



## Leicestershire Police

### Licensing Act 2003 – Representation in respect of Premises Licence Application

Details of person or body making representation	
Your Name:	Nigel Rixon
Your Address:	Mansfield House, 74 Belgrave Gate, Leicester LE1 3GG

Details of premises representation is about	
Name of Premises:	The Yellow Door
Address of premises:	34 Belvoir Street, Leicester. LE1 6QH.
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	

Please summarise your concerns about this application:
<p>I write in my capacity as Licensing Manager for Leicestershire Police on the authority delegated to me by the Chief Constable.</p> <p>The current application if granted would undermine the licensing objectives in relation to the prevention of crime and disorder, public safety and the prevention of public nuisance.</p> <p>My representation to this new premise licence application is based upon the licensing objectives.</p> <p>This application is for the grant of a new premise licence for a premise that has</p>

previously had its licence revoked by Leicester City Council in August 2019.

This application is for the premise formally known as “The Yellow Door”, 34 Belvoir Street, Leicester. LE1 6QH.

The premise is located within the “Belvoir Street Cumulative Impact Zone” as per Leicester City Council’s Statement of Licensing Policy 2015.

The licensing authority has adopted a special policy on cumulative impact in relation to the Belvoir Street area of the city centre. The policy states that the granting or variation of further premises licences would undermine the crime prevention objective.

The licensable activities of the new licence are:

Opening hours to the public.

Sunday to Thursday from 1pm until 3am.

Friday & Saturday from 1pm until 4am.

Supply of alcohol for the consumption on the premise only.

Sunday to Thursday from 1pm until 3am.

Friday & Saturday from 1pm until 4am.

The provision of late night refreshment, the performance of live music (indoors only), the playing of recorded music (indoors only), the performance of dance (indoors only) and any similar type of entertainment (indoors only) also reflect the same days and hours as listed above.

Location:

The premise is located at 34 Belvoir Street, in the heart of Leicester City Centre. The premise is located on a busy night time economy thoroughfare as other late night, stand up, alcohol led licensed premise are also located nearby on Belvoir Street and also on adjoining streets.

On Friday and Saturday from 10pm until 4am the “safer route” scheme takes effect with temporary bollards erected to stop motor vehicles accessing Belvoir Street from the direction of Granby Street / Rutland Street effectively turning Belvoir Street into a pedestrian only street.

In light of the high concentration of licenced premise within a small area, and the late opening hours, means that it is an attractive area for the late night economy to visit.

History:

Throughout late 2018 and 2019 the premise under the previous owners and management experienced significantly higher than average number of incidents of crime, disorder and anti-social behaviour linked to the premise compared to other nearby or similar sized premises.

The criminal actions of a small portion of its clientele, of which most incidents were alcohol fuelled and often violent in nature, contributed towards its downfall.

Ultimately, it was the sheer volume of incidents of crime, disorder and anti-social behaviour linked to the premise along with poor management, criminal activity, excessive use of force by persons employed at the premise and unwillingness to support the licensing objectives resulted in the Leicester City Council licensing committee revoking the premise licence.

The former owner elected to contest the licensing committee's decision and was permitted to remain open until the trial date at Leicester Magistrates Court on Tuesday 7<sup>th</sup> January 2020. However, during the appeal period, criminal activity continued at the premise. The day before the trial, Leicester City Council were notified by the solicitor acting on behalf of the owner that they would not be contesting the case and forfeited the premise licence.

#### Post Closure.

Since the closure there has been significant interest from other interested parties in acquiring and re-opening the premise.

Since the closure, there has been a reduction in crime and disorder on Belvoir Street and in the immediate area.

#### New Licence Assessment.

Alcohol related violent crime rises significantly late at night and more so in the early hours of the morning, as customers are given the longer periods to consume alcohol. Crime, disorder and anti-social behaviour also rises significantly at weekends and is reflected in Leicestershire Police's crime, incident and recording statistics.

