



Mr J Wood
JWP Legal Ltd
5 Park Place
Leeds
LS1 2RU

Environmental Protection Team
Leeds City Council
Millshaw Park Way
Leeds
LS11 0LS

Contact: Mr Trevor Porter
Tel: 0113 378 6592
trevor.porter@leeds.gov.uk
Our reference: PREM/04051/001
31 August 2017

Dear Mr Wood

Licensing Act 2003

Name and Address of Premises: 5 Briggate, Leeds, LS1 3LZ,

We refer to your licensing application for the above premises. We believe that your application does not give enough information about how you intend to meet an important objective of the licence, which is to prevent public nuisance. We therefore confirm that we are submitting a formal objection to your application.

We base our objection on the following matters:

- The application premises are situated within the red area of the City Centre Cumulative Impact Policy (CIP) area; where we will seek the refusal of all applications on the basis that the impact on the licensing objectives are such that the area cannot support any more premises opening or extending their hours no matter how impressive the concept. It is the council's policy, on receipt of relevant representations, to refuse all applications in the red zone.
- The application will give rise to more members of public on the street in the early hours with the potential to cause noise nuisance and disturbance in an already problematic CIP area.

Having read the matters we describe below if you feel we should consider anything else please do not hesitate to contact us.

Description of the surrounding area

Please refer to Appendix 1 Map of Surrounding Area

Description of the applicant venue and the application:

Proposed takeaway on established street with late licence bars which already cater for late night refreshment indoors.



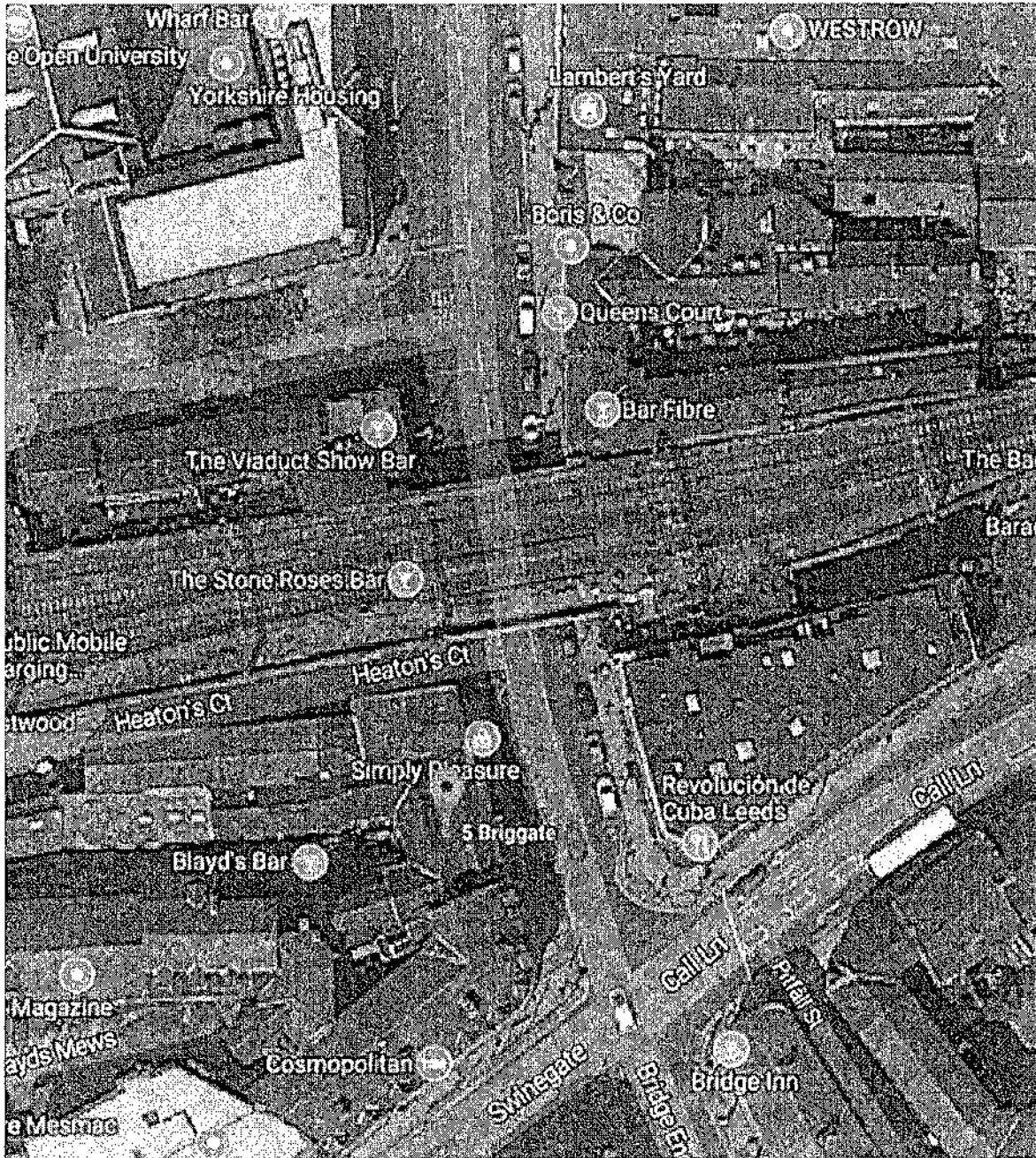
We understand that the Sub-Committee may take a different view and grant the application. We recommend that if that is the case we should be given the opportunity to suggest measures as conditions on the licence. We do not say that conditions would effectively prevent public nuisance but that they may go some way to reducing the potential impact.

