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**WEST YORKSHIRE  
POLICE**

*Leeds District Licensing Department*

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Your ref:  
Our ref: BP/LICENSING OFFICER/CUMULATIVE IMPACT

2<sup>nd</sup> December 2011

**Star Chef Takeaway**  
**15B North Lane**  
**Headingley**  
**Leeds**  
**LS6 3HW**

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

**RE: STAR CHEF TAKEAWAY 15B NORTH LANE HEADINGLEY LEEDS LS6 3HW.**  
**VARY PREMISES LICENCE (PREM/01307) – 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 7<sup>th</sup> November 2011.

The application relates to premises which will 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 2011-2013, issued by Leeds City Council as the licensing authority.

**The area concerned in this particular case is Area 2 Headingley / Hyde Park.**

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.

**CIP – Area 2 – Headingley / Hyde Park:**

There has been a policy of cumulative impact in Headingley alone since January 2005, as a part of the original Statement of Licensing Policy issued by Leeds City Council, made to introduce the 'transitional provisions' of Licensing Act 2003 in February 2005 to full implementation in November 2005.

As a part of the process back then, in 2004 West Yorkshire Police provided detailed statistical analysis of

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alcohol related crime and disorder and anti social behaviour, which included the Headingley area.

**The original policy applied to the area of Headingley alone.**

In 2007, as part of the first 3 year review of Leeds City Council's Statement of Licensing Policy, further statistical evidence was produced by West Yorkshire Police to ascertain if there was the continuing need for a policy of cumulative impact in Headingley.

As a result, in December 2007 the revised Statement of Licensing Policy 2007-2010 was issued by Leeds City Council. The policy for Headingley changed significantly in so far as it implicated a wider range of 'alcohol lead' premises and included late night take - aways for the first time.

**However, the policy still only applied to the Headingley area.**

A second review of the Statement of Licensing Policy has taken place in Leeds in 2010 and a 3<sup>rd</sup> edition has been issued by Leeds City Council as recently as early January 2011.

During this lengthy process, West Yorkshire Police, after being requested to do so, once again provided an up to date 2 year statistical overview of violent offences and anti-social behaviour in the Headingley area as before.

**As a result, the policy of cumulative impact for Headingley changed considerably with this edition of the policy, by:-**

- moving away from defining the area by named streets, to defining the area by a boundary line;
- increase the area to include the Hyde Park area; and
- include variation applications.

The current Statement of Licensing Policy goes into further detail about the significant changes made on this occasion, for instance:-

- paragraph 7.24 – “There have been ongoing problems, both public nuisance and anti-social behaviour in the Hyde Park area which can be attributed to licensed premises. For this reason the geographical area of the CIP has been increased to include the problem areas”, and
- paragraph 7.25 – “There is some evidence that the lengthening of the opening hours of premises has had an impact on the area. For this reason the scope of the policy has been increased to include variation applications”.

**The current policy now stipulates:-**

**“Area 2 now relates to the Headingley and Hyde Park districts of Leeds as defined within the blue boundary. It also includes premises on both sides of the boundary roads”.**

(Previously – Headingley).

**Also, the wording of the current policy of cumulative impact for Headingley / Hyde Park therefore now reads:-**

**“It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 2 for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not add to the cumulative impact of such licensed premises in the area”.**

Therefore, in terms of location, description of the premises given and proposed trading until 0200 every day, West Yorkshire Police consider that this application implicates the current policy of cumulative impact for Headingley & Hyde Park in every respect, and would rely on paragraphs 13.29 and 13.30 of the current Section 182 guidance in making this representation.

**Bob Patterson**  
**Leeds District Licensing Officer**  
**West Yorkshire Police**

Date: 02/12/11



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## Evidence of cumulative impact

- 13.26 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. For example, Crime and Disorder Reduction Partnerships will often have collated information which demonstrates cumulative impact as part of their general role on anti-social behaviour; and crime prevention strategies may have already identified cumulative impact as a local problem. Similarly, environmental health officers may be able to demonstrate concentrations of valid complaints relating to noise disturbance. The open meetings recommended at paragraph 1.22 of this Guidance should also assist licensing authorities in keeping the situation as to whether an area is nearing this point under review.
- 13.27 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate and necessary to include an approach to cumulative impact in the licensing policy statement. In this case, it should indicate in the statement that it is adopting a special policy of refusing new licences whenever it receives relevant representations about the cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to refusal (see paragraphs 13.29 – 13.32 below).
- 13.28 The steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are summarised below.

### STEPS TO A SPECIAL POLICY

- Identify concern about crime and disorder or public nuisance
- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
- Identify the boundaries of the area where problems are occurring
- Consult with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation
- Include and publish details of special policy in licensing policy statement

## Effect of special policies

- 13.29 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
- 13.30 However, a special policy must stress that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.