Therefore, if this new premise licence is granted, it is inevitable that crime and disorder will increase and add to the existing issues of late night/early morning alcohol related violent crime, disorder and anti-social behaviour on Belvoir Street, regardless of the good intentions and ability of the new owners. This would be contrary to Leicester City Council's own cumulative impact zone policy.

The applicant has applied for identical licensable activities and hours as its predecessor.

The applicants application, operating schedule and business plan is to operate the business in a similar format as before, therefore as a stand up, alcohol led, late night drinking and music venue, catering for customers in the night time economy.

Leicestershire Police has concerns that if the licence is granted some of the issues which previously arose at the premise would reoccur, despite the best intentions of new owners/management.

The applicant has applied to open to the public on Friday and Saturday from 1pm until 4am. Leicestershire Police previously saw a significant rise in crime, disorder and anti-social behaviour both inside and outside the premise between 3am and 4am. Customers were also often involved in disorder as they dispersed from the premise after 4am.

As other nearby licensed premises close at 3am, the premise became a focal point for late night drinkers wishing to consume alcohol until 4am. The premise previously attracted hardened drinkers who were content on consuming alcohol for longer periods and some of whom were content on committing violent crime.

Therefore it is highly likely that alcohol fuelled violent crime, disorder and anti-social behaviour would return if this new licence was granted but more so as the previous peak time for disorder was between 3-4am.

However, the applicant has the right to have its application considered on its own individual merit.

Leicestershire Police believes that a 3am closure would reduce the likelihood of alcohol related violent crime, disorder and anti-social behaviour associated to the premise and on Belvoir Street in general.

The introduction of a last admission time and staggered ceasing of licensable activities including the supply of alcohol would reduce the likelihood of crime and disorder as customer disperse from the venue.

The security provision at the premise during the night time economy is another significant consideration in the premises ability to deliver on its obligation to promote and enforce the licensing objectives. The actions and sometimes inaction of previous registered and non-registered Security Industry Authority (SIA) door supervisors employed at the premise was a major factor in their licence being revoked. Combined with the fact that throughout late 2018 and 2019, there were both doubts and concerns about who was effectively in charge and deploying door supervisors to the premise.

Given that this new application also wishes to operate as a late night, stand up, alcohol led premise, it is essential that the premise employs a lawful and trustworthy security company in order to deliver what is expected of them.

The Security Industry Authority (SIA) operates an "Approved Contractor Scheme" (ACS) for those security providers who meet the satisfactory agreed standards set by the SIA. Given the history of the premise, I would strongly recommend that an SIA ACS be employed in the future.

The applicants operating schedule states that a CCTV system will be installed and images retained for a minimum of fourteen days. Leicestershire Police do not believe this is sufficient and that criminal investigation will be jeopardised due to the limited time frame to secure this vital evidence. A minimum of twenty eight days is the general norm and during a telephone conversation with the applicant he agreed that this is easily achievable.

The operating schedule does not address other useful tools and equipment which could be utilised by its door supervisors / staff in order to help them prevent crime, disorder, anti-social behaviour but also assist them in delivering on their responsibility to promote the licensing objectives.

During a telephone conversation with the applicant he agreed that use of body worn cameras could help deter violent crime and provide the required evidence to prosecute the offenders those who commit such offences thus creating a safer environment for its law abiding customers. The applicant stated that he is willing to deploy body worn cameras in the premise whilst the premise is open to the public.

The applicant has also stated that he has or is about to upgrade the existing CCTV system and install additional cameras. This action is welcomed and will assist in the applicant's commitment to delivery on its obligation to promote the licensing objectives.

However, the applicant still seeks to close at 4am at the weekends for commercial and financial reasons as it is a profitable period in the night time economy. Leicestershire Police respectfully requests the licensing committee considers the concerns raised above and refuses the application as the application fails to address three out of the four licensing objectives, in terms of:

- (1) The prevention of crime and disorder.
- (2) Public safety.
- (3) The prevention of public nuisance.

However, if the committee choose to grant the application, Leicestershire Police would ask that the following conditions be considered in order to both promote and enforce the licensing objectives.