Yours sincerely

A solid black rectangular box used to redact the signature of Mr Trevor Porter.

Mr Trevor Porter
Environmental Health Officer

Appendix 1- Map of Surrounding Area



Appendix 2 Complaints History

Any complaints involving the applicant premises are indicated*, otherwise the alleged source of complaint is redacted. Details may be provided after the agreement of the Licensing Sub-committee.

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**WEST YORKSHIRE
POLICE**

Leeds District Licensing Department

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

Tel: 0113 3859414



11th September 2017

Mr. John Wood
JWP Solicitors
5, Park Place
Leeds
LS1 2RU

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

**RE: 5, BRIGGATE, LEEDS, LS1 3LZ(?)
APPLICATION FOR 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 16th August 2017.

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.

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

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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. It is an alcohol related violent crime hotspot for robbery, assault and theft. The peak time for crime is between midnight and 05:00 hrs. The majority of hours of operation applied for by the applicant, 23:00 until 04:00 Mon to Sunday, 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 is based shows that the Briggate/Call Lane area has experienced a 17% rise in reported crime since the last review of crime statistics a year ago. The peak times for crime in the Night Time Economy have also extended to 05:00hrs from 04:00hrs, and assaults and thefts have risen. The highest concentration of offences in the city remains in this area, and has slightly extended compared with the previous 12 months. The area is not improving – it is deteriorating – and this is the area where the applicant wishes to open a new business.

This is the second application by the same applicant for a premises licence at this address. The first application, objected to by this department, offered scant measures which suggested that the applicant had little or no idea of the issues in this area of the city after midnight. The first application attracted other objections and was withdrawn prior to being heard at a scheduled licensing hearing. The applicant is now represented by a licensing solicitor and is a better quality than the first with a multitude of measures offered – but the issue remains the same: this is an application for late night refreshment in the most problematic area of the city centre which is covered by a cumulative impact policy with the presumption that it shall be refused.

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 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.

In this new application mention is made of venues which the applicant already operates in the city centre – none of these are in the red zone of the CIP, and there is crime and disorder associated with Chickos in particular.

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Much is made of the intended manager, the applicant's nephew, with years of experience and links with taxi operators to aid quick dispersal. This lower end of Briggate can be completely blocked by taxis, private hires and private vehicles in the early hours of the morning due to the volume of people and vehicles in the area. We have had complaints from late night bars about the issues with the taxis and vehicles pulling on to the pavement and collisions with pedestrians. If one has not seen this in person it is hard to imagine how congested it is. More people attracted to the area for food, and then needing a taxi to take them home, will only add to this problem. It is impossible to get a quick dispersal from this area at certain times of night and even the emergency services struggle to get through at times.

