 terminal hour for the sale of alcohol by two and a half hours every day until 02:00hrs, and to extend all other licensable activities and the closing time to 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 to apply after midnight which West Yorkshire Police do not consider make this application exceptional – substantial food to be available, a maximum occupancy of 60, with waiter/waitress service and a minimum of 40 seats to be provided. This is not exceptional in our opinion for the following reasons:

- In reality how many people will actually take advantage of a substantial food offer after midnight? This has become a stock condition to offer to try and convince Licensing Authorities that this is not just about the sale of alcohol. It may be there on the premises and offered on menus, but at that time of night, in that area of the city, the focus is on alcohol consumption.
- 60 extra persons in that area after midnight is 60 persons too many. What is their current occupancy as set out in their fire risk assessment? If it is above 60, how will they choose which customers to ask to leave in order to comply with this proposed condition? If it is currently 60 then this is not an offer of anything exceptional.
- Waiter/waitress service may encourage people to remain seated but, with an offer of 40 seats to be provided, there will be 20 persons standing in this small compact bar which may make this offer unmanageable.

The argument is being used that if they are allowed to operate until 02:30 they will retain their customers and therefore stop them leaving at midnight and visiting other bars which will alleviate some of the CIP area issues. It is also stated that their customers would be more likely to go home if they are allowed to leave at 02:30hours. However, customers would still be leaving Rolands and circulating in the area right at the peak times for crime and disorder, and when Call Lane is at its most congested, with two and a half hours' extra alcohol in their systems. Congestion and people in drink do not mix well, and result in crime and disorder.

The premises were served with a Section 19 Closure Notice (Criminal Justice and Police Act 2001) by West Yorkshire Police during a licensing visit on Saturday 20th February 2016 due to a breach of a number of conditions on their premises licence. The breaches were a CCTV condition connected to the retention period for camera footage, a radio condition, which the door staff said they thought was optional, and a drug safe condition. When asked what they did with any suspected controlled substances, it was stated that they were thrown in the bin. There was also no up to date premises licence being displayed in the venue as required by law. So the offer of additional conditions on top of those mentioned which they are unable or unwilling to currently comply with, does not fill me with confidence, and should not fill the Licensing Authority with confidence either.

Extra police resources have to be 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

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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 variation to an existing premises licence to operate after midnight until 02:30hours, West Yorkshire Police consider that this application implicates the current policy of cumulative impact for Leeds City Centre in the red area, and is not regarded as exceptional.



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