- (1) Opening hours to the public between Monday to Sunday from 1pm until 3am.
- (2) Customers will not be permitted to enter or re-enter the premise between 2am and 3am.
- (3) The supply of alcohol to cease by 2:30am.
- (4) The music volume will be reduced and lighting increased no later than 2:45am.
- (5) CCTV cameras located within the premise to cover all public areas, including all entrances and exits.
- (6) CCTV to record clear images permitting the identification of individuals.
- (7) CCTV to record whilst the premise is open to the public and retained for a minimum of 28 days.
- (8) CCTV copies to be available to the relevant responsible authorities within 72 hours of being requested.
- (9) A trained member of staff must be present on the premise at all times whilst the premise is open to the public, who is able to operate the CCTV system and provide viewable copies to the relevant responsible authorities for serious spontaneous incidents.
- (10) CCTV to be fitted with security functions preventing recordings being tampered with or deleted.
- (11) CCTV must have a constant and accurate date and time stamp.
- (12) A Security Industry Authority (SIA) "Approved Contractor Scheme" (ACS) provider to be employed and deploy approved SIA door supervisors to the premise.
- (13) Security Industry Authority (SIA) door supervisors must be provided on Friday, Saturday and before a bank holiday. Door supervisors must be on duty from 10pm and must remain on duty until the premise is closed and all the customers have left.
- (14) The licence holder will provide full details of all Security Industry Authority (SIA) door supervisors deployed at the premise to Leicestershire

Police before commencing duty or as soon as practicable.

- (15) The licence holder will complete fortnightly compliance checks to ensure that all Security Industry Authority (SIA) door supervisors employed at the premise are lawfully permitted to be deployed as front line door supervisors. A record of these checks must be kept and stored for a minimum of 12 months. These records must be available to inspect by the relevant responsible authorities on request.
- (16) A record must be kept of all Security Industry Authority door supervisors used at the premise and include their full names, registration number, contact telephone number and dates/times that they were on duty. These details must be provided to the responsible authorities on request.
- (17) All Security Industry Authority door supervisors and other persons engaged at the premise for the purpose of supervising or controlling queues or customers must wear high visibility armbands which are clearly visible on their exterior clothing.
- (18) Security Industry Authority door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premise whilst the premise is open to the public.
- (19) A minimum of two operational body worn cameras must be worn by either door supervisors or staff whilst the premise is open to the public from 10pm until all customers have left the premise.
- (20) Body worn camera footage to be retained for 28 days and available to the relevant responsible authorities within 72 hours of being requested.
- (21) The licence holder will join and actively participate in Leicester City Centre's "City Watch" crime prevention partnership working scheme and utilise a "City Watch" radio whilst the premise is open to the public.
- (22) An incident log must be completed to record all reported incidents of crime and disorder, ejections and refusals. The record must include the date, time of the incident, the name or physical and clothing description of the victim/offender, the location within the premise where the incident occurred and the name of the staff member who dealt with the incident. All entries must be made within 24 hours of the event. The incident log must be retained securely for a minimum of 12 months. The incident log must be made available for inspection by the relevant responsible authorities within 72 hours of being requested.
- (23) Customers will not be permitted to remove from the premise any drink supplied by the premise (alcoholic or otherwise) in open containers.
- (24) The licence holder will adopt, promote and ensure that all staff are trained in public safety campaigns such as the "Ask Angela" scheme or other similar scheme. A record of the training must be retained for at least 12 months.
- (25) Hourly security patrols of the premise by a staff member to be

conducted after 10pm whilst the premise is open to the public to ensure that fire/emergency exits are clear of obstructions, fire/emergency exits are secure, surfaces are free of excessive empty glass bottles / glasses and that the toilet areas are free of drug paraphernalia and customers are not loitering inside. A record of these checks must be completed, retained for 12 months and made available to the relevant responsible authority if requested.

Nigel Rixon  
Licensing Manager  
Leicestershire Police

1<sup>st</sup> April 2020