

Licensing Committee

Tuesday, 2nd December, 2008

PRESENT: Councillor D Wilson in the Chair

Councillors S Armitage, J Dunn, G Hyde,
V Morgan, B Selby, A Castle,
R D Feldman, L Rhodes-Clayton,
C Townsley and G Wilkinson

IN ATTENDANCE

Inspector M Griffiths – West Yorkshire Police
Mr M Benn – Festival Republic
Mr G Mudhar – LCC Environmental Health Services
Mr P Jackson – LCC Health & Safety
Mr G Sharp – LCC Highways
Mr S Kennedy – LCC Entertainment Licensing Enforcement

28 **Declarations of Interest**

Councillor A Castle – The Leeds Festival - declared a personal interest as a resident of Thorner Village which is directly affected by the Festival (minute 31 refers)

29 **Apologies for Absence**

Apologies for absence were received from Councillors Dobson, Dowson and Grayshon

30 **Minutes**

RESOLVED – That the minutes of the following meetings be confirmed as a correct record:

- a) 5th August 2008
- b) 3rd November 2008

31 **Leeds Festival 2008, Grounds of Bramham Park, Bramham, Leeds LS23 6ND**

The Assistant Chief Executive (Corporate Governance) submitted a report on the outcome and findings of the Multi-Agency meeting held in October 2008 after the Leeds Festival. The report included minutes from the multi agency meeting and appendices from the various agencies involved in preparations for the Festival. Officers reported that all agencies had been satisfied with the event with the exception of traffic problems experienced on the Thursday of the event.

The Committee then heard from representatives of each of the relevant agencies

LCC Environmental Health Services

- Reported receipt of 18 complaints in total, broadly split between daytime and night time. The night time calls were made just after the 23:00 hours deadline for reduction of audibility, the bulk of which were from the Barwick-in-Elmet area. Investigations found the noise level was not a statutory nuisance and was not required to be recorded within the complainants' properties. Complaints received after the event had finished could not be investigated. One complaint received from Whinmoor had been investigated from within the complainants' property but was not deemed a statutory nuisance.
- Mr Benn added that Festival Republic had despatched 1400 information leaflets to the residents of Barwick containing telephone contact numbers to ring in the event of noise disturbance and overall he was pleased so few complaints were made
- Members felt this was encouraging however did query whether the campsite DJ stations had played music between 20:00 to 21:00 hours. Mr Benn reported the DJ stations primarily provided entertainment after the live acts had concluded. However he confirmed this had occurred and noted the music had not been absorbed as no one was present in the campsite during that time. He reported that DJ entertainment would be re-scheduled to commence at 23:00 hours next year. Furthermore, the testing of the DJ equipment occurred during Wednesday Thursday early evening and no complaints had been received then

LCC Health & Safety

- Officers confirmed they were happy with the management of health and safety issues.
- One concern regarding disabled ramp access had been raised and had been dealt with. Officers reported that considering the adverse weather, the organisers had dealt with all issues well and had responded positively to all requests made of them.
- Members commented on the state of the ground around the water points due to the heavy rain and suggested that adverse weather should have been accounted for, however noted in previous dry years dust had been a problem.
- Mr Benn responded that he intended to provide new water point facilities in the form of a steel portacabin raised off the ground with a tray underneath for water run off.

West Yorkshire Police

- Reported another successful year in terms of the reduction on the number of reported crimes and excellent CCTV coverage. There had been very good liaison between WYP and Festival Republic and LCC officers were also commended

LCC Highways Services

Committee Members whose wards had been directly affected by traffic congestion during the festival site made the following comments

- The Ring Road, A58, A64 and local routes experienced chaotic congestion with vehicles queuing through the suburbs for up to seven hours. This in turn affected city centre traffic
- Local residents in the Crossgates, Seacroft and Whinmoor areas experienced festival visitors toileting in their gardens and unacceptable delays getting to work/returning home
- Reported a lack of traffic police and traffic marshals on main highways

- Regretted the lack of a contingency plan to cater for the backlog of traffic
- Noted that some festival goers utilised SatNav systems which meant that all routes within the local wards were being used by festival traffic
- Complaints that removal of signage particularly at the Colton A1/M1/Ring Road junction was not dealt with when it became obvious that standing traffic effectively cut off one festival route
- Expressed total dissatisfaction with the Traffic Management Plan (TMP) which they believed was ineffective and would not have been successful even if the weather had been good
- Requested local ward Councillors be consulted on the future TMP
- Expressed concern that they had been given misinformation about the routes, believing that most traffic would be directed up the A1 and off at the new junction, however this had not been the case
- Local residents from the East Leeds wards had made complaint to local ward Councillors and comments had also been received from residents of villages around Thorner

The Committee supported all of the comments made by the ward Councillors and expressed the desire to ensure that an LCC officer was appointed to take overall responsibility for the highways network during the event. Members also sought to ensure that local ward Councillors were involved with the TMP in future along with the relevant Executive Member.

