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*Leeds District Licensing Department*

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20<sup>th</sup> October 2016

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Devonshire House  
38, York Place  
Leeds  
LS1 2ED

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

**RE: BLACK ORCHID, 64, CALL LANE, LEEDS, LS1 6DT  
APPLICATION FOR THE GRANT OF 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 23<sup>rd</sup> September 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”.

On page 4 of the application the general description of the premises is a Sexual Entertainment Venue. The premises currently do not have the required authorisation to operate as such a venue, and therefore this application for a premises licence must be considered in its own right – an application for alcohol, late night refreshment, films, live music, recorded music and dance in the most sensitive red area of the Cumulative Impact Policy for the city centre. The application is for extensive hours of operation from 18:00 hours until 06:00 hours on a Friday and Saturday, and 18:00 hours until 05:00 hours on all other days – and it is noted that these hours are above and beyond those applied for in the SEV application (22:00 x 04:00 Sun to Thurs, and 22:00 x 05:00 Sat and Sun).

The Licensing Authority should bear in mind that once a premises licence is granted the operator is quite within their rights to change the style of operation if they so wish – so stating that the intended style of operation is a SEV is irrelevant in my opinion. For example, the potential outcomes following on from the SEV application and this premises licence application are:

1. No premises licence or SEV granted – West Yorkshire Police preferred outcome.
2. Premises licence and SEV granted but SEV later surrendered - a new premises licence in the red area of the CIP.
3. SEV granted and Premises Licence refused – not worthwhile operating.
4. Premises Licence and SEV granted and runs as a bona fide lap dancing club – but at any time can operate as a late night bar or nightclub given what this application is requesting to be granted.

The premises used to be known as Elbow Room and had a premises licence (PREM 00287) until August 2014 when it lapsed due to insolvency. So one might take the view that to grant another licence here would just be restoring what used to exist and not increasing any issues. West Yorkshire Police are not of this opinion. The granting of the licence would create a venue which would have significantly more hours than the previous licence, and which, if operating in tandem with a SEV, would attract a distinctly different group to the area which is already congested, and has peak crime times between midnight and 05:00 hours.

Recently acquired police statistics show that crime has risen in the area, despite Elbow Room not having operated for two years. I will seek to rely on these at any hearing, as well as the statistics referred to in the current Cumulative Impact Policy.

The location of these premises is in very close proximity to a multitude of other licensed premises in this area such as Baracoa, Back Room Bar, The New Penny, The Bridge, Revolucion de Cuba, Mission Nightclub, Smokestack, Bar Fibre, Queens Court, Viaduct, Stone Roses Bar.

Also, some of the licensed premises in the immediate vicinity are, Hirsts Yard, Space, Mook, Veen, Distrikt, Pieminister, Revolution, McDonalds, and a multitude of smaller late night bars on Call Lane. It is

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an alcohol related violent crime hotspot for robbery, assault and theft. The peak time for crime is between midnight and 05:00 hrs. The hours of operation applied for by the applicant therefore fall right in to these peak times.

The latest analysis of crime data provided to Leeds City Council upon which the Cumulative Impact Policy (CIP) 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.' However the applicant chooses to operate the venue, should this application be granted, there will be an increase in capacity in the area - the stated occupancy on the old Public Entertainment Licence for Elbow Room was 600 over the two floors.

The most recently acquired statistics supplied to this department in October 2016, to compare with the current CIP stats, now show that violent crime has risen in the city centre over the past year, and quite specifically in the area where the applicant wishes to operate. Comparing Sept 2015/Aug 2016 with Sept 2014/Aug 2015 there have been 73 more recorded assaults, 14 more robberies, 6 more sexual offences and 104 more thefts. The peak times for these crimes has also now extended with a terminal hour of 05:00 as opposed to 04:00.

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 in the area 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.

The Council's policy is to only grant applications in exceptional cases. West Yorkshire Police does not believe that this application demonstrates how the proposed activities will not add to the impact of licensed premises in this area and so it does not consider it meets the criteria for departing from the policy.

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, and other licensable activities, 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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