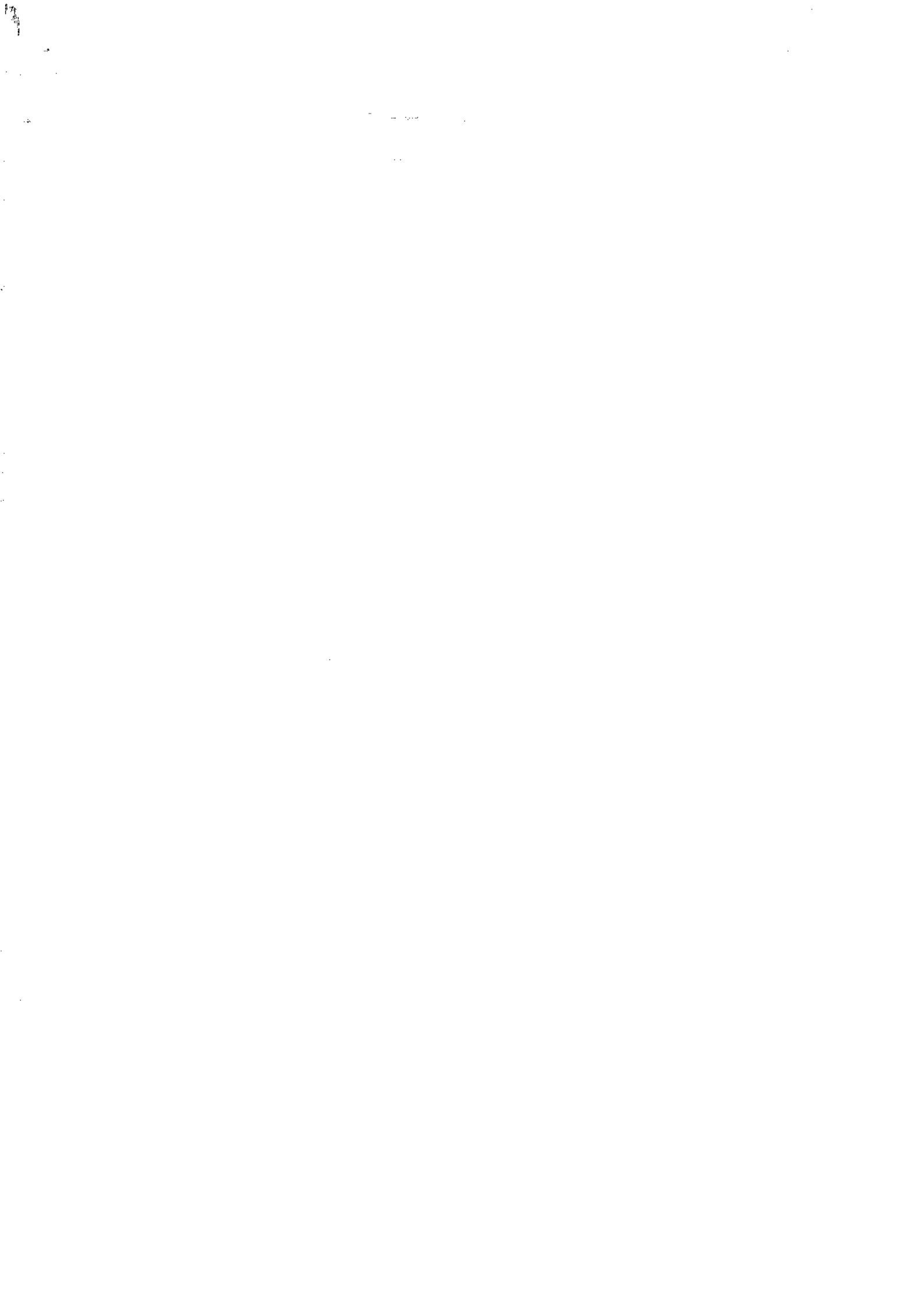
I will address some of the numbered points made in Section M of the application:

1. The fact the premises will not be supplying alcohol or be alcohol led is irrelevant – they will be dealing with inebriated customers and all the issues associated with drunkenness, albeit they have not fed them the alcohol. The applicant's business, Chickos on New Briggate, also attracts inebriated customers in the early hours which has led to public order incidents in the past.
3. Any CCTV would be expected to retain footage for 31 days.
4. 2 door staff have been offered. Door staff are helpful but do not generally prevent issues when people are drunk – they help deal with the outbreaks of drunken violence. So this would help deal with issues arising from the unit being open, but would not prevent them in the first place.
5. No glassware is a must.
6. At 4am it is proposed that a cleaner is going to wash down the footpath outside – this may well prove impossible given how busy the area will be, and I would have concerns for the cleaner's safety.
8. Already addressed
9. Already addressed
10. Signs are inadequate when dealing with people in drink.
11. Children should not be anywhere near this part of town after 11pm at night.
12. There will be no speedy dispersal of customers due to the congestion with taxis and private hires.