Mr Benn responded to the comments

- agreed with Members comments regarding traffic problems and confirmed the opening of the new A1 bypass had not had the positive impact anticipated
- the heavy rain had made a difference to the traffic routes. The subsequent flooding and closure of the A64 brought all routes to a standstill. A specialist fire service pump was brought in to pump the water away and this left the routes gridlocked from which it took a long time to recover
- responsibility for the highways lay with LCC and Festival Republic as it was no longer the domain of WYP
- a number of elements had created difficulties - the failure of the new A1 bypass to have an impact, the retirement of the WYP transport planner had left a vacuum in that post. That officer had then been employed by Festival Republic and to an extent there had been a level of assumption that this particular officer would be able to deal with all highways matters effectively, but unfortunately this had not been the case. The TMP had been in place for 5 years, there had not been an effective contingency plan in place and finally the impact of the adverse weather.
- Currently all festival traffic was brought through Leeds and guided up to the festival via the Ring Road.
- Ideally he would prefer to close the eastbound A64 for the peak period of traffic (Thursday) and re-organise the route so that all festival traffic entered from the eastern side at the A64. Historically LCC highways had not favoured this approach as it required a right turn across oncoming traffic; however discussion on this route was now likely due to the problems experienced this year. Mr Benn believed this option would still allow for local traffic flow for residents

- A traffic consultant had been commissioned and would present an assessment to Highways at future discussions on the proposed route
- A separate meeting with East Leeds Councillors was welcomed to discuss the TMP at an early stage
- No senior officer took individual responsibility for traffic as this was shared by LCC, the Highways Agency and Motorways. He had now reached an informal agreement with The Highways Agency and Motorways to discuss coning off lanes on the M1/A1 approach specifically for festival traffic
- Traffic spotters employed by Festival Republic had been in place during the event

Inspector Griffiths confirmed his belief that the rain had severely restricted the ability of vehicles to enter the site. Traffic Police had marshalled the traffic at the points where blockages occurred rather than further back down in standing traffic. Furthermore, there was an LCC officer in charge of highways during the event who liaised between the responsible agencies. In conclusion he expressed his support for the highways officer present.

The Highways Officer confirmed that historically LCC and the Highways Agency had not favoured closing the A64 as traffic would become static on the A1/M1 motorway network, however agreement to discuss the proposal had now been reached including the creation of 2 designated lanes (out of the 5) for festival traffic at the A1/M1 junction. Additionally senior management would discuss the traffic assessment based on the A64 closure proposal. Officers believed the new route along with the provision of another access gate to the event would be successful and would also afford a sustainable alternative route (A1/M1) if this failed.

The Committee requested the TMP be presented to a future meeting once the proposed route had been mapped out following discussions between relevant parties; the ward Councillors and Executive Member. Members requested the attendance of the Senior Highways Officer at that meeting.

To conclude Mr Benn confirmed that festival tickets did refer to authorised routes to the event site. He also reported that in future he would ensure the postcode of the relevant access gate was issued for the reference of SatNav users. Mr Benn offered to undertake press releases in local media advising Leeds residents of likely routes and road closures prior to next years event.

The Committee whilst noting the traffic problems experienced in 2008 welcomed the contents of the report and comments of officers which signified the overall success of the event

RESOLVED –

- a) to thank Mr Benn and officers for their attendance
- b) to note the contents of the report
- c) to request that elected local ward Councillors, the appropriate Executive Member and relevant parish councils be consulted on the Traffic Management Plan, noting that Committee supported the proposals to avoid the use of the A64/Ring Road

32 D J Smith trading as Farnley Stores of 47-49 Cross Lane, Farnley Leeds LS12 - appeal against Licensing Committee decision on application for a Review of the Premises Licence

The Assistant Chief Executive (Corporate Governance) submitted a report on the outcome of an appeal against the decision of the Licensing Authority taken at the Review of the Premise Licence held at Farnley Stores. The Licensing Sub Committee revoked the Licence at a hearing on 14 January 2008.