Therefore, in terms of location (RED ZONE), and in terms of applying for a new premises licence to provide late night refreshment from 23:00 until 04:00, West Yorkshire Police consider that this application implicates the current policy of cumulative impact for Leeds City Centre in the red area, and advise that it be refused, unless the presiding Sub-Committee are convinced that the grant of this licence will not negatively impact on the cumulative impact of existing licensed premises in the area.

PC Cath Arkle
Leeds District Licensing Officer
West Yorkshire Police

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Licensing and Registration

Civic Hall
Leeds LS1 1UR

Private & Confidential

John Wood
JWP Legal Limited

Contact: Susan Holden
Tel: 0113 378 5331
Fax: 0113 336 7124
Email: susan.holden@leeds.gov.uk
Your ref:

11th September 2017

Dear Mr Wood

**Café/Restaurant, 5 Briggate, Leeds LS1 4AF
Application for a grant of a premises licence under the Licensing Act 2003
Licensing Authority Letter of Representation**

Thank you for submitting your application for the above premises.

The area in which the subject premises is located is within a cumulative impact area. It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in this area 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 impact on the cumulative effect of such licensed premises in the area.

Specifically your application falls within the red area of the City Centre CIP. As stated at 7.20 of the Statement of Licensing Policy 2014 to 2018 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 operation no matter how impressive the concept or application is.

I refer you to 7.67 to 7.70 of the Policy which describes how, when considering the presumption against grant in a CIP area, the council will need to be satisfied that the grant of this variation will not impact on the cumulative impact of existing licensed premises in the area. It will be for you to advise the council how your application would allow Members to make an exception to the policy.



I also refer you to 7.69 of the Policy which describes examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run as all licensed premises should meet this standard.
- That the premises will be constructed to a high standard.
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint.

I note that the application is for late night refreshment to 4am, 7 days a week.

You have provided a number of measures in Section M of the application that you believe address the issues operating a late night establishment in this area may experience. These are:

- Food led premises
- DBS checks for staff
- CCTV
- 2 door supervisors
- No bottles or glasses to be used
- A full time cleaner for the premises who will clean the outside of the premises at the end of the business day
- Litter bins within the premises
- Provision of a telephone to ring a taxi if required, along with details of local firms
- Signs at exits
- No access to children
- Speedy dispersal of customers
- Low plant and machinery noise

Late night refreshment applications are considered within scope of the CIP as they add to the cumulative impact of licensed premises in the area. Instead of dispersing away from the area, late night takeaways hold people in areas where there is already an accumulation of people. This area already suffers from an accumulation of people, most of whom are in drink, and who already have a significantly negative impact on the licensing objectives. Providing a takeaway in this location would not reduce the cumulative impact of licensed premises in the area but increase it.

Bearing in mind the severity of the problems being experienced in the area with this area suffering from the highest levels of violent crime and disorder incidences in the city centre, with an increase in the last 12 months of over 17% in this area, the Licensing Authority is of the opinion that despite your application offering a number of measures it still does not contain sufficient information about how your proposed business would not add to the impact already being experienced in the area.

The licensing authority requires good quality applications for any part of the city centre, as per the Statement of Licensing Policy (paragraphs 7.20 to 7.22), and to assist prospective applicants the licensing authority provides a cumulative impact assessment and a risk assessment proforma to guide them in proposing measures that mitigate against the issues being experienced in the area. Although this application includes some measures it does not adequately address the issues of how an area which is already suffering from the number of people using it, between 11pm and 5am, would not be impacted by a new premises whose customer base are those very people. The answer to reducing waiting times at McDonalds, which is slightly away from the red zone area, is not to provide another late night refreshment premises in the red zone area.

The applicant takes great store in his links to the local taxi trade and uses this connection to seek to reassure the Licensing authority of a speedy dispersal from his premises. This area of the city is extremely busy throughout the night with private hire and hackney carriage vehicles using all three lanes of Lower Briggate. This traffic has increased since the road closure on Call Lane, put in place to reduce the risk of harm and death from vehicles colliding with people who are in drink.

Even if there are strong links, and the Licensing Authority has no way of confirming this, it seems that the availability of taxis to disperse people away from the area will be impacted by the number of vehicles using this area now. Not only will this slow down dispersal from 5 Briggate, but the additional traffic may increase the traffic issue in this area.

Therefore the licensing authority submits a formal representation against your application on the grounds of the prevention of crime and disorder and will strongly recommend to the licensing sub-committee that this application is refused.

Should you have any questions, please contact us.

Yours faithfully

A solid black rectangular box used to redact the signature of Susan Holden.

Susan Holden
Principal Licensing Officer
Entertainment Licensing