It was reported the Magistrates Court had substituted that decision and rather than uphold the revocation had determined to remove Mrs D S Smith as the DPS at the stores.

The Committee were unhappy with the result of the appeal and particularly that the costs of the Council were not recovered, although noted that costs were not awarded to the appellant. Members commented the DPS had acted unlawfully hence the Review and felt the Sub Committee had taken appropriate action. The Magistrates had agreed this was appropriate action at the time. However the lodge of the appeal allowed the DPS to continue to trade and during the intervening months had improved the performance of the premise. This had been taken into account by the Magistrates. Members were concerned that this decision set a precedent for future appeals and undermined the work of West Yorkshire Police, West Yorkshire Trading Standards in seeking Reviews and the Licensing Authority.

Members noted the Chair intended to discuss the case with the Legal Adviser and requested a letter be sent to the Magistrates Court expressing the concerns of the Committee

RESOLVED – That the contents of the report be noted

33 N S Gill Proposed Off-Licence at 20 Springmead Drive, Garforth, Leeds LS25 1JW - Appeal against Licensing Committee decision on application for a Review of the Premises Licence

The Assistant Chief Executive (Corporate Governance) submitted a report on an appeal against the decision of the Licensing Authority not to grant a Premise Licence for a proposed off-licence at Springmead Drive, Garforth. The Licensing Sub Committee dealt with the application at a hearing on 19 May 2008.

It was reported the Council had commenced preparations for the appeal and a large number of additional representations were submitted by local residents. The applicant withdrew the appeal citing the number of objections and a statement from West Yorkshire Police as the reason. The Committee noted the Council had applied for costs associated with the preparation of the case but these had not been awarded by the Magistrates

RESOLVED – To note the contents of the report

34 **Entertainment Licensing Section Liaison & Enforcement Team - Update and Activity Report**

The Committee considered the report of the Assistant Chief Executive (Corporate Governance) highlighting the enforcement activities undertaken by the Councils Entertainment Licensing Section during the period January to October 2008. The Principal Liaison & Enforcement Officer attended the meeting and highlighted the challenges presented in 2008 in terms of legislative and procedural changes. Members noted the Enforcement Team liaised closely with external agencies as all activities were intelligence led. Discussion followed on the following issues

Red Card Yellow Card system – correspondence from the Home Office/DCMS was included in the report setting out proposals to deal with problems associated with sales of alcohol to under age persons. The Government proposed that enforcement agencies should seek Reviews when local intelligence suggested a premise was selling alcohol to children or causing other crime problems/noise nuisance. The premise would in effect be issued with a “yellow card” warning and Authorities encouraged to make use of a package of tough new conditions to add to the Premise Licence at the Review – these were described as “interventions”. A second offence would result in a “red card” and in the absence of any improvements; enforcement agencies should seek another Review. This initial document clearly stated that a licensing authority should seek to revoke a Licence if satisfied on the issue of lack of improvement.

Members having regard to the outcome of a recent appeal expressed frustration at this approach believing that any revocation would not be upheld at great cost to the Authority. Inspector Griffiths and officers however suggested this system would be effective as it would involve the agencies and the Authority much sooner and complement existing powers. Consultation would include the Licensing trade, Authorities and responsible authorities prior to implementation expected in 2009

Alcohol sales – Members noted some alcohol was purchased by proxy whereby children persuaded persons of an appropriate age to purchase alcohol for them. It was also reported that in some cases when alcohol had been confiscated from children, the alcohol had been purchased by their parents. Members considered these purchases to have been made from large supermarkets and expressed dissatisfaction with current pricing and marketing strategies employed by some supermarkets.

Revocations – Some Members expressed dissatisfaction with the current system whereby following a Review at which a licence was revoked the licensee was permitted to trade whilst they awaited an appeal and requested a letter be sent to LACORS and local Leeds MPs setting out the Committees view that revocations should take immediate effect

RESOLVED – That the contents of the report be noted

35 **Date and Time of Next Meeting**

RESOLVED - To note the date and time of the next meeting as Tuesday 3rd February 2009 at 10.